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Tuesday
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Presidential Documents

Title 3—

The President

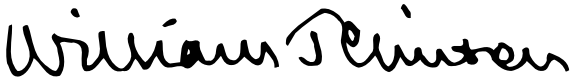
Executive Order 13092 of July 24, 1998

President's Information Technology Advisory Committee, Amendments to Executive Order 13035

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the High-Performance Computing Act of 1991 (Public Law 102–194), and in order to add five more members to, and to change the name of the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet, it is hereby ordered that Executive Order 13035 of February 11, 1997, is amended as follows:

1. In section 1, the words ''Advisory Committee on High Performance Computing and Communications, Information Technology, and the Next Generation Internet'' are deleted and the words ''President's Information Technology Advisory Committee'' are inserted in lieu thereof at the end of the first sentence of section 1; and

2. In section 1, the words ''25 nonfederal members'' are deleted and the words ''30 nonfederal members'' are inserted in lieu thereof.



THE WHITE HOUSE,
July 24, 1998.

[FR Doc. 98–20315
Filed 7–27–98; 8:45 am]
Billing code 3195–01–P

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.

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1773

RIN 0572–AA93

Policy on Audits of RUS Borrowers; Correction

AGENCY: Rural Utilities Service, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulation which was published Friday, July 17, 1998 (63 FR 38720). The regulation relates to audit regulations necessitated by the Single Audit Act Amendments of 1996 and by Office of Management and Budget (OMB) Circular A–133, Audits of States, Local Governments, and Non-Profit Organizations effective for audits of fiscal years beginning after June 30, 1996. The rule clarifies the peer review requirements in the interim final rule for certified public accountants (CPA) performing audits of RUS borrowers, adopts individual management letters for electric and telecommunications borrowers, and revises the language of the auditor's report and management letter to conform with technical guidance provided by the American Institute of Certified Public Accountants (AICPA).

EFFECTIVE DATE: July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Annan, Chief, Technical Accounting and Auditing Staff, Program Accounting Services Division, Rural Utilities Service, Stop 1523, room 2221, South Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250–1523, telephone number (202) 720–5227.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections implements the changes required by the Single Audit Act Amendments of 1996 (Act). The Act promotes sound financial management with respect to Federal awards administered by non-Federal entities, established uniform requirements for audits of Federal awards, promote the efficient and effective us of audit resources, and reduce the burden on State and local governments, Indian tribes, and non-profit organizations. Also this rule clarifies the peer review requirements in the interim final rule for CPA performing audits of RUS borrowers, adopts individual management letters for electric and telecommunications borrowers, and revises the language of the auditor's report and management letter to conform with technical guidance by the AICPA.

Need for Correction

As published, the final rule contains information that may be misleading and is in need of modification.

Correction of Publication

Accordingly, the publication on July 17, 1998, of the final rule, which was the subject of FR Doc. 98–18758, is corrected as follows:

§ 1773.33 [Corrected]

1. On page 38723, in the second column, in § 1773.33, paragraph (e)(1)(ii)(C), the word ''plant'' should be removed and the word ''borrower'' is added in its place.

Appendix A to Part 1773—[Corrected]

2. *Exhibit 4—SAMPLE FINANCIAL STATEMENTS.* The exhibit 4, Center Telephone Company Balance Sheets-December 31, 19X9 and 19X8 Assets (Notes 1 and 2), published at Appendix A to Part 1773, beginning on page 38725 through page 38727 is replaced with exhibit 4, Center County Electric Cooperative Balance Sheets-December 31, 19X9 and 19X8 Assets (Notes 1 and 2), which was inadvertently published at Appendix B to Part 1773.

Appendix B to Part 1773—[Corrected]

3. *Exhibit 4—SAMPLE FINANCIAL STATEMENTS.* The exhibit 4, Center County Electric Cooperative Balance Sheets-December 31, 19X9 and 19X8 Assets (Notes 1 and 2), published at Appendix B to Part 1773, beginning on page 38729 to 38733 is replaced with exhibit 4, Center Telephone Company Balance Sheets-December 31, 19X9 and 19X8 Assets (Notes 1 and 2), which was inadvertently published at Appendix A to Part 1773.

Dated: July 22, 1998.

Wally Beyer,

Administrator, RUS.

[FR Doc. 98–20073 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ASW–32]

Revision of Class D Airspace; McKinney, TX.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class D airspace at McKinney, TX. The development of global positioning system (GPS) standard instrument approach procedure (SIAP) at McKinney Municipal Airport, McKinney, TX, has made this rule necessary. This action is intended to provide adequate additional controlled airspace for aircraft operating under Instrument flight Rules (IFR) in the vicinity of McKinney Municipal Airport, McKinney, TX.

DATES: Effective: 0901 UTC, December 3, 1998. Comment Date: Comments must be received on or before September 11, 1998.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 98–ASW–32, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation

Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–322–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class D airspace at McKinney Municipal Airport, McKinney, TX. The development of GPS SIAP to RWY's 17 and 35 at McKinney Municipal Airport, McKinney, TX, has made this action necessary. The intended effect of this action is to provide additional controlled airspace for aircraft operating under Instrument Flight Rules (IFR) in the vicinity of McKinney Municipal Airport, TX.

Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16,1997, which is incorporated by reference in 14 CFR § 71.1. The Class D airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in any adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made ''Comments to Docket No. 98–ASW–32.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various level 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.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace areas

* * * * *

ASW TX D McKinney, TX [Revised]

McKinney, McKinney Municipal Airport, TX (lat. 33°10′41″ N., long. 96°35′26″ W.)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.2-mile radius of the McKinney Municipal Airport and within 1 mile each side of the 002° bearing from the McKinney Municipal Airport extending from the 4.2-mile radius to 4.6 miles north of the airport. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continually published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on July 15, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–20028 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ASW–41]

Revision of Class E Airspace; Lake Charles, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises Class E airspace at Lake Charles, LA. The development of global positioning system (GPS) and nondirectional radio beacon (NDB) standard instrument approach procedures (SIAP) to Southland Field, Sulphur, LA, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet of more above the surface for instrument flight rules (IFR) operations to Southland Field, Sulphur, LA.

DATES: Effective 0901 UTC, December 3, 1998.

Comments must be received on or before September 11, 1998.

ADDRESSES: Send comments on the rule in triiplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 98–ASW–41, Forth Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. As informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Lake Charles, LA. The development of GPS and NDB SIAP to Southland Field, Sulphur, LA, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or move above the surface for IFR operations to Southland Field, Sulphur, LA.

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

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in any adverse or negative comment and therefore is issuing it as the direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment, is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ASW–41.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW LA E5 Lake Charles, LA [Revised]

Lake Charles Regional Airport, LA
(lat. 30°07′34″N., long. 93°13′24″W.)
Lake Charles, Chennault International Airport
(lat. 30°12′45″N., long. 93°08′37″W.)
Lake Charles VORTAC
(lat. 30°08′29″N., long. 93°06′20″W.)
Sulphur, Southland Field, LA
(lat. 30°07′53″N., long. 93°22′34″W.)
Sulphy NDB
(lat. 30°11′55″N., long. 93°25′14″W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Lake Charles Regional Airport and within a 7-mile radius of Chennault International Airport and within 1.6 miles each side of the 155° radial of the Lake Charles VORTAC extending from the 7-mile radius to 11.2 miles southeast of the airport and within a 6.5-mile radius of Southland Field and within 2.5 miles each side of the 326° bearing from the Sulphy NDB extending from the 6.5-mile radius to 7.5 miles northwest of the airport.

* * * * *

Issued in Fort Worth, TX, on July 14, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–20030 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–24]

Amendment to Class E Airspace; Newton, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Newton Municipal Airport, Newton, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 14 and RWY 32 Standard Instrument Approach Procedures (SIAPs) to serve Newton Municipal Airport, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 14 and GPS RWY 31 SIAPs in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 14 and GPS RWY 32 SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, December 3, 1998.

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

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 98–ACE–24, 601 East 12th Street, Kansas City, MO 64106.

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

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

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

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 14 and GPS RWY 32 SIAPs to serve the Newton Municipal Airport, Newton, IA. The amendment to Class E airspace at Newton, IA. The amendment to Class E airspace at Newton, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

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

Comments Invited

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

determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ACE–24.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Newton, IA [Revised]

Newton Municipal Airport, IA
(lat. 41°40′28″N., long. 93°01′18″W.)
Newton VOR/DME
(lat. 41°47′02″N., long. 93°06′32″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Newton Municipal Airport and within 2.6 miles each side of the 149° radial of the Newton VOR/DME extending from the 6.7-mile radius to the VOR/DME excluding that airspace within the Grinnell, IA, Class E airspace area.

* * * * *

Issued in Kansas City, MO, on July 10, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–20117 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–93]

Establishment of Class E Airspace; Fitchburg, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action establishes a Class E5 airspace area at Fitchburg, MA, to provide for adequate controlled airspace for those aircraft using the new GPS RWY 32 Instrument Approach Procedure to Fitchburg Municipal Airport, Fitchburg, MA (KFIT).

DATES: Effective 0901 UTC, October 8, 1998.

Comments for inclusion in the Rules Docket must be received on or before August 27, 1998.

ADDRESSES: Send comments on the proposal to: Manager, Airspace Branch, ANE–520, Federal Aviation Administration, Docket No. 98–ANE–93, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7520; fax (781) 238–7596. Comments may also be submitted electronically to the following Internet address: ''9-ne-airspace-comments@faa.dot.gov''. Comments sent electronically must indicate Docket No. 98–ANE–93 in the subject line.

The official docket file may be examined in the Office of the Regional Counsel, New England Region, ANE–7, Room 401, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7050; fax (781) 238–7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, Operations Branch, at the first address listed above.

FOR FURTHER INFORMATION CONTACT: David T. Bayley, Airspace Branch, ANE–520.3, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7523; fax (781) 238–7596.

SUPPLEMENTARY INFORMATION: A new Standard Instrument Approach Procedure (SIAP) to Fitchburg Municipal Airport, Fitchburg, MA, the GPS RWY 32 approach, requires the establishment of Class E5 airspace extending upward from 700 feet above the surface in the vicinity of Fitchburg, MA. This action will provide adequate controlled airspace for those aircraft using the new GPS RWY 13 instrument approach. Class E airspace designations for airspace areas extending upward from 700 feet above the surface of the earth are published in paragraph 6500 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary

to keep them operationally current. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ANE–93.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows;

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 Feet or more Above the Surface of the Earth

* * * * *

ANE VT E5 Fitchburg, MA [New]

Fitchburg Municipal Airport, MA
(lat. 42°33′15″ N, long. 71°45′32″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Fitchburg Municipal Airport; excluding that airspace within the Boston, MA, Class E airspace area.

* * * * *

Issued in Burlington, MA, on July 21, 1998.

William C. Yuknewicz,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 98–20114 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–94]

Amendment to Class E Airspace; Bennington, VT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revises the Class E5 airspace area at Bennington, VT, to provide for adequate controlled airspace for those aircraft using the new GPS RWY 13 Instrument Approach Procedure to William H. Morse State Airport, Bennington, VT (K5B5).

DATES: Effective 0901 UTC, October 8, 1998.

Comments for inclusion in the Rules Docket must be receive on or before August 27, 1998.

ADDRESSES: Send comments to the proposal to: Manager, Airspace Branch, ANE–520, Federal Aviation Administration, Docket No. 98–ANE–95, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7520; fax (781) 238–7596. Comments may be submitted electronically to the following Internet address: ''9-ne-airspace-comments@faa.dot.gov''. Comments sent electronically must indicate Docket No. 98–ANE–94 in the subject line.

The official docket file may be examined in the Office of the Regional Counsel, New England Region, ANE–7, Room 401, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7050; fax (781) 238–7055.

An informal docket may be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, Operations Branch, at the first address listed above.

FOR FURTHER INFORMATION CONTACT: David T. Barley, Airspace Branch, ANE–502.3, 12 New England Executive Park,

Burlington, MA 01803–5299; telephone (781) 238–7523; fax (781) 238–7596.

SUPPLEMENTARY INFORMATION: A new Standard Instrument Approach Procedure (SIAP) to William H. Morse State Airport, Bennington, VT, the GPS RWY 13 approach, requires additional controlled airspace in the vicinity of Bennington, VT, extending upward from 700 feet above the surface. This action will redefine the Bennington, VT, Class E airspace area by increasing the basic radius from 2.5 miles to 8.7 miles, and defining a new extension west of the Morse State Airport. This action is needed to provide adequate controlled airspace for those aircraft using the new GPS RWY 13 instrument approach. Class E airspace designations for airspace areas extending upward from 700 feet above the surface of the earth are published in paragraph 6500 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ANE–94.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANE VT E5 Bennington, VT [Revised]

William H. Morse State Airport, VT
(Lat. 42°53′29″ N, long. 73°14′47″ W)

That airspace extending upward from 700 feet above the surface within a 8.7-mile radius of the William H. Morse State Airport, and within 3.3 miles on each side of the William H. Morse State Airport 298° bearing extending from the 8.7-mile radius to 12.2 miles west of William H. Morse State Airport.

* * * * *

Issued in Burlington, MA, on July 21, 1998.

William C. Yuknewicz,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 98–20113 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

30 CFR Part 602; 43 CFR Part 3195

[WO–130–1820–00–24 1A]

RIN 1004–AD24

Helium Contracts

AGENCY: Bureau of Land Management, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The Bureau of Land Management (BLM) is issuing an interim rule to implement the requirements of the Helium Privatization Act of 1996. This rule establishes the procedures of the helium program and defines the obligations of Federal helium suppliers and Federal helium users. Also, this interim rule removes the Bureau of Mines regulations governing helium distribution contracts because this responsibility is now under BLM's jurisdiction.

DATES: This rule is effective on July 28, 1998. Written comments must be received on or before August 27, 1998.

ADDRESSES: *Comments:* If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. You may also comment via the Internet to WOComment@wo.blm.gov. Finally, you may hand-deliver comments to BLM at 1620 L Street, NW, Room 401, Washington, DC. See **SUPPLEMENTARY INFORMATION** for more detail on comment procedures.

FOR FURTHER INFORMATION CONTACT: Shirlean Beshir, Regulatory Affairs Group (WO–630), Bureau of Land Management, Mail Stop 401LS, 1849 ''C'' Street, NW, Washington, DC 20240; telephone (202) 452–5033 (Commercial or FTS) and Timothy R. Spisak, (806) 324–2602 (Commercial or FTS). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Why Is BLM Issuing These Regulations?

BLM is issuing these regulations to implement the requirements of the Helium Privatization Act of 1996, Public Law 104–273 (the Act), and to remove the Bureau of Mines regulations at 30 CFR 602 governing helium distribution contracts because this responsibility is now under BLM's jurisdiction. BLM is adding these interim regulations as a new Part 3195 to BLM's oil and gas regulations.

What Are the Primary Requirements of the Helium Privatization Act?

The Act primarily requires that:

- BLM discontinue producing, marketing, and selling refined helium.
- Persons who supply a major helium requirement to Federal agencies must contract with BLM to purchase an equivalent amount of crude helium from BLM.
- BLM use a legislatively mandated formula for determining the minimum price for crude helium.

How Does the Helium Privatization Act Set the Price for Helium?

The Act uses a formula by which income from crude helium sales is to repay the sizeable debt the Federal Helium Program owes to the United States Treasury.

Who Administers the Federal Helium Program?

The Federal Helium Program is administered by the Department of the Interior, Bureau of Land Management, Helium Operations, which is responsible for the production, conservation, sale, and distribution of helium. Helium Operations was transferred from the Bureau of Mines (BOM) to BLM in 1996 by the Secretary of the Interior when BOM was abolished. Unlike many other BLM programs, this program does not deal with lands or minerals issues in their traditional sense. The Helium Operations Headquarters in Amarillo, Texas, provides management, engineering, and support services for Federal facilities and pipelines in Texas, Oklahoma, and Kansas, regardless of whether or not the helium involved is produced from Federal lands.

How Is the Federal Helium Program Financed?

The Federal Helium Program is financed by income from the sale, storage, and analysis of helium, and not by appropriations from Congress. Any income in excess of that needed for operations is turned over to the Treasury. Over the last 3 years, an average of about $8 million per year has been returned to the Treasury.

From Whom Must Federal Agencies Purchase Their Major Helium Requirements?

The Department of Defense, Department of Energy, National Aeronautics and Space Administration, other Federal agencies and their contractors must purchase their major helium requirements from ''Federal helium suppliers.'' Federal helium suppliers are persons who have entered into contracts to purchase from BLM an amount of crude helium equivalent to the amount of refined helium supplied to a Federal agency. These contracts are called In-Kind Crude Helium Sales Contracts. This interim rule establishes procedures governing the sale of crude helium to Federal agencies with major helium requirements. The In-Kind Crude Helium Sales Contracts establish additional terms of the relationship and responsibilities of Federal helium buyers, Federal helium suppliers, and BLM.

What Are the Major Differences Between the Old BOM Regulations and These Regulations?

Old BOM regulations	These regulations
The price of the helium was not set by regulation. Refined helium sales prices were set by BOM.	The minimum crude helium price is mandated in the Act and includes BLM's cost to administer crude helium sales.
The helium contract language was in the regulations	The contract language is not in the new regulations, so that BLM will be able to revise the contract language when it is necessary, without formal rulemaking.
The term ''helium distribution contractor'' meant a private helium supplier who is an authorized refined helium distributor.	The new term ''Federal helium supplier'' means a private helium supplier who is authorized to sell refined helium to a Federal agency or agency contractor and who is required to purchase an equivalent amount of crude helium from BLM.
A ''Major helium requirement'' was 5,000 cubic feet per month	A ''Major helium requirement'' is 200,000 cubic feet per year. To reduce the administrative burden on smaller agencies and suppliers, BLM raised the helium volume that is considered a major helium requirement. This allows Federal helium users to procure ''nonmajor'' helium requirements more economically and efficiently. The higher threshold still covers over 90 percent of the Federal refined helium delivered over the last three years.

Old BOM regulations	These regulations
The ''helium use location'' was not an issue	By specifying expected helium requirements by helium use location, consolidated helium purchases are not as likely to push nonmajor helium requirements into the more expensive major helium requirement category.
The helium-buying agency was required to identify in procurement documents when ''Bureau of Mines Helium'' was required so that the private helium distributor would know that they had to account for the helium sale.	The helium-buying agency must clearly identify which helium use locations have been determined to need a major helium requirement so that the helium supplier can accurately charge the buyer and report the major helium requirement sales to BLM.
The Helium Distribution Contractors were required to report annually on the refined helium sales/purchases made to and from Federal agencies or other Helium Distribution Contractors.	In addition to annual reporting by Federal helium suppliers, quarterly reporting by Federal helium suppliers *and* buyers is instituted. The quarterly reports will help BLM verify refined helium sales made to Federal agencies by Federal helium suppliers.
Refined helium shortages for Federal needs were minimized because the Federal Government, acting as its own helium refiner, had adequate back-up procedures and equipment.	Since the Act ordered the Government-owned helium refinery to be shut down, BLM cannot directly prevent helium shortages. These regulations require that, under an In-Kind Crude Helium Sales Contract, the Federal Government has priority over non-government refined helium needs.

Procedural Matters

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

In accordance with 5 U.S.C. 553(b)(B), we find good cause exists for waiving the general notice of proposed rulemaking because such notice is impracticable. The BLM needs to have these regulations in effect at the earliest possible date because Congress mandated that the transition from the BLM supplying refined helium to Federal agencies to replenishing Federal helium suppliers' refined helium with crude helium occur within 18 months of the enactment of the Act (i.e., April 9, 1998), and the Helium Distribution Contracts under prior regulations have expired. Therefore, these new regulations, which carry out the Congressional mandate, must be in place to provide guidance to Federal helium users in their purchases of major helium requirements. Nevertheless, BLM will consider all timely-filed comments. Furthermore, under 5 U.S.C. 553(d)(3), there is good cause for making this interim rule effective immediately. No private entity needs to reorder its affairs to come into compliance with this rule, but only is affected as it contracts with BLM. In addition, Congress has mandated that these changes occur within 18 months of enactment.

Comments

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. You may also comment via the Internet to WOComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''attn: AD24'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly on (202) 452–5030.

Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours (7:45 a.m. to 4:15 p.m.), Eastern time, Monday through Friday, except holidays. BLM will also post all comments on its home page (www.blm.gov) at the end of the comment period. Individual respondents may request confidentiality, which BLM will consider on a case-by-case basis. If you wish to request that BLM consider withholding your name, home street address, Internet address, or personal telephone number from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Finally, you may hand-deliver comments to BLM at 1620 L Street, NW, Room 401, Washington, DC.

Executive Order 12866

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866. This interim rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The interim rule merely provides the BLM a means to document and bill sales of refined helium to Federal agencies and their contractors. The total maximum dollar value of the crude helium sales is estimated at about $15 million annually. The crude helium sales required by legislation replace the BLM refined helium sales being discontinued by the same legislation. The interim rule adds a small administrative cost to track crude and refined helium sales. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule merely fulfills the requirements of the Act, and does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This interim rule outlines the reporting requirements of Federal helium users and Federal helium suppliers. In addition, this interim rule raises refined helium sales thresholds from those contained in the prior regulations. The prior provisions would have required more small refined helium distributors to participate in refined helium sales reporting and subsequent crude helium purchases.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

The Department has determined that this interim rule is not a major rule

under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This interim rule is not a major rule because total annual helium sales under the Act are not likely to exceed $15 million, well below the $100 million statutory threshold. Furthermore, any increases in cost will be borne by the Federal Government and in any event are mandated by the Act. Any effect on competition is the result of the Act. The interim rule merely provides the BLM a means to document and bill sales of refined helium to Federal agencies and their contractors. The crude helium sales required by legislation replace the BLM refined helium sales being discontinued by the same legislation. The interim rule adds a small administrative cost to track crude and refined helium sales.

Unfunded Mandates Reform Act

This interim rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The interim rule does not have a significant or unique effect on State, local, or tribal governments, or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required. The interim rule merely provides the BLM a means to document and bill sales of crude helium to Federal helium suppliers based on their sales of refined helium to Federal agencies and their contractors. The total maximum dollar value of the crude helium sales is estimated at about $15 million annually. The crude helium sales required by the Helium Privatization Act of 1996 would replace the BLM refined helium sales being discontinued by the same legislation. The interim rule adds a small administrative cost to track crude and refined helium sales.

Executive Order 12630

In accordance with Executive Order 12630, the interim rule does not have significant takings implications. A takings implication assessment is not required. Since the interim rule defines the obligations arising under future contracts, there will be no private property rights impaired as a result.

Executive Order 12612

In accordance with Executive Order 12612, the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This interim rule does not impose any obligations on any other Government nor preempt any regulatory authority of any State.

Executive Order 12988

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this interim rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

The information required by these regulations is the same as the information required by the In-Kind Crude Helium Sales Contracts. The information collections contained in the In-Kind Crude Helium Sales Contracts have been approved by OMB under Approval No. 1004–0179. The In-Kind Crude Helium Sales Contracts require Federal helium suppliers and Federal agencies to which the Federal helium suppliers sell the helium to provide specific information to BLM.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. However, BLM has prepared an Environmental Assessment (EA) in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has placed the EA and Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously. BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the Comments section above, or contact us directly.

Author. The principal author of this rule is Timothy Spisak, Helium Operations, Bureau of Land Management, Amarillo, Texas, (806) 324–2602 (Commercial or FTS), assisted by Shirlean Beshir of BLM's Regulatory Affairs Group, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240; Telephone: (202) 452–5033 (Commercial or FTS).

List of Subjects

30 CFR Part 602

Government contracts, helium, reporting and recordkeeping requirements.

43 CFR Part 3195

Government contracts, mineral royalties, oil and gas exploration, public lands-mineral resources, reporting and recordkeeping requirements, and surety bonds.

Dated: July 13, 1998.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

Accordingly, under the authority of 5 U.S.C. 301 and for the reasons stated above, BLM amends 30 CFR Chapter VI and 43 CFR Chapter II as follows:

30 CFR CHAPTER VI

PART 602—[REMOVED]

1. Remove 30 CFR part 602.

43 CFR CHAPTER II

2. Add 43 CFR part 3195 to read as follows:

PART 3195—HELIUM CONTRACTS

Sec.

General Information

3195.10 What is the purpose of these regulations?
3195.11 What terms do I need to know to understand this subpart?
3195.12 What is an In-Kind Crude Helium Sales Contract?
3195.13 If I am a Federal helium supplier or buyer, what reports must I submit to BLM?
3195.14 How should I submit reports?

Federal Agency Requirements

3195.20 Who must purchase major helium requirements from Federal helium suppliers?
3195.21 When must I use an authorized Federal helium supplier?
3195.22 When must my contractors or subcontractors use an authorized Federal helium supplier?
3195.23 How do I get a list of authorized Federal helium suppliers?
3195.24 What must I do before contacting a non-Federal helium supplier for my helium needs?
3195.25 What information must be in my purchase order/contract for a major helium requirement?
3195.26 What information must I report to BLM?
3195.27 What do I do if my helium requirement becomes a major helium requirement after the initial determination has been made?

Federal Helium Supplier Requirements

3195.30 How do I become a Federal helium supplier?
3195.31 What are the general terms of an In-Kind Crude Helium Sales Contract?
3195.32 Where can I find a list of Federal agencies that use helium?
3195.33 What information must I report to BLM?
3195.34 What happens to my Helium Distribution Contracts?
3195.35 What happens if I have an outstanding obligation to purchase refined helium under a Helium Distribution Contract?
3195.36 What happens if there is a shortage of helium?

3195.37 Under what circumstances can BLM terminate me as an authorized Federal helium supplier?

Authority: 50 U.S.C. 167a.

General Information

§ 3195.10 What is the purpose of these regulations?

The purpose of these regulations is to establish procedures governing the sale of helium to Federal agencies with major helium requirements. In order to sell a major helium requirement to a Federal agency, a Federal helium supplier must be under contract with BLM to purchase from BLM an amount of crude helium equivalent to the amount of refined helium it has supplied to the Federal agency.

§ 3195.11 What terms do I need to know to understand this subpart?

To understand this subpart you need to know that:

BLM means the Bureau of Land Management, Helium Operations, United States Department of the Interior, Amarillo, TX 79101.

Buyer means anyone who is purchasing refined helium for a Federal agency or Federal agency contractor.

Crude helium means a helium-gas mixture containing no more than ninety-nine (99) percent helium by volume.

Federal agency means any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States, or any corporation owned, controlled, or in which the United States has a proprietary interest, as these terms are used in 5 U.S.C. 101–105; 5 U.S.C. 551(1); or in 18 U.S.C. 6, but does not include Federal agency contractors.

Federal helium supplier means a private helium merchant who has an In-Kind Crude Helium Sales Contract with an effective date of January 1, 1998, or later, with BLM, and who has helium available for sale to:

(1) Federal agencies; or

(2) Private helium purchasers for use in Federal Government contracts.

Helium means the element helium regardless of its physical state.

Helium use location means the location where the major helium requirement will be used.

Like (equivalent) amount of crude helium means the amount of crude helium measured at a pressure of 14.65 pounds per square inch absolute (psia) and a temperature of 60 degrees Fahrenheit (F), and rounded up to the nearest thousand (1,000) cubic feet, that is equivalent to a specified amount of refined helium measured at 14.7 psia and 70 degrees Fahrenheit.

Major helium requirement means an estimated refined helium requirement greater than 200,000 standard cubic feet (scf) of gaseous helium or 7510 liters of liquid helium delivered to a helium use location per year.

Standard cubic foot (SCF) means the volume of gaseous helium occupying one cubic foot at a pressure of 14.7 psia and a temperature of 70 degrees Fahrenheit. One liter of liquid helium is equivalent to 26.63 scf of gaseous helium. One U.S. gallon of liquid helium is equivalent to 100.8 scf of gaseous helium. One pound of liquid helium is equivalent to 96.72 scf of gaseous helium. If BLM approves, you may use appropriate gaseous equivalents of volumes of helium mixtures different from these figures.

§ 3195.12 What is an In-Kind Crude Helium Sales Contract?

It is a written contract between BLM and a Federal helium supplier requiring that whenever a supplier sells a major helium requirement to a Federal agency or its contractors, the supplier must purchase a like amount of crude helium from BLM.

§ 3195.13 If I am a Federal helium supplier or buyer, what reports must I submit to BLM?

In accordance with the In-Kind Crude Helium Sales Contract:

(a) Federal helium suppliers and buyers must report the total itemized quarterly deliveries of major helium requirements within 45 calendar days after the end of the previous quarter (see §§ 3195.26 and 3195.33).

(b) Federal helium suppliers must report the annual cumulative helium delivery report by November 15 of each year (see § 3195.33).

§ 3195.14 How should I submit reports?

You must submit reports by:

(a) Mail;

(b) Fax;

(c) E-mail; or

(d) Any other method to which you and BLM agree.

Federal Agency Requirements

§ 3195.20 Who must purchase major helium requirements from Federal helium suppliers?

(a) The Department of Defense;

(b) The National Aeronautics and Space Administration;

(c) The Department of Energy;

(d) Any other Federal agency; and

(e) Federal agency contractors.

§ 3195.21 When must I use an authorized Federal helium supplier?

You must use an authorized Federal helium supplier for any major helium requirement.

§ 3195.22 When must my contractors or subcontractors use an authorized Federal helium supplier?

An authorized Federal helium supplier must be used whenever the contractor or subcontractor uses a major helium requirement in performance of a Federal contract.

§ 3195.23 How do I get a list of authorized Federal helium suppliers?

You must request the list from BLM in writing.

§ 3195.24 What must I do before contacting a non-Federal helium supplier for my helium needs?

You must make an initial determination about the annual helium demand for each helium use location for the expected life of the purchase order/contract. If the annual helium demand for a helium use location is a major helium requirement, it must be supplied by a Federal helium supplier.

§ 3195.25 What information must be in my purchase order/contract for a major helium requirement?

A purchase order/contract must state each helium use location and whether the anticipated demand exceeds the amount defined as a major helium requirement at each helium use location.

§ 3195.26 What information must I report to BLM?

In accordance with the In-Kind Crude Helium Sales Contract, within 45 days of the end of each quarter, you must report to BLM (see § 3195.13) the following:

(a) The name of the company from which you purchased a major helium requirement;

(b) The amount of helium you purchased and the date it was delivered; and

(c) The helium use location.

§ 3195.27 What do I do if my helium requirement becomes a major helium requirement after the initial determination has been made?

As soon as you determine that your forecasted demand of helium for a particular helium use location will become a major helium requirement, you must purchase your helium (for that helium use location) from an authorized Federal helium supplier for the remainder of the purchase order/contract as a major helium requirement.

Federal Helium Supplier Requirements

§ 3195.30 How do I apply to become a Federal helium supplier?

In order to become a Federal helium supplier,

(a) You must be a private helium merchant and demonstrate to BLM in writing that you have:

(1) Adequate financial resources to pay for BLM helium and helium related services;

(2) Adequate facilities and equipment to meet delivery schedules and quality standards required by Federal helium buyers; and

(3) A satisfactory record of performance in the distribution of helium or other compressed gases.

(b) You must fill out and execute BLM's In-Kind Crude Helium Sales Contract and submit it to BLM for approval.

§ 3195.31 What are the general terms of an In-Kind Crude Helium Sales Contract?

A BLM helium In-Kind Crude Helium Sales Contract requires you to:

(a) Deliver helium to a Federal agency specified helium use location;

(b) Purchase crude helium from BLM equivalent to the amount of refined helium you sold to Federal agencies;

(c) Report to BLM the amount of refined helium you sold to Federal agencies; and

(d) Maintain records for inspection and audit by BLM in accordance with 30 U.S.C. 17.13(b).

§ 3195.32 Where can I find a list of Federal agencies that use helium?

You must request from BLM in writing the list of Federal agencies that have purchased a major helium requirement during the past year.

§ 3195.33 What information must I report to BLM?

(a) In accordance with the In-Kind Crude Helium Sales Contract, within 45 days of the end of each quarter, you must report to BLM (see § 3195.13) the following:

(1) The name of the Federal agency to which you supplied helium;

(2) The amount of helium you delivered and the date you delivered it; and

(3) The helium use location.

(b) In accordance with the In-Kind Crude Helium Sales Contract, by November 15 of each year, you must report to BLM (see § 3195.13) the following:

(1) The name of the Federal agency to which you supplied helium; and

(2) The cumulative amount of helium delivered during the previous fiscal year for each Federal agency.

§ 3195.34 What happens to my Helium Distribution Contracts?

Helium Distribution Contracts between BLM and a helium distributor have been terminated. You must execute an In-Kind Crude Helium Sales Contract before you sell a major helium requirement to a Federal agency.

§ 3195.35 What happens if I have an outstanding obligation to purchase refined helium under a Helium Distribution Contract?

If you were obligated to buy refined helium under a Helium Distribution Contract, your In-Kind Crude Helium Sales Contract requires you to buy an equivalent amount of crude helium in lieu of that obligation.

§ 3195.36 What happens if there is a shortage of helium?

If there is a shortage of helium (either company specific or industry wide) which would cause you to defer helium shipments to a buyer, you must, in accordance with your In-Kind Crude Helium Sales Contract, give the United States priority over non-government requirements.

§ 3195.37 Under what circumstances can BLM terminate me as an authorized Federal helium supplier?

BLM has the authority to terminate you as an authorized Federal helium supplier for:

(a) Nonpayment for a like amount of crude helium;

(b) Not reporting helium deliveries according to your In-Kind Crude Helium Sales Contract and these regulations;

(c) Not taking delivery of a purchase of a like amount of crude helium not covered by a valid helium storage contract; or

(d) Any other breach of contract or violation of these regulations.

[FR Doc. 98–20003 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–84–P

POSTAL SERVICE

39 CFR Part 20

Changes in International Special Service Fees

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is changing fees for international special mail services to become effective simultaneously with changes to domestic rates and fees.

FOR FURTHER INFORMATION CONTACT: Walter J. Grandjean, (202) 314–7256.

EFFECTIVE DATE: 12:01 a.m., January 10, 1999.

SUPPLEMENTARY INFORMATION: The United States Postal Service (Postal Service) is a member of the Universal Postal Union (UPU). By virtue of that membership, the Postal Service adheres to the agreements of the UPU to which it is signatory. Specifically, the Universal Postal Convention (Convention) and the Postal Parcels Agreement (Parcels Agreement) contain provisions concerning the fees member countries can charge for special mail services.

The Convention provides charges for nonstandard letters, return receipts, registered mail service, restricted delivery, and recorded delivery and the Parcels Agreement provides charges for insured mail service. The charges provided in these agreements are less than the Postal Service charges for the equivalent domestic service. The agreements authorize member countries whose internal service charges are higher than those that are fixed in the agreements to apply their domestic charges in the international service.

The Postal Service charges international special service fees that are the same as the equivalent domestic special service fees to avoid having international fees that are less than those charged domestically. Accordingly, the Postal Service is adjusting the following international special service fees concurrently with changes adopted by the Governors of the Postal Service as a result of the recent proceedings before the Postal Rate Commission (Docket R97–1):

A. Certificate of Mailing.

	Fee
Individual Pieces:	
Basic service (Form 3817).	$0.60 (per article).
Firm mailing book (Form 3877).	0.25 (per article listed).
Duplicate of Form 3817 or 3877.	0.60 (per page).
Bulk Mailings:	
Up to 1,000 identical pieces.	3.00.
Each additional 1,000 pieces.	0.40.
Duplicate copy	0.60.

B. Insured Mail.

Limit of indemnity	Fee
Canada	
$50	$0.85
100	1.80
200	2.75
300	3.70
400	4.65
500	5.60
600	6.55
700	7.50
730	8.45

(The insured mail fees for all countries other than Canada are unchanged.)

C. Express Mail International Service.

Fee in addition to postage, for additional Express Mail merchandise insurance:

Insurance coverage	Fee
$0.01 to $500.00	None
500.01 to 5,000.00	$0.95 for each $100 or fraction thereof over $500.

Express Mail merchandise maximum liability: $5,000.00.

Document reconstruction maximum liability: $500.00.

D. Pickup Fee (for Express Mail International Service, Global Priority Mail, and parcel post): $8.25.

E. Recorded Delivery: $1.40.

F. Registered Mail.

Limit of indemnity	Fee
1. Canada	
$100.00	$6.20
500.00	6.75
1,000.00	7.30
2. All Other Countries	
$42.30	$6.00

G. Return Charge for return publishers' periodicals originally mailed to Canada by publishers or registered news agents (see International Mail Manual 781.5a): The applicable surface regular printed matter rate that would be paid from the United States to Canada.

H. Return Receipt: $1.25.

This notice does not address charges for services that do not have corresponding domestic service. These charges will be addressed in a separate notice in conjunction with anticipated adjustments in international postage rates.

The Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administration Procedure Act regarding proposed rulemaking (5 U.S.C. 553).

List of Subjects in 39 CFR Part 20

Foreign relations, Incorporation by reference, International postal services.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The International Mail Manual is amended as follows:

Chapter 2 Conditions for Mailing

* * * * *

211.51 EMS Merchandise Insurance

Express Mail merchandise insurance coverage is provided against loss, damage, or rifling up to $500 at no additional charge. Additional insurance coverage above $500 may be purchased at the sender's option. The fee for optional Express Mail International Service merchandise insurance coverage is changed to $0.95 for each $100 or fraction thereof, up to a maximum of $5,000 per shipment. See the Individual Country Listings for the applicable Express Mail insurance fees.

* * * * *

212.24 Pickup Service

On-call and scheduled pickup service is available for an added charge of $8.25 for each pickup stop, regardless of the number of pieces picked up. Only one pickup fee will be charged if domestic Express Mail, domestic Priority Mail, international Parcel Post, and/or domestic Parcel Post is also picked up at the same time. No pickup fee will be charged when international Express Mail is picked up during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee. Pickup service is provided in accordance with DMM D010.

* * * * *

226.83 Pickup Service

On-call and scheduled pickup service are available for Global Priority Mail acceptance cities. There is a charge of $8.25 for each pickup stop, regardless of the number of pieces picked up. (See DMM D010 for standards of pickup service.) Pickup is not available for Global Priority Mail pieces if paid by permit imprint or claimed at the volume rate.

* * * * *

272.3 Pickup Service

Scheduled pickup service is available for an added charge of $8.25 for each pickup stop regardless of the number of pieces picked up. Only one pickup fee will be charged if domestic Express Mail, international Express Mail, domestic Priority Mail, and/or domestic Parcel Post is also picked up at the same time. No pickup fee will be charged when international Parcel Post is picked up during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee. Pickup service is provided in accordance with DMM D010.

Chapter 3 Special Services

* * * * *

313.1 Individual Pieces

The fee for certificates of mailing for ordinary Postal Union mail and ordinary Parcel Post is $0.60 per piece, whether the item is listed individually on PS Form 3817, Certificate of Mailing, or on firm mailing bills. Additional copies of either PS Form 3817 or firm mailing bills are available for $0.60 per page. PS Form 3877, Firm Mailing Book for Accountable Mail, or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time. If mailer-printed forms are used instead of PS Form 3877, these forms must contain, at a minimum, the same information as PS Form 3877. The fee is $0.25 per article listed.

313.2 Bulk Pieces

Identical pieces of ordinary Postal Union mail that are paid for with regular postage stamps, precanceled stamps, or meter stamps are subject to the following Certificate of Mailing fees:

Up to 1,000 pieces	$3.00
For each additional 1,000 pieces or fraction	0.40
Duplicate copy	0.60

* * * * *

333.1 Registration Fee

The Registry fee for all countries is changed to $6.00. Exception: See the individual country listing for Canada.

* * * * *

343 Fee

The fee for a return receipt is $1.25, which is to be paid in addition to postage and other applicable charges. Return receipt service is available at no additional charge for Express Mail International Service to certain countries.

Note: Include the weight of the return receipt when determining the postage for mailing the item.

* * * * *

363 Fees and Charges

* * * * *

363.1 List of Fees and Charges

* * * * *

[Replace existing text with the following]

At the International Claims and Inquiry Office (ICIO) (see 931.21), when the request is sent to the foreign administration by either:

1. Telegraph or cable. (If this method is used, a $20 deposit must be collected from the sender and held at post office of inquiry. The post office will be notified of the exact cost and any excess must be returned to the sender.).	Cost of telegram	Prepay.
2. Registered airmail letter	Appropriate registry fee plus postage.	Prepay.

* * * * *

385.3 Recorded Delivery Fee

The recorded delivery fee is $1.40. It is an addition to postage and other special services fees, if applicable.

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Chapter 7 Treatment of Inbound Mail

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781.5a Return Charges for Postal Union Mail

The return charge paid by publishers or registered news agents who originally mailed publishers' periodicals to Canada is now the same as the surface postage rate for a regular printed matter item of the same weight mailed from the United States to Canada. See Individual Country Listings for fees.

An appropriate amendment to 39 CFR part 20 will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–20164 Filed 7–27–98; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6130–9]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

This rule adds 9 new sites to the NPL, 7 to the General Superfund Section and 2 to the Federal Facilities Section.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be August 27, 1998.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see Section II, ''Availability of Information to the Public'' in the ''Supplementary Information'' portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, phone (703) 603–8852, State and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

What is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under

CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under Section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' (''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 U.S.C. 9601(23).)

What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. However, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken.

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites being addressed generally by other Federal agencies (the ''Federal Facilities Section''). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

How are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP):

(1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as Appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

(2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)).

(3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.

EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on March 6, 1998 (63 FR 11331).

What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions * * *.'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

How are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which that contamination has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of

listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the threat presented by a release'' will be determined by a remedial investigation/feasibility study (RI/FS) as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

How are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

To date, the Agency has deleted 175 sites from the NPL.

Can Portions of Sites be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of July 1998, EPA has deleted portions of 11 sites.

What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when:

(1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) The site qualifies for deletion from the NPL.

In addition to the 166 sites that have been deleted from the NPL because they have been cleaned up (9 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 350 sites are also on the NPL CCL. Thus, as of July 1998, the CCL consists of 516 sites.

II. Availability of Information to the Public

Can I Review the Documents Relevant to This Final Rule?

Yes, the documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at EPA Headquarters and in the appropriate Regional offices.

What Documents are Available for Review at the Headquarters Docket?

The Headquarters docket for this rule contains HRS score sheets for all of the sites that were added to the NPL based on HRS scores, Documentation Records for those sites describing the information used to compute the scores, pertinent information regarding statutory requirements or EPA listing policies that affect those sites, and a list of documents referenced in each of the Documentation Records. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the ''Support Document for the Revised National Priorities List Final Rule—March 1998.''

A general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, the economic impacts of NPL listing, and the analysis required under the Regulatory Flexibility Act is included as part of the Headquarters rulemaking docket in the ''Additional Information'' document.

What Documents are Available for Review at the Regional Dockets?

The Regional dockets contain all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS scores for the sites. These reference documents are available only in the Regional dockets.

How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Please contact the Regional Docket for hours.

You may also request copies from the Headquarters or appropriate Regional docket. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

Following is the contact information for the EPA Headquarters and Regional dockets:

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA, 703/603–8917

Jim Kyed, Region 1, U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2, U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Dawn Shellenberger, Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA Library, 3rd Floor,, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, Mail Code 3PM52, 215/566–5364

(After July 30 contact: Kevin Wood, U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103, Mail Code: 3HS33, 215/814–3303)
Sherryl Decker, Region 4, U.S. EPA, 100 Alabama Street, SW, Atlanta, GA 30303, 404/562–8127

Region 5

U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–7570
Brenda Cook, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6SF–RA, Dallas, TX 75202–2733, 214/655–7436
Carole Long, Region 7, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224
David Williams, Region 8, U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6757
Carolyn Douglas, Region 9, U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343
David Bennett, Region 10, U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101, 206/553–2103

How Can I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the internet at WWW.EPA.GOV/SUPERFUND (look under site information category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

Additions to the NPL

This final rule adds 9 sites to the NPL, 7 to the General Superfund Section and 2 to the Federal Facilities Section. The following tables present the sites in this rule arranged alphabetically by State and identifies their rank by group number. Table 1 contains the 7 sites in the General Superfund Section and Table 2 contains the 2 sites in the Federal Facilities Section. Group numbers are determined by arranging the NPL by rank and dividing it into groups of 50 sites. For example, a site in Group 4 has an HRS score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

TABLE 1.—NATIONAL PRIORITIES LIST FINAL RULE, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
FL	Solitron Microwave	Port Salerno	5/6
GA	Camilla Wood Preserving Company	Camilla	5/6
NJ	Cornell Dubilier Electronics Inc	South Plainfield	5
NJ	LCP Chemicals Inc	Linden	5/6
PA	Sharon Steel Corp. (Farrell Wks Disp Area)	Hickory Township	5/6
TX	Jasper Creosoting Company Inc	Jasper	5/6
TX	State Marine of Port Arthur	Port Arthur	7

Number of Sites Added to the General Superfund Section: 7.

TABLE 2.—NATIONAL PRIORITIES LIST FINAL RULE, FEDERAL FACILITES SECTION

State	Site name	City/county	Group
DC	Washington Navy Yard	Washington DC	5/6
MD	Fort George G. Mead	Odenton	4

Number of Sites Added to the Federal Facilities Section: 2.

Status of NPL

With the new sites added in today's rule, the NPL now contains 1,193 sites, 1,040 in the General Superfund Section and 153 in the Federal Facilities Section. With a proposed NPL rule published elsewhere in today's **Federal Register**, there are now 56 sites proposed and awaiting final agency action, 47 in the General Superfund Section and 9 in the Federal Facilities Section. Final and proposed sites now total 1,249.

Withdrawal of 3 Sites from Proposal to the NPL

EPA is withdrawing the following three sites from proposal to the NPL: Cross County Sanitation Landfill in Patterson, New York; Lincoln Creosote in Bossier City, Louisiana; and Monarch Tile Manufacturing, Inc. in Florence, Alabama.

What Did EPA Do With the Public Comments It Received?

EPA reviewed all comments received on sites included in this rule. Based on comments received on the proposed sites (published at 61 FR 30575, June 17, 1996, 62 FR 15594, April 1, 1997, 62 FR 50450, September 25, 1997, and 63 FR11339, March 6, 1998), as well as investigation by EPA and the States (generally in response to comment), EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the ''Support Document for the Revised National Priorities List Final Rule— July 1998.''

IV. Executive Order 12866

What Is Executive Order 12866?

Executive Order 12866 requires certain regulatory assessments for any ''economically significant regulatory action,'' defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

Is This Final Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

What Is the Unfunded Mandates Reform Act (UMRA)?

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, 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 by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires 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 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 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.

Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule 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. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

What Is the Regulatory Flexibility Act?

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

Does the Regulatory Flexibility Act Apply to This Final Rule?

While this rule revises the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding a site to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of any cleanup at the site. Further, no identifiable groups are affected. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when deciding on enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

VII. Possible Changes to the Effective Date of the Rule

Has This Rule Been Submitted to Congress and the General Accounting Office?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as enacted 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).

Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this notice, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment,

productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

What Could Cause the Effective Date of This Rule To Change?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) and *Bd. of Regents of the University of Washington* v. *EPA*, 86 F.3d 1214,1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

VIII. National Technology and Advancement Act

What Is the National Technology and Advancement Act?

Section 12(d) of the National Technology and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note), directs 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, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Does the National Technology and Advancement Act Apply to This Final Rule?

EPA is not using any new test methods or other technical standards as part of today's rule, which adds sites to the NPL. Thus, the Agency does not need to consider the use of voluntary consensus standards in developing this final rule. EPA invites public comment on this analysis.

IX. Executive Order 13045

What Is Executive Order 13045?

On April 21, 1997, the President issued Executive Order 13045 entitled Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19883). Under section 5 of the Order, a federal agency submitting a ''covered regulatory action ''to OMB for review under Executive Order 12866 must provide information regarding the environmental health or safety affects of the planned regulation on children. A ''covered regulatory action'' is defined in section 2–202 as a substantive action in a rulemaking, initiated after the date of this order or for which a Notice of Proposed Rulemaking is published 1 year after the date of this order, that is likely to result in a rule that may be ''economically significant'' under Executive Order 12866 and concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.

Does Executive Order 13045 Apply to This Final Rule?

This final rule is not a ''covered regulatory action'' as defined in the Order and accordingly is not subject to section 5 of the Order. As discussed above this final rule does not constitute economically significant action (i.e., it is not expected to have an annual adverse impact of $100 million or more) under Executive Order 12866. Further, this rule does not concern an environmental health risk or safety risk that disproportionately affects children.

X. Paperwork Reduction Act

What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

Does the Paperwork Reduction Act Apply to This Final Rule?

This action does not impose any burden requiring OMB approval under the Paperwork Reduction Act.

XI. Executive Order 12875

What Is Executive Order 12875 and Is It Applicable to This Final Rule?

Enhancing the Intergovernmental Partnership.—This final rule does not impose any enforceable duty or contain any unfunded mandate that would require any prior consultation with State, local or tribal officials under Executive Order 12875.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: July 20, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

2. Tables 1 and 2 of Appendix B to Part 300 are amended by adding sites in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes(a)
*	*	*	*
FL	Solitron Microwave	Port Salerno.	
*	*	*	*
GA	Camilla Wood Preserving Company	Camilla.	
*	*	*	*
NJ	Cornell Dubilier Electronics Inc	South Plainfield.	
*	*	*	*
NJ	LCP Chemicals Inc	Linden.	
*	*	*	*
PA	Sharon Steel Corp. (Farrell Wks Disp Area)	Hickory Township.	
*	*	*	*
TX	Jasper Creosoting Company Inc	Jasper County.	
*	*	*	*
TX	State Marine of Port Arthur	Jefferson County.	
*	*	*	*

TABLE 2.—FEDERAL FACILITIES SECTION

State	Site name	City/county	Notes(a)
*	*	*	*
DC	Washington Navy Yard	Washington DC.	
*	*	*	*
MD	Fort George G. Meade	Odenton.	
*	*	*	*

[FR Doc. 98–20154 Filed 7–27–98; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–84; RM–9021, RM–9095]

Radio Broadcasting Services; Pauls Valley, Ratliff City, Sulphur, OK, Abilene, Bowie, Highland Village, Mount Pleasant, and Overton, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tom Stamper, dismisses his request to allot Channel 291A to Pauls Valley, OK, as the community's second local FM service. *See* 62 FR 10010, March 5, 1997. At the joint request of: (1) Bowie-Nacona Broadcasting Company, Inc., Channel 264C is substituted for Channel 264C3, Channel 264C is reallotted from Bowie to Highland Village, TX, as the community's first local aural service, and the license of Station KRJT–FM is modified accordingly; (2) Dynamic Broadcasting, Inc., Channel 263C is substituted for Channel 264C at Abilene, TX, and the license of Station KORQ–FM is modified to specify the alternate Class C channel; and (3) East Texas Broadcasting Company, Inc., Channel 264C2 is substituted for Channel 264C at Mount Pleasant, TX, Channel 264C2 is reallotted to Overton, TX, as the community's first local aural service, and the license of Station KPXI is modified accordingly. To accommodate these changes, Channel 291A is substituted for Channel 265C3 at Sulphur, OK, and the license of Station KFXT is modified to specify the Class A channel. At the request of Carter County Broadcasting, the Commission dismisses its counterproposal to allot Channel 291A to Ratliff City, OK, as the community's first local aural service. With this action, this proceeding is terminated.

EFFECTIVE DATE: Effective August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–84, adopted July 15, 1998, and released July 17, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Channel 264C can be allotted to Highland Village in compliance with the Commission's minimum distance separation requirements with a site restriction of 57.5 kilometers (35.7

miles) northwest, at coordinates 33–25–03 North Latitude and 97–31–34 West Longitude. Channel 264C2 can be allotted to Overton with a site restriction of 22.8 kilometers (14.2 miles) northwest, at coordinates 32–27–26 North Latitude and 95–05–14 West Longitude, to avoid a short-spacing to the pending application (BPH–970708IB) of Station KDVE for Channel 262A at Tatum, Texas. Channel 263C can be allotted to Abilene with a site restriction of 33.5 kilometers (20.8 miles) southwest, at coordinates 32–21–57 North Latitude and 100–02–58 West Longitude, to accommodate the licensee's desired transmitter site. Channel 291A can be allotted to Sulphur in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.7 kilometers (7.9 miles) north, at coordinates 34–37–22 North Latitude and 96–58–37 West Longitude, to accommodate Station KFXT–FM's desired transmitter site. Mexican concurrence in the allotment of Channel 263C at Abilene has been received since the community is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 265C3 and adding Channel 291A at Sulphur.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 264C and adding Channel 263C at Abilene, removing Bowie, Channel 264C3, adding Highland Village, Channel 264C, removing Mount Pleasant, Channel 264C, adding Overton, Channel 264C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–20035 Filed 7–27–98; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1812, 1813

Simplified Acquisition Procedures

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) on simplified acquisition procedures to align the NASA FAR Supplement with the rewritten Part 13 of the FAR.

EFFECTIVE DATE: July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Deback, NASA Office of Procurement, Analysis Division (Code HC), (202) 358–0431.

SUPPLEMENTARY INFORMATION:

Background

FAC 97–03 promulgated a reorganization of FAR Part 13, Simplified Acquisition Procedures. The NFS is in substantive compliance with the revised FAR, but extensive administrative redesignation of NFS 1813 is required for structural conformance. In addition to the Part 1813 changes, this final rule also makes an administrative revision to indicate the Internet address for the official Agency version for the NFS and adds a new subpart to reflect a statutory prohibition on underwriting commercial space ventures.

Impact

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub.L. 98–577, and publication for public comment is not required. This final rule does not impose any reporting requirements or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1801, 1812, 1813

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1801, 1812, and 1813 are amended as follows:

1. The authority citation for 48 CFR Parts 1801, 1812, and 1813 continues to read as follows:

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

PART 1801—FEDERAL ACQUISITION REGULATION SYSTEM

2. In section 1801.105–3, paragraph (2) is revised to read as follows:

1801.105–3 Copies.

* * * * *

(2) The single official NASA-maintained version of the NFS is on the Internet (http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm).

* * * * *

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

3. Subpart 1812.70 is added to read as follows:

Subpart 1812.70—Commercial Space Hardware or Services

1812.7000 Prohibition on guaranteed customer bases for new commercial space hardware or services.

Public Law 102–139, title III, Section 2459d, prohibits NASA from awarding a contract with an expected duration of more than one year if the primary effect of the contract is to provide a guaranteed customer base for, or establish an anchor tenancy in, new commercial space hardware or services. Exception to this prohibition may be authorized only by an appropriations Act specifically providing otherwise.

4. Part 1813 is revised to read as follows:

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

Sec.
1813.000 Scope of part.
1813.003 Policy.

Subpart 1813.1 Procedures

1813.106 Soliciting competition, evaluation of quotations or offers, award and documentation.
1813.106–3 Award and documentation.

Subpart 1813.3 Simplified Acquisition Methods

1813.301 Governmentwide commercial purchase card.
1813.301–70 Purchase card documentation.
1813.301–72 Approving official.
1813.301–73 Program officials.
1813.302 Purchase orders.
1813.302–1 General.
1813.302–70 Purchase orders under section 8(a) of the Small Business Act.
1813.303 Blanket Purchase Agreements (BPAs).
1813.303–3 Preparation of BPAs.
1813.307 Forms.

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

1813.000 Scope of part.

FAR Part 13 and 1813 do not apply to NASA Research Announcements and Announcements of Opportunity. These acquisitions shall be conducted in accordance with the procedures in 1835.016–70 and 1872, respectively, and, if awards are to be made as procurement instruments, they shall be

made as bilateral contracts rather than purchase orders.

1813.003 Policy. (NASA supplements paragraph (h))

(h) Acquisitions under these simplified acquisition procedures shall be fixed-price, except as provided under the unpriced purchase order method in FAR 13.302–2.

Subpart 1813.1—Procedures

1813.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

1813.106–3 Award and documentation. (NASA supplements paragraph (b))

(b)(3)(ii) For purchases up to $50,000, documentation shall be limited to a brief notation in the file indicating the rationale for selecting other than the lowest priced offer.

Subpart 1813.3—Simplified Acquisition Methods

1813.301 Governmentwide commercial purchase card. (NASA supplements paragraphs (a), (b), and (c))

(a) The procurement officer shall designate individual cardholders in accordance with center procedures, subject to the following limitations:

(i) Personnel other than contracting officers may be designated as cardholders for micro-purchases and for individual orders under BPAs up to $5,000 (see 1813.303–3(a)(4)), provided they complete training adequate to ensure appropriate use of the purchase card. Training materials are available from the NASA Procurement Library on the Internet at http://ec.msfc.nasa.gov/hq/library/library.html.

(ii) The procurement officer's designation shall be in writing and shall specify the scope of the cardholder's authority.

(iii) The center shall establish and maintain administrative procedures and management controls required by the General Services Administration (GSA). Purchases made with the Governmentwide commercial purchase card shall comply with the instructions and procedures issued by GSA as well as applicable parts of the FAR and NFS.

(b) The Governmentwide commercial purchase card may be used to order and pay for purchases under contracts established under FAR Part 8 procedures, up to the simplified acquisition threshold (except see paragraph (a)(i) of this section for dollar limitations for personnel other than contracting officers).

(c) The Governmentwide commercial purchase card may be used to order and pay for purchases in the circumstances described in FAR 13.301(c) up to the simplified acquisition threshold (except see paragraph (a)(i) of this section for limitations for personnel other than contracting officers). Except as authorized in paragraphs (b) and (c) of this section, the Governmentwide commercial purchase card may not be used for purchases in excess of $25,000. Purchases above the micro-purchase threshold shall comply with all applicable statutory and regulatory requirements, including the following:

(i) Small business set-aside (see FAR 13.003(b)).

(ii) Representations and certifications. The applicable items from the provision at FAR 52.212–3, Offeror Representations and Certifications—Commercial Items, shall be obtained for commercial or noncommercial purchases. This information may be obtained orally from vendors.

(iii) Maximum practicable competition (see FAR 13.106–1).

(iv) Implementation of the applicable contract clauses. This requirement may be satisfied by forwarding a completed SF 1449, appropriately modified to reflect purchase card terms, to the awardee after placing the order via the card, provided that the awardee must be notified of, and agree to, the applicability of the SF 1449 clauses when the order is placed.

1813.301–70 Purchase card documentation.

Documentation of purchases shall be minimized. For transactions below the micro-purchase threshold, the card holder shall maintain a brief log of purchases and a file of monthly purchase card statements indicating whether item receipt has occurred. For purchases above the micro-purchase threshold, see 1813.106–3(b)(3)(ii).

1813.301–72 Approving official.

The approving official is the individual who reviews and approves a cardholder's monthly statement of purchases. The approving official shall be the cardholder's immediate or higher level supervisor; in no case shall cardholders approve their own statement of purchases. Unless center procedures otherwise provide for their designation, the procurement officer shall designate approving officials.

1813.301–73 Program officials.

(a) The Headquarters Office of Procurement (Code HK) is the agency program coordinator.

(b) The procurement officer shall identify the center program coordinator and the center billing office point of contact, and provide their names to the agency program coordinator.

1813.302 Purchase orders.

1813.302–1 General. (NASA supplements paragraph (a))

(a) See 1813.003(h).

1813.302–70 Purchase orders under section 8(a) of the Small Business Act.

Purchase orders made using simplified acquisition procedures are authorized for 8(a) acquisitions under the simplified acquisition threshold.

1813.303 Blanket Purchase Agreements (BPAs)

1813.303–3 Preparation of BPAs. (NASA supplements paragraph (a))

(a)(4) Non-GS–1102 or –1105 personnel shall not be authorized to place individual orders under a BPA in an amount greater than $5,000. For sole source orders above $2,500, a contracting officer's determination is required in accordance with FAR 13.106–1(b)(1).

1813.307 Forms. (NASA supplements paragraphs (b), (c), and (d))

(b) Installations may use locally prescribed forms.

(c) Installations may use locally prescribed forms.

(d) The SF 44 may be used for purchases of aviation fuel and oil of $10,000 or less.

[FR Doc. 98–20104 Filed 7–27–98; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980414096–8173–02; I.D. 032698A]

RIN 0648-AJ99

Fisheries of the Exclusive Economic Zone Off Alaska; Gear Allocation of Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 53 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This rule allocates shortraker rockfish and rougheye rockfish (SR/RE) in the Aleutian Islands subarea (AI) between vessels using trawl gear and vessels

using non-trawl gear. This action is necessary to prevent the incidental catch of SR/RE in trawl fisheries from closing non-trawl fisheries and is intended to further the objectives of the FMP.

DATES: Effective July 22, 1998.

ADDRESSES: Copies of Amendment 53 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679.

NMFS published a Notice of Availability of Amendment 53 in the **Federal Register** on April 2, 1998 (63 FR 16223), and invited comments through June 1, 1998. On April 28, 1998, NMFS published a proposed rule to implement Amendment 53 (63 FR 23261) and invited comments through June 12, 1998. NMFS did not receive comments on either the rule or the FMP amendment. The final rule text is unchanged from the proposed rule.

In 1997, unanticipated high harvest rates of SR/RE in the Pacific ocean perch (POP) and Atka mackerel trawl fisheries undermined the effectiveness of inseason management and monitoring of fisheries in the AI. These higher than anticipated catch rates resulted in harvest amounts that exceeded the acceptable biological catch. Estimates of SR/RE bycatch through mid-1997 indicated that the overfishing level would be reached if all fisheries that took these species were not closed. As a result, NMFS prohibited the retention of Atka mackerel, Pacific cod, and rockfish by vessels using trawl gear and retention of Pacific cod and Greenland turbot by vessels using hook-and-line gear in the AI. Thus, although overfishing concerns stemmed primarily from the bycatch of SR/RE in the POP and Atka mackerel trawl fisheries, lucrative non-trawl fisheries that also take incidental amounts of SR/RE were closed, or threatened with closure, to prevent reaching the overfishing level for SR/RE. These overfishing closures disrupted fishing plans and created a loss of economic opportunity for both the trawl and non-trawl fishing industry.

Concerns about the overall management of the SR/RE total allowable catch (TAC) have prompted the Council to take two actions. Based on Council's recommendations, NMFS published a final rule to reduce maximum retainable bycatch percentages for SR/RE on March 31, 1998 (63 FR 15334). This action should reduce the incentive to ''top off'' target catch with SR/RE and result in lower catch rates for SR/RE. Nonetheless, overall bycatch amounts still could pose concerns because the TAC amounts annually specified for SR/RE are small in comparison to the high volume POP and Atka mackerel trawl fisheries. Consequently, representatives of the trawl and non-trawl industry recommended that SR/RE be allocated among gear groups. At its February 1998 meeting, the Council adopted Amendment 53 to the FMP. This amendment allocates 30 percent of SR/RE TAC to non-trawl gear and 70 percent of SR/RE TAC to trawl gear.

The industry-recommended allocation of SR/RE TAC between trawl and non-trawl vessels is intended to provide an allocation to non-trawl fisheries in excess of actual relative harvest in recent years, so that these operations will have adequate opportunity to harvest their full allocations of Pacific cod and sablefish. Trawl industry representatives endorsed this split, recognizing that trawl bycatch rates likely will decrease as a result of the reduction in SR/RE MRB percentages, and a gear specific allocation of SR/RE will allow more effective management of SR/RE bycatch in both the trawl and non-trawl fisheries.

The preamble to the proposed rule and the EA/RIR contain additional information on this action (see **ADDRESSES**). Upon reviewing Amendment 53, the Administrator, Alaska Region, NMFS, has determined that Amendment 53 is necessary for the conservation and management of the groundfish fisheries of the BSAI, and is consistent with the Magnuson-Stevens Act and with other applicable laws.

Amendment to Final 1998 BSAI Harvest Specifications

To implement this final rule in 1998, this action also amends the final 1998 harvest specifications for groundfish of the BSAI (63 FR 12689, March 16, 1998). Table 1 of the final specifications sets the 1998 TAC for SR/RE in the AI at 965 mt. After subtraction of reserves, 820 mt remains. Under this final rule, the 1998 harvest specifications are amended to allocate 574 mt to trawl gear and 246 mt to non-trawl gear.

Classification

This action was developed and supported by both the trawl and non-trawl sectors of the fishing industry and does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. Without immediate effectiveness, it is possible that harvest of SR/RE in trawl fisheries could result in unnecessary closures and disruption within the non-trawl sector of the fishing industry. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources and to give the fishing industry the earliest possible opportunity to plan its fishing operations. Accordingly, the Assistant Administrator for Fisheries, NOAA, finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The rationale for this determination appeared in the proposed rule. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This final rule has been determined to be not significant for the purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: July 22, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.20, paragraph (a)(9) is redesignated as paragraph (a)(10), and a

new paragraph (a)(9) is added to read as follows:

§ 679.20 General Limitations.

* * * * *

(a) * * *

(9) *BSAI shortraker rockfish and rougheye rockfish*. After subtraction of reserves, the TAC of shortraker rockfish and rougheye rockfish specified for the Aleutian Islands subarea will be allocated 30 percent to vessels using non-trawl gear and 70 percent to vessels using trawl gear.

* * * * *

[FR Doc. 98–20027 Filed 7–22–98; 4:47pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 144
Tuesday, July 28, 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

7 CFR Part 319

[Docket No. 96–031–1]

RIN 0579–AA82

Importation of Wood Chips From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations for importing logs, lumber, and other unmanufactured wood articles. We believe that a surface pesticide treatment is effective in rendering large shipments of *Pinus radiata* wood chips from Chile free of plant pests. Therefore, we are proposing to allow the importation of *Pinus radiata* wood chips from Chile if the surfaces of the wood chips are treated with a specified pesticide mixture for use on wood chips from Chile. This change would provide more alternatives for persons interested in importing wood chips from Chile while continuing to protect against the introduction of dangerous plant pests.

DATES: Consideration will be given only to comments received on or before September 28, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–031–1, 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. 96–031–1. 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: Mr. Ronald Campbell, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1236, (301) 734–8295; or e-mail: rcampbell@aphis.usda.gov.

SUPPLEMENTARY INFORMATION: Analyses.

Background

Logs, lumber, and other unmanufactured wood articles imported into the United States could pose a significant hazard of introducing plant pests and pathogens detrimental to agriculture and to natural, cultivated, and urban forest resources. The regulations in 7 CFR 319.40–1 through 319.40–11 (referred to below as the regulations) contain provisions to eliminate any significant plant pest risk presented by the importation of logs, lumber, and other unmanufactured wood articles.

Wood Chips and Proposed Treatment

Approximately $40 million worth of wood chips is imported into the United States each year for use in making pulp for paper production. Section 319.40–6(c) of the regulations requires that wood chips from any place except certain places in Asia may be imported if, among other things, they were (1) derived from live, healthy, tropical species of plantation-grown trees grown in tropical areas; or, (2) fumigated with methyl bromide, heat treated, or heat treated with moisture reduction, in accordance with the regulations in § 319.40–7. (Section 319.40–7 of the regulations, ''Treatments and safeguards,'' sets forth the methods by which certain treatments and safeguards required by the regulations must be conducted.)

We propose to establish a new set of requirements for importing Monterey pine wood chips from Chile. *Pinus radiata* (also known as Monterey pine) wood chips from Chile are in demand in the United States for use in making high quality paper pulp. Several commercial processors of wood chips in the United States have requested that the Animal and Plant Health Inspection Service (APHIS) consider allowing the importation of *Pinus radiata* wood chips from Chile if they are treated with a surface pesticide. Since February 1995, APHIS has supervised approximately 16 trial shipments to the United States of *Pinus radiata* wood chips from Chile that were treated with a surface pesticide. The surface pesticide consisted of a mixture of a fungicide containing 64.8 percent of the active ingredient didecyl dimethyl ammonium chloride and 7.6 percent of the active ingredient 3-Iodo-2-propynl butylcarbamate, and an insecticide containing 44.9 percent of the active ingredient chlorphrifos phosphorothioate. At a facility located at a port in Chile, the wood chips were sent through a chute as they were loaded onto the ship. As the chips were passing through the chute, they were sprayed with the pesticide from all sides, so that each chip was coated with the pesticide. All of the shipments arrived in the United States apparently free from any live plant pests.

Based on the success of the trial shipments, we have determined that wood chips from Chile can be imported with negligible risk into the United States after treatment in the manner described above with any pesticide mixture consisting of a fungicide containing 64.8 percent of the active ingredient didecyl dimethyl ammonium chloride and 7.6 percent of the active ingredient 3-Iodo-2-propynl butylcarbamate, and an insecticide containing 44.9 percent of the active ingredient chlorphrifos phosphorothioate.

Section 319.40–6 of the regulations contains universal importation provisions for the importation of specified articles, including wood chips. We are proposing to revise § 319.40–6(c) to allow *Pinus radiata* wood chips from Chile to be imported after receiving the surface pesticide treatment described above.

At this time, we would add provisions for surface pesticide treatment only for *Pinus radiata* wood chips from Chile. There have been no requests for allowing the use of a surface pesticide treatment on any wood chips other than *Pinus radiata* wood chips from Chile. Further, we cannot conclude that the method of treatment used in the trial shipments from Chile would be effective on any species other than *Pinus radiata*. APHIS conducted a pest risk assessment for *Pinus radiata* in Chile in September 1993. New Zealand is the only other country for which a pest risk assessment has been conducted concerning *Pinus radiata*. The pests determined by the pest risk assessment to attack *Pinus*

radiata in New Zealand are not the same as the pests of concern in Chile. Therefore, even though the species would be the same, we cannot conclude that the method of treatment used for *Pinus radiata* wood chips from Chile would be effective on the pests that attack *Pinus radiata* in New Zealand. In addition, New Zealand does not have the facilities necessary to treat large amounts of wood chips with a surface pesticide. If, in the future, there appears to be a demand for wood chips other than *Pinus radiata* or from a country other than Chile to be imported using a surface pesticide treatment, APHIS would determine at that time what kind of research would be necessary to assess whether or not such treatment would be effective on that particular commodity.

However, the pest risk assessment conducted in 1993 for *Pinus radiata* in Chile is still valid as the basis for the following regulatory controls designed to mitigate to a negligible level the risks of importing *Pinus radiata* wood chips from Chile.

To help ensure the *Pinus radiata* wood chips from Chile are free from pests, we are proposing that several conditions be met in addition to the surface pesticide treatment. We would require that the wood chips be accompanied by a certificate stating that the wood chips were derived from logs from live, healthy, plantation-grown trees that were apparently free of plant pests, plant pest damage, and decay organisms, and that the logs were debarked in accordance with § 319.40–7(b) before being chipped. (Section 319.40–7(b) sets forth tolerance levels for amounts of bark that may be retained on a regulated article after debarking.) These conditions are the same as current requirements for the importation of *Pinus radiata* logs from Chile, with the exception of the stipulation that the chips be from ''plantation-grown'' trees. We would require that the wood chips be from plantation-grown trees because the pest risk in a managed forest area is lower than in an unmanaged forest.

We would also require that the certificate state that no more than 45 days elapsed from the time the trees used to make the chips were felled to the time the wood chips were exported. This requirement would reduce the opportunities for exposure of the logs to plant pests.

Additionally, we would require that the wood chips be consigned to a facility in the United States operating under a compliance agreement with APHIS, in accordance with § 319.40–8 of the regulations. (Section 319.40–8 concerns facilities that operate under compliance agreements.) The compliance agreement would further ensure the safe importation of the treated wood chips from Chile by specifying safeguards and requirements to ensure that the processing method would effectively destroy any plant pests, and by stating that APHIS inspectors must be allowed access to the facility to monitor compliance with the requirements of the compliance agreement and the regulations.

We would require that, during shipment to the United States, no other regulated articles (other than solid wood packing materials) would be permitted in the holds or sealed containers carrying the wood chips, and that wood chips on the vessel's deck would have to be in a sealed container. These requirements would control possible movement of plant pests from other regulated articles.

We would also require that certain safeguards be applied upon arrival of the wood chips in the United States. First, the wood chips would have to be unloaded upon arrival by a conveyor which is covered, to prevent the chips from being blown by the wind and from accidental spillage. The facility receiving the wood chips would have to have a procedure in place to retrieve any chips that fall during unloading. If the chips must be transported after arrival, we would require that they must be covered or safeguarded in a manner that prevents the chips from spilling or falling off the means of conveyance, or from being blown off the means of conveyance by wind. Once at the facility, the wood chips would have to be stored on a paved surface and be kept segregated from other regulated articles from the time of discharge from the means of conveyance until the chips are processed. The storage area could not be adjacent to wooded areas. Finally, the wood chips would have to be processed, and any fines or unusable wood chips would have to be disposed of by burning, within 60 days of arrival at the facility. ''Fines'' are small particles or fragments of wood, slightly larger than sawdust, that result from chipping, sawing, or processing wood. These safeguards would help remove any opportunities for movement of plant pests from the wood chips, should there be any plant pests present on the chips.

We also are proposing to revise § 319.40–7(e), concerning surface pesticide treatments, to allow for the use of any surface pesticide treatment to qualify *Pinus radiata* wood chips from Chile for importation that is a mixture of a fungicide containing 64.8 percent of the active ingredient didecyl dimethyl ammonium chloride and 7.6 percent of the active ingredient 3-Iodo-2-propynl butylcarbamate and an insecticide containing 44.9 percent of the active ingredient chlorphrifos phosphorothioate. We would require that the fungicide and insecticide be mixed using the proportions called for on the label requirements.

We would further stipulate in § 319.40–7(e) that the wood chips must be sprayed with the surface pesticide treatment so that all the chips are exposed to the chemical on all sides. The treatment method used on the trial shipments from Chile would be acceptable under this provision. Any other treatment method that accomplishes the goal of spraying the chips so that they are exposed to the pesticide on all sides would also be acceptable. Finally, we would require that, during the interval between treatment and export, the wood chips would have to be stored, handled, or safeguarded in a manner that prevents any infestation of the wood chips by plant pests.

In the future, if we determine the pesticide mixture described in this document, or any other pesticide treatment, is effective on plant pests that could be carried on wood chips, we will propose amendments to the regulations to allow for the importation of wood chips from that country after receiving the surface pesticide treatment.

Executive Order 12866

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Benefits from allowing *Pinus radiata* wood chips to be imported from Chile include lower priced wood chips for pulp mills in the Pacific Northwest, and lower priced products to consumers if lower input prices are reflected in lower retail prices. Greater choice among species for wood chip raw material is another benefit. Costs associated with risks of introducing pests are negligible because the procedures required to import Chilean wood chips under this rule are designed to keep the risk of importing pests to a negligible level. Since imports will be concentrated in the Pacific Northwest, impacts will be felt mainly by wood chip producers and purchasers in the region. Wood chip producers may bear revenue losses if they are unable to compete with lower cost imports or adjust their product mix.

Test shipments of *Pinus radiata* wood chips from Chile to the Pacific Northwest during recent years have demonstrated the effectiveness of

phytosanitary safeguards proposed in this rule, as well as the economic feasibility of chip imports from Chile for the region's pulp mills. Chile's large and expanding forestry plantations are expected to provide a reliable source for future wood chip imports when there is sufficient demand. At present, the abundant supply of wood chips in the Pacific Northwest precludes imports, a market situation that differs dramatically from that of three years ago when wood chip prices reached an all-time high. Pacific Northwest pulp mills depend primarily on domestic wood chip suppliers, but turn to overseas sources when domestic wood chip prices are high. Chilean imports can be expected to be competitively marketed when the domestic wood chip supply is low, since *Pinus radiata* wood chips can substitute for most other softwood chips. Some domestic wood chip producers may be adversely affected by Chilean imports, but the impact is not likely to be widespread; most domestic wood chip producers that cannot compete may adjust their product mix away from wood chips to other mill products.

Discussion

Under the Federal Plant Pest Act (7 U.S.C. 150aa–150jj), the Secretary of Agriculture is authorized to promulgate regulations requiring inspection of products and articles as a condition of their movement into or through the United States, and imposing other conditions upon such movement, in order to prevent the dissemination into the United States of plant pests.

This proposed rule would amend the regulations for importing wood chips to allow the importation of *Pinus radiata* wood chips from Chile if the surfaces of the wood chips are treated with a pesticide approved by the Administrator for use on wood chips from Chile. Allowing the use of a surface pesticide treatment would make it possible to effectively treat large shipments of wood chips. Wood chips are used for making pulp used in the production of paper. U.S. pulp producers want to import *Pinus radiata* wood chips from Chile because these wood chips produce a high quality pulp. However, there is no treatment in the regulations that is both practical and effective in treating large shipments of these wood chips.

Current APHIS regulations call for, along with other requirements, heat treatment or fumigation of imported wood materials. While these safeguards are appropriate for solid wood products, they are less useful for wood chips. Heating of wood chips is time consuming, and fumigation of wood chips in ship holds can result in insufficient treatment. Therefore, it is being proposed that importation of *Pinus radiata* wood chips from Chile be allowed following their surface treatment with a specified pesticide mixture. As discussed above, the efficacy of this treatment is demonstrated by 16 trial shipments of surface-treated *Pinus radiata* wood chips from Chile that have arrived without pests since February 1995.

Approximately $40 million worth of wood chips is imported into the United States each year for use in making pulp for paper production. Coniferous wood chip imports by the U.S. comprise less than one percent of domestic production.[1] About 30 percent of U.S. wood chip production takes place in the Pacific Northwest.[2] Wood chip imports to the United States have been mainly to the Pacific Northwest, although there have been recent shipments of Caribbean pine from Brazil that have entered through the port at Mobile, AL.

Wood chips are used mainly in the manufacture of pulp, that is then used to make paper and panel products.[3] Test shipments of *Pinus radiata* wood chips from Chile during the last three years have been so utilized, and it is expected that future shipments facilitated by the surface pesticide treatment proposed in this rule change would also be used to make pulp.[4]

The demand for wood chips used by pulp mills is a derived demand, depending on the market for pulp.[5] While the long-term demand for pulp in the United States and internationally is expected to continue to expand (with increasing reliance on wood from plantation forests), pulp and wood chip prices can be volatile in the short term, causing relatively abrupt market changes. The variable demand for wood chips during the few years the Chilean test shipments have taken place illustrates how rapidly market conditions can change. Coniferous wood chip imports in 1995 by the United States nearly tripled those of 1994, with imports from Canada rising more than threefold, and test shipments from Chile doubling and displacing 1994 imports from Mexico.[6] The increase in demand was reflected in a 60 percent increase in the price paid in the United States for Chilean wood chips, from $42 per ton in 1994, to $67 per ton in 1995.[7] Comparable U.S. prices for domestically produced wood chips in these two years were $56 per ton in 1994 and $72 per ton in 1995.[8] Since then, prices have receded due to the current abundant supply of wood chips.

Chile's coniferous wood chip exports to the United States, 1994–1996, and Chile's share of coniferous wood chip imports by the United States, are as follows:[9]

1994	168 metric tons	00.05 percent of imports.
1995	339,665 metric tons	48.29 percent of imports.
1996	329,387 metric tons	44.06 percent of imports.

In 1994, 57 percent of coniferous wood chip imports by the United States were from Mexico and 43 percent were from Canada. In 1995, pulp prices reached record levels, with U.S. coniferous wood chip imports more than doubling from the year before, to 703,000 metric tons from 331,000 metric tons. That year, no coniferous wood

[1] Robert Flynn, private wood industry consultant, personal communication, drawing in part on information from ''Southern Pulpwood Production, 1996,'' by Tony Johnson, USDA Forest Service, Southern Research Station, Resource Bulletin SRS–21.

[2] Richard Haynes, USDA Forest Service, personal communication.

[3] Chris Twarok, Department of Commerce, personal communication. Landscaping is a secondary use.

[4] J.J. Morrell, Department of Forest Products, Oregon State University, personal communication.

[5] The pulp fiber industry has traditionally been a softwood chip market, but this has been changing in recent years in the eastern United States. Pulp mills in the southeastern United States are relying increasingly on hardwood chips, where only softwood chips were once used. Long-term rising demand for wood chips is also reflected in an increasing number of ''chipping'' mills producing only wood chips; at least 100 of more than 140 wood chip mills in the southeastern United States have been constructed within the past decade. (Dennis Haldeman and Doug Sloane, personal communications)

[6] U.S. wood chip import and export statistics from Department of Commerce, Bureau of the Census.

[7] FAS Global Agricultural Trade System, using data from the United Nations Statistical Office.

[8] Richard Haynes, USDA Forest Service, personal communication. Domestic prices based on export prices for the Columbia-Snake Customs District, adjusted to ''green'' metric tons. Without consideration of transportation costs, these quoted prices may overestimate the price realized at a Pacific Northwest pulp mill for U.S. chips and underestimate the price realized for Chilean chips. Moreover, average yearly prices conceal seasonal variations.

[9] FAS Global Agricultural Trade System, using data from the United Nations Statistical Office

chips were imported from Mexico, 48 percent of imports came from Chile, 49 percent came from Canada, and 3 percent came from Brazil. In 1996, Canada's share of U.S. coniferous wood chip imports increased to 56 percent, 44 percent came from Chile, and none was received from Brazil.

Production of *Pinus radiata* wood chips in the United States is essentially nil, due to the relatively small region in which it grows well, about six miles inland along the coastal fog belt of central California (hence its common name, the Monterey pine). There may be some production from sawmill residues, but the quantity, if any, is negligible. No pulp mills are currently using domestically produced *Pinus radiata* wood chips.[10]

Impacts on the U.S. wood chip industry of potential Chilean imports, therefore, depend on the substitutability of *Pinus radiata* wood chips for other softwood or for hardwood chips. Instances in which *Pinus radiata* and hardwood chips might substitute for each other are relatively few. However, *Pinus radiata* wood chips can generally be used in place of other coniferous chips such as lodgepole pine and ponderosa pine, although milling adjustments may be required—and costs incurred—due to differences in resin content[11]. We invite public comments on the magnitude of adjustment costs which would be required to substitute *Pinus radiata* chips for those of species commercially grown in the Pacific Northwest. We also invite comments on the extent to which such costs would inhibit substitution, and the economic consequences of such substitution.

The test shipments of Chilean wood chips were received by pulp mills in the Pacific Northwest. This region is expected to continue to be the destination of future shipments, given the additional transportation costs that would be incurred by pulp mills in the eastern and southeastern United States. With sales regionally concentrated, little impact from this rule is expected outside the Pacific Northwest.

In sum, the test shipments from Chile have shown the value to Pacific Northwest pulp mills of Chilean wood chips in supplementing domestic and Canadian wood chip supplies when the price of pulp makes such shipments economically feasible. Pulp mills able to adjust milling processes to utilize *Pinus radiata* wood chips can benefit by making profitable use of Chilean imports when other sources are insufficient or more costly. As now described, Chile has the production capacity to be a reliable source of *Pinus radiata* wood chips to the United States.

Chile's wood chip industry grew significantly during the 1980s, with production increasing more than tenfold, from 0.44 million tons in 1984, to 5.03 million tons in 1990.[12] Chile's wood chip exports during this period rose from none in 1984, to 2.23 million tons (44 percent of production) in 1990. During the first half of the 1990s, both production and export levels fluctuated, but without the dramatic increases of the 1980s. Annual production between 1990 and 1995 averaged about 5.80 million tons, and exports averaged about 3.05 million tons (about 53 percent of production).

Pinus radiata wood chips comprise a minor share of Chile's wood chip exports.[13] Of the approximately 3 million tons of wood chips exported annually between 1990 and 1996, *Pinus radiata*'s share averaged 12 percent. Between January and August, 1997, 10 percent of Chile's wood chip exports were *Pinus radiata*.

Japan was, by far, the principal importer of Chilean wood chips from 1990 to 1996. (Country destinations by species are not known for these years.) From 1990 to 1994, an average of 96 percent of Chile's wood chip exports were received by Japan. With the test shipments of *Pinus radiata* to the United States in 1995 and 1996, Japan's share of Chile's wood chip exports fell to 87 percent and 83 percent, respectively, and the United States' share for these two years was 9 percent and 11 percent.

From January to August, 1997, Japan's share of Chile's wood chip exports was 89 percent. The United States and Japan each received about one-half of Chile's *Pinus radiata* wood chip exports during this eight-month period.

Chile's development of its forest products sector rests to a large degree on the success of *Pinus radiata;* its share of Chile's wood chip exports is expected to increase. By 1996 there were approximately 1,387,000 hectares planted in *Pinus radiata,* representing 75 percent of plantation plantings, and 15 percent of Chile's forest resources including native forest.[14] This pine species matures at 20 to 24 years in Chile (thinnings are available for use after 15 years), compared to 30 years in New Zealand and Australia, and 40 to 60 years in North America and Europe. Production and exports are expected to peak during the coming decade, when trees on most of the *Pinus radiata* plantations will be ready to be harvested.

One set of projections describing the volume of *Pinus radiata* wood chips that could be exported to the United States over the coming five years, assuming favorable prices, is as follows:[15]

Year	Potential *Pinus radiata* wood chip exports from Chile to the United States (million tons)
1998	0.56 to 0.70.
1999	0.60 to 1.00.
2000	1.00 to 1.20.
2001	0.90 to 1.00.
2002	0.85 to 0.90.

Realization of these export levels will depend on the demand for *Pinus radiata* wood chips by U.S. pulp mills. As has been described, international short-term demand for pulp fibers can be volatile. When prices fell between 1995 and 1996, Chile's forestry sector exports declined by 24 percent, mainly because of reduced sales to Japan.

Chile's stock of *Pinus radiata* available for harvest will enable Pacific Northwest importers to take advantage of a ready source as wood chip prices rebound. In 1996, all coniferous wood chip imports by the United States totaled about 0.75 million tons, of which 0.33 million tons were imported from Chile.[16] Projected export levels shown above would increase U.S. wood chip imports above current levels, and establish Chile as a major foreign supplier. Wood chip prices in the United States will determine whether these projections are overly optimistic.

[10] Robert Rummel, American Pulpwood Association; Robert Flynn, Robert Flynn and Associates, personal communications.

[11] Chris Twarok, Department of Commerce, personal communication.

[12] Information on Chile's wood chip production and exports taken from Wood Products: International Trade and Foreign Markets, FAS Circular Series WP 3–97, August 1997, Table 15.

[13] Information on Chile's *Pinus radiata* wood chip exports compiled from data provided by APHIS-International Services.

[14] ''Forest Products, Annual Report,'' Office of Agricultural Affairs, American Embassy, Santiago, AGR Number CI7033, 1997.

[15] Fernando Hartwig, Inversiones Forestales C.C.A., personal communication.

[16] The United States is a net exporter of coniferous and nonconiferous wood chips. Compared to coniferous wood chip imports of 0.75 million tons in 1996, the United States exported 1.78 million tons. Nonconiferous wood chip imports and exports by the United States exhibit an even larger difference, with 1996 imports totaling about 55,000 tons and exports at 4.29 million tons. (Department of Commerce, Bureau of the Census)

Regulatory Flexibility Act

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this rule on small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this rule on small entities. Therefore, we are inviting comments concerning potential effects. In particular, we are interested in determining the number of small entities that would be impacted by this proposed rule, positively or negatively, in regards to the provisions for allowing the importation of *Pinus radiata* wood chips from Chile. We are also interested in information concerning the volume of wood chips that may be imported from Chile under this proposed rule, and whether or not the wood chips from Chile would be in competition with wood chips produced in the United States.

The Regulatory Flexibility Act requires consideration of potential impacts of rule changes on small businesses, organizations, and governmental jurisdictions. In this instance, small entities directly affected would be U.S. wood chip producers and pulp mills in the Pacific Northwest.

Wood chip production is included in the SIC category for firms operating sawmills and planing mills. In most cases, wood chips are a by-product of lumber production. A mill will vary its level of wood chip production (compared to other products) based on whether wood chip prices are high or low at a particular point in time. In the Pacific Northwest, about 150 mills produce wood chips (90 in Oregon and 60 in Washington), but more than one may be owned by the same firm.[17] Data on the exact number of firms is not available. Sawmills and planing mills that employ 500 people or fewer are designated by the Small Business Administration as ''small.'' In 1994, there were 5,241 firms operating sawmills and planing mills in the United States, of which 5,149 (more than 98 percent) were small.[18] Estimated annual receipts of these 5,149 ''small'' firms totaled about $14.88 billion, which was 62 percent of total annual receipts of about $23.93 billion earned by all sawmills and planing mills. In the absence of information on mill firm sizes specific to Oregon and Washington, it is assumed that most sawmills in the Pacific Northwest are also small entities.

Adverse impacts on most ''small'' U.S. wood chip producers due to this rule change will be minor. The Chilean imports are expected to be sold in the Pacific Northwest, thereby affecting a geographical subset of all wood chip producers. Adverse impacts on Pacific Northwest wood chip producers will depend on the ability of such producers to find lower priced raw materials to produce wood chips or otherwise reduce cost, and the extent of their reliance on wood chips for their net revenues. Producers of those wood chips that are substitutes for *Pinus radiata* chips will find their net returns reduced when import prices are low. As raw materials used for wood chip production grow increasingly scarce and expensive in the Pacific Northwest, those wood chip producers that compete with lower priced imports will face adjustment pressures. However, U.S. wood chip producers already feel competition from other international sources.

It is estimated that less than 5 percent of wood chip producers in the Pacific Northwest are ''chipping'' mills devoted solely to wood chip production.[19] However, during periods of high wood chip demand such as three years ago, many sawmills may be converted largely to wood chip production.

Turning to the pulp mills, themselves, there were 37 firms operating pulp mills in the United States in 1994. Often more than one pulp mill is owned by a single firm. Pulp mill firms employing 750 people or fewer are designated by the Small Business Administration as ''small.'' In 1994, between 20 and 25 of the 37 firms were small, that is, between 54 and 68 percent of the total number of firms. Estimated annual receipts of these 20 to 25 ''small'' firms totaled between about $383 million and about $1.12 billion, which represented between 7 percent and 21 percent of total annual receipts by all pulp mills of about $5.30 billion. About 10 percent of U.S. pulp mills are in the Pacific Northwest.

Due to resin-content differences, pulp mills cannot use various species of wood chips indiscriminately. Pulp mills designed to process wood chips of *Pinus radiata* or similar species would therefore be the only ones directly affected by this rule. It is estimated that less than one-half of U.S. pulp mills could use *Pinus radiata* wood chips.[20] Assuming an equal distribution of these pulp mills among all pulp mills, size-wise, ''small'' pulp mill firms directly affected would then number between 10 and 13, based on 1994 data. These numbers are likely to be an overestimation, since not all of the ''small'' firms that could utilize *Pinus radiata* wood chips are necessarily located in the Pacific Northwest. Regardless of the number of affected ''small'' pulp mill firms, having Chile as a source of *Pinus radiata* wood chips would be beneficial to pulp mills and their customers, to the extent lower chip prices would be reflected in lower product prices.

Test shipments of *Pinus radiata* wood chips from Chile have been successfully imported by pulp mills in the Pacific Northwest. This rule change will enable such shipments, using a surface pesticide treatment, to continue to take place when economically feasible. Although *Pinus radiata* wood chip production in the United States is negligible, this species can substitute for other species as a pulp fiber, given certain milling adjustments. Off-shore wood chip sources to supplement domestic supply are advantageous to pulp mills, given the volatility of pulp prices. Chile's wood products industry has a large export component, and is expected to be a reliable source when pulp prices prompt wood chip exports to the United States. Adverse effects for wood chip producers in the Pacific Northwest will be felt by those producers who are unable to reduce costs to meet import competition and who rely heavily on revenues from wood chips.

No figures are available concerning potential costs of pest introductions through importation of *Pinus radiata* wood chips from Chile. A pest risk assessment for the importation of *Pinus radiata* logs from Chile (''Pest Risk Assessment of the Importation of *Pinus radiata, Nothofagus dombeyi,* and *Laurelia philippiana* Logs from Chile,'' USDA Forest Service, Miscellaneous Publication No. 1517, September 1993) provides the phytosanitary basis for allowing the wood chips to be imported if they are treated as prescribed. The pest risk assessment supports our determination that *Pinus radiata* wood chips may be imported from Chile with negligible risk.

The pest risk assessment reported that in sharp contrast to native forests in Chile, that country's *Pinus radiata* plantations are relatively free of major insect and disease problems. Exceptions include the recently introduced European pine shoot moth (*Rhyaccionia buoliana*), *Hylurgus ligniperda* and two

[17] Richard Haynes, USDA Forest Service, personal communication.

[18] This is the latest year for which data is available from the ''SBA Office of Advocacy, Statistics on Small Business'' Web home page.

[19] Richard Haynes, USDA Forest Service, personal communication.

[20] Byron Lundi, Georgia-Pacific, personal communication.

other species of European bark beetles, several needle disease fungi (*Dothistroma pini* and *Lophodermium* spp., among others), diplodia shoot blight (*Sphaeropsis sapinea*), and two species of blue stain fungi (*Ophiostoma picea* and *O. piliferum*). The wood wasp *Sirex noctilio* (considered to be the most important pest on *Pinus radiata* logs exported from New Zealand) and pine wood nematodes (*Bursaphelenchus spp.*) have yet to be found in Chile.

Among the insect pests of *Pinus radiata* analyzed in detail in the pest risk assessment, only the bark beetle *Hylurgus ligniperda* was considered to have a high pest risk potential. Moderate pest risk potentials were assigned to *Rhyephenes spp.*, *Ernobius mollis*, *Urocerus gigas gigas*, *Neotermes chilensis*, *Porotermes quadricollis*, *Colobura alboplagiata*, and *Buprestis novemmaculata*. Among the pathogens, the stain fungi (*Ophiostoma* spp.) were found to merit a moderate to high pest risk potential, whereas the complex of needle diseases (*Dothistroma pini* and other species) and diplodia shoot blight (*Sphaeropsis sapinea*) were rated as moderate risks. Other pathogens were considered to be of low risk. One weed of concern (*Imperata condensata*, considered a variety of *I. cylindrica* or cogongrass) was identified.

Pests potentially affecting untreated *Pinus radiata* wood chips are a subset of those identified in the pest risk assessment, since wood chip production would physically remove or destroy most pests that could be present in the logs. Treatment with the surface pesticide proposed by this rule change would prevent entry into the United States of any harmful insects or fungi that might remain.

The Pacific Northwest's coastal ranges and Cascade Mountains have some of the highest quality natural and planted conifer forests in the world, producing commodities ranging from pulp and paper, to lumber for construction, to ornamentals and Christmas trees. Introduced pests such as those described could affect forestry industries directly by causing damage, or indirectly by curtailing commerce through quarantines.

Some potential costs of foreign timber pests have been estimated in other instances. For example, a pest risk assessment concerning Siberian timber imports estimated that the introduction of a single pest, larch canker, could cause direct timber losses of $129 million annually. The same study estimated that a worst-case scenario involving heavy establishment of exotic defoliators in the United States could cost $58 billion.[21]

Concerning consumer and producer impacts of allowing *Pinus radiata* wood chips to be imported from Chile, data is insufficient to permit confident estimation of welfare changes. Time-series data for the estimation of elasticities of supply and demand are not available. Circumstantial evidence, however, would suggest that pulp producers and pulp product consumers benefit from *Pinus radiata* wood chip imports from Chile, when their relative price is low compared to that of other wood chip species or sources. The test shipments from Chile resulted in U.S. wood chip imports worth $22.8 million and $19.3 million in 1995 and 1996, respectively. These shipments represented over 48 and 44 percent of all U.S. coniferous wood chip imports in those two years.[22]

The continuing reduction in timber sources in the Pacific Northwest will encourage more wood imports in the future, and Chile's expanded commercial forestry plantings promise a prominent role for that country as a wood products exporter. Price impacts, if any, from imports for U.S. wood chip producers should be very small, since coniferous wood chip imports are less than one percent of U.S. production.

Moreover, trade statistics indicate that U.S. coniferous wood chip producers are finding overseas markets as profitable as their Chilean counterparts. U.S. coniferous wood chip exports in 1995 were valued at more than $222 million, and in 1996, at more than $181 million. As is true for Chile, the principal overseas coniferous wood chip market for the United States is Japan.[23]

This proposed rule includes the following reporting and recordkeeping requirement: We would require that wood chips imported from Chile be accompanied by a certificate issued by the Government of Chile, and stating that all the applicable requirements of the regulations have been met.

An alternative to this proposed rule would be to take no action. This proposed rule provides an alternative treatment for pulp manufacturers who cannot import wood chips from Chile using currently allowed treatments, and relieves restrictions concerning other requirements of the regulations. The no action alternative was rejected because we believe that the provisions of this proposed rule will make compliance easier for regulated individuals without increasing the risk of introducing a plant pest into the United States.

[21] ''Importation of Logs, Lumber, and Other Unmanufactured Wood Articles: Final Supplement to the Environmental Impact Statement, May 1998,'' USDA, APHIS.

[22] FAS Global Agricultural Trade System, using data from the United Nations Statistical Office.

[23] FAS Global Agricultural Trade System, using data from the United Nations Statistical Office.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of *Pinus radiata* wood chips from Chile under the conditions specified in this proposed rule would not present a risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection 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 copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping

requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 96–031–1. Please send a copy of your comments to: (1) Docket No. 96–031–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This rule would require that wood chips entering the United States from Chile be accompanied by a certificate, issued by an official authorized by the national government of Chile, stating that the wood chips meet the proposed requirements for importation. This rule would also require that wood chips entering the United States from Chile must be consigned to a facility in the United States that operates under a compliance agreement with APHIS. This agreement would help ensure the safe importation of wood chips from Chile by specifying various safeguards necessary to prevent the spread of plant pests from the facility, specifying requirements to ensure that the processing method would affectively destroy any plant pests, and specifying that APHIS inspectors must be allowed access to the facility to monitor compliance with the regulations. It should be noted that the certificate and compliance agreement described above are information-containing documents that need not be completed by participating personnel, but they must be signed by them to attest that various requirements outlined in the documents are being satisfied.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected;

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .28 hours per response.

Respondents: Plant protection authorities in Chile and designated personnel at wood chip processing facilities in the United States.

Estimated number of respondents: 4.

Estimated number of responses per respondent: 10.

Estimated total annual number of responses: 40.

Estimated total annual burden on respondents: 11.2.

Copies of this information collection can be obtained from: Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 would be amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

§ 319.40–1 [Amended]

2. In § 319.40–1, a definition of the word *fines* would be added in alphabetical order to read as follows:

* * * * *

Fines. Small particles or fragments of wood, slightly larger than sawdust, that result from chipping, sawing, or processing wood.

* * * * *

3. In § 319.40–6, paragraph (c) would be revised to read as follows:

§ 319.40–6 Universal importation options.

* * * * *

(c) *Wood chips and bark chips.* (1) *From Chile.* Wood chips from Chile that are derived from Monterey or Radiata pine (*Pinus radiata*) logs may be imported in accordance with § 319.40–6(c)(2) or in accordance with the following requirements:

(i) The wood chips must be accompanied by a certificate stating that the wood chips meet the requirements in paragraphs (c)(1)(i)(A) through (c)(1)(i)(C) of this section.

(A) The wood chips were treated with a surface pesticide treatment in accordance with § 319.40–7(e) prior to arrival in the United States.

(B) The wood chips were derived from logs from live, healthy, plantation-grown trees that were apparently free of plant pests, plant pest damage, and decay organisms, and the logs used to make the wood chips were debarked in accordance with § 319.40–7(b) before being chipped.

(C) No more than 45 days elapsed from the time the trees used to make the wood chips were felled to the time the wood chips were exported.

(ii) During shipment to the United States, no other regulated articles (other than solid wood packing materials) are permitted in the holds or sealed containers carrying the wood chips. Wood chips on the vessel's deck must be in a sealed container.

(iii) The wood chips must be consigned to a facility in the United States that operates under a compliance agreement in accordance with § 319.40–8. The following requirements apply upon arrival of the wood chips in the United States:

(A) Upon arrival in the United States, the wood chips must be unloaded by a conveyor that is covered to prevent the chips from being blown by the wind and from accidental spillage. The facility receiving the wood chips must have a procedure in place to retrieve any chips that fall during unloading.

(B) If the wood chips must be transported after arrival, the chips must be covered or safeguarded in a manner that prevents the chips from spilling or falling off the means of conveyance, or from being blown off the means of conveyance by wind.

(C) The wood chips must be stored at the facility on a paved surface and must be kept segregated from other regulated articles from the time of discharge from the means of conveyance until the chips are processed. The storage area must not be adjacent to wooded areas.

(D) The wood chips must be processed within 60 days of arrival at the facility. Any fines or unusable wood chips must be disposed of by burning within 60 days of arrival at the facility.

(2) *From places other than certain places in Asia.* Wood chips and bark chips from any place except places in

Asia that are east of 60° East Longitude and north of the Tropic of Cancer may be imported in accordance with this paragraph.

(i) The wood chips or bark chips must be accompanied by an importer document stating that the wood chips or bark chips were either:

(A) Derived from live, healthy, tropical species of plantation-grown trees grown in tropical areas; or

(B) Fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(ii) During shipment to the United States, no other regulated articles (other than solid wood packing materials) are permitted in the holds or sealed containers carrying the wood chips or bark chips. Wood chips or bark chips on the vessel's deck must be in a sealed container; Except that: If the wood chips or bark chips are derived from live, healthy, plantation-grown trees in tropical areas, they may be shipped on deck if no other regulated articles are present on the vessel, and the wood chips or bark chips are completely covered by a tarpaulin during the entire journey directly to the United States.

(iii) The wood chips or bark chips must be free from rot at the time of importation, unless accompanied by an importer document stating that the entire lot was fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(iv) Wood chips or bark chips imported in accordance with this paragraph must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8. The wood chips or bark chips must be burned, heat treated in accordance with § 319.40–7(c), heat treated with moisture reduction in accordance with § 319.40–7(d), or otherwise processed in a manner that will destroy any plant pests associated with the wood chips or bark chips, within 30 days of arrival at the facility. If the wood chips or bark chips are to be used for mulching or composting, they must first be fumigated in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

4. In § 319.40–7, paragraph (e) would be revised to read as follows.

§ 319.40–7 Treatments and safeguards.

* * * * *

(e) *Surface pesticide treatments.* All United States Environmental Protection Agency registered surface pesticide treatments are authorized for regulated articles imported in accordance with this subpart, except that Pinus radiata wood chips from Chile must be treated in accordance with § 319.40–7(e)(2). Surface pesticide treatments must be conducted in accordance with label directions approved by the United States Environmental Protection Agency. Under the following circumstances, surface pesticide treatments must also be conducted as follows:

(1) *Heat treated logs.* When used on heat treated logs, a surface pesticide treatment must be first applied within 48 hours following heat treatment. The surface pesticide treatment must be repeated at least every 30 days during storage of the regulated article, with the final treatment occurring no more than 30 days prior to departure of the means of conveyance that carries the regulated articles to the United States.

(2) *Pinus radiata wood chips from Chile.* When used on *Pinus radiata* wood chips from Chile, a surface pesticide consisting of the following must be used: A mixture of a fungicide containing 64.8 percent of the active ingredient didecyl dimethyl ammonium chloride and 7.6 percent of the active ingredient 3-Iodo-2-propynl butylcarbamate, and an insecticide containing 44.9 percent of the active ingredient chlorphrifos phosphorothioate. The fungicide and insecticide must be mixed using the proportions called for in the label requirements. The wood chips must be sprayed with the pesticide so that all the chips are exposed to the chemical on all sides. During the entire interval between treatment and export, the wood chips must be stored, handled, or safeguarded in a manner that excludes any infestation of the wood chips by plant pests.

* * * * *

Done in Washington, DC, this 22nd day of July 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–20156 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–005–1]

Veterinary Services User Fees; Embryo Collection Center Approval Fee

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend existing user fees for the inspection and approval of embryo collection centers. Existing user fees require embryo collection centers to pay user fees based on hourly rates for inspections and approval. We are proposing to replace the hourly rates for this specific service with a flat rate annual user fee that would cover the cost of approval and all required inspections of the facility for that year. We are taking this action in order to make the collection of user fees simpler and to allow centers to better predict the costs of APHIS' inspection and approval.

DATES: Consideration will be given only to comments received on or before September 28, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–005–1, 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. 98–005–1. 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: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Division, ABS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import-related and export-related services for live animals and birds and animal products are contained in 9 CFR part 130. Section 130.21 lists the user fees charged for

APHIS' inspection and approval of export facilities, including embryo collection centers, within the United States. Section 130.8 lists miscellaneous flat rate user fees.

Currently, under § 130.21, APHIS charges an hourly rate user fee for inspections and approval of embryo collection centers. The same rate applies to both stationary and mobile facilities.

We are proposing to amend 9 CFR part 130 to establish a flat rate annual user fee of $ 278.50 to cover the cost of APHIS' inspection and approval of embryo collection centers, both stationary and mobile. The flat fee would cover inspection and approval of the facility only. The cost of any animal inspections is not included in the proposed fee.

We are proposing this action based on requests from embryo industry representatives that we modify our user fees to make it easier for them to know in advance what their costs will be. This would, in turn, enable the industry to quote accurate costs to their customers. We have determined that the most effective way to provide the requested service to our customers is to establish a flat rate annual user fee, which would effectively eliminate any variation in cost that could otherwise result in charging hourly rates for inspections.

The proposed flat rate annual user fee for inspection and approval of embryo collection centers was calculated to reflect the average annual cost of providing this service. The average annual cost includes the time to provide the service and travel time, which are both currently billed at an hourly rate. The total charge to the customer would not be significantly different from what he or she currently pays.

We are proposing to add the flat rate annual user fee of $278.50 for inspection and approval of embryo collection centers to the table in § 130.8(a), which includes the flat rate user fees for other inspection and approval services. In addition, we are proposing to remove the provision in § 130.21(a)(6) that applies hourly rate user fees for inspection and approval of embryo collection centers.

We would continue to charge hourly rate user fees, in accordance with § 130.21(a)(6), for inspecting and approving semen collection centers. We are making no change to these user fees because we have not received any comments from the industry requesting such a change, and the current fees provide us with an adequate means of recovering our costs.

We are also proposing to make a nonsubstantive change to § 130.21(a)(6) to clarify that artificial insemination centers are subject to the same user fees as semen collection centers. APHIS currently regulates both under the term semen collection center.

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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.

User fees to reimburse APHIS for the costs of providing veterinary diagnostic services and import-and export-related services for live animals and birds and animal products are contained in 9 CFR 130. Currently, we charge hourly rate user fees for inspection and approval of embryo collection centers and the animals in them. We are proposing to amend the regulations by removing these hourly rate user fees for inspection and approval and replacing them with a flat rate annual user fee, which would not include costs for inspecting any animals in the facility.

The flat rate annual user fee that we are proposing was arrived at using the average number of hours required for an APHIS inspector to complete an inspection (including travel time), the average number of inspections performed during a year (two per center), the average direct labor involved, and proportional share of support costs, overhead, and departmental charges.

The proposed flat rate annual user fee of $278.50 per center should not be significantly different from what customers have paid per year in the past for inspection and approval at hourly rates. Variations would generally be a result of different travel times to individual centers.

There are approximately 90 currently licensed embryo collection centers in the United States. Under Small Business Administration (SBA) guidelines, an embryo collection center with less than $5 million in annual sales qualifies as a small entity. While we could not determine exactly how many of the embryo collection centers are ''small entities,'' it is likely that the majority of them have less than $5 million in annual sales. However, since the proposed flat fee should not be significantly different from what customers have paid in the past for approval and inspection at hourly rates, the effect on customers should be minimal.

The proposed rule should also have a minimal impact on the customers of embryo collection centers, whether small or large. Any change in cost to users that does occur should be small, relative to the product value of even a small operation. An average animal embryo sells for approximately $400, with certain animal embryos ranging in price from $100 to $2500 each. An average collection center collects approximately 3,400 animal embryos a year. Considering the volume of animal embryos collected at collection facilities per year and the value of individual embryos, the effect on user costs should be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 would continue to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.8, paragraph (a) would be amended by adding a new entry at the end of the table to read as follows:

§ 130.8 User fees for other services.

(a) * * *

Service	User fee
* * * * * * *	
Embryo collection center inspection and approval	$278.50 for all inspections required during the year for facility approval.

* * * * *

§ 130.21 [Amended]

3. In § 130.21, paragraph (a)(6) would be amended by removing the words ''embryo or'' and adding the words ''artificial insemination center or a'' in their place.

* * * * *

Done in Washington, DC, this 22nd day of July 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–20157 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 490

Office of Energy Efficiency and Renewable Energy

[Docket No. EE–RM–98–PURE]

RIN 1904–AA99

Alternative Fuel Transportation Program; P-series fuels

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking and opportunity for public comment.

SUMMARY: In response to a petition filed by Pure Energy Corporation, DOE proposes to amend the rules for the statutory program requiring certain alternative fuel providers and State government fleets to acquire an annually increasing percentage of alternative fueled vehicles from among their purchases of new light duty vehicles. The proposed regulatory amendments would add certain blends of methyltetrahydrofuran, ethanol and hydrocarbons known as the P-series fuels to the definition of ''alternative fuel.''

DATES: Written comments, eight (8) copies, must be received by DOE by September 28, 1998.

ADDRESSES: Written comments should be addressed to: U.S. Department of Energy, Office of Transportation Technologies, EE–34, Docket No. EE–RM–98–PURE, 1000 Independence Avenue, SW, Washington, DC 20585, telephone (202) 586–3012.

Copies of the Pure Energy Corporation petition for rulemaking, analyses of the petition by national laboratories, written comments received, technical reference materials mentioned in this notice, and any other documents related to this rulemaking may be read and copied at the DOE Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, telephone (202) 586–3142, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. The docket file material will be filed under EE–RM–98–PURE.

For more information concerning public participation in this rulemaking proceeding, see section III of this notice (Public Comment Procedures).

FOR FURTHER INFORMATION CONTACT: Kenneth R. Katz, Office of Energy Efficiency and Renewable Energy, (EE–34), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9171.

For information concerning submission of written comments and to obtain copies of materials referenced in this notice, contact Andi Kasarsky, (202) 586–3012.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

A. Fuel Characteristics

Pure Energy Corporation has petitioned DOE for a rulemaking to add its proprietary fuel products to the definition of ''alternative fuels'' under the Alternative Fuel Transportation Program (Program) regulations (10 CFR part 490). Pure Energy Corporation's P-series fuels are blends of ethanol, methyltetrahydrofuran (MTHF), and pentanes plus, with butane added for blends that would be used in severe cold-weather conditions to meet cold start requirements. It is anticipated that both the ethanol and the MTHF will be derived from renewable resources, such as waste cellulosic biomass that can be derived from waste paper, agricultural waste and urban/industrial wood waste. Pure Energy Corporation plans to use pentanes plus that are derived from the processing and production of natural gas, as opposed to those derived from refining processes. Pure Energy Corporation holds the exclusive worldwide license to manufacture and distribute the P-series fuels, which were developed by Dr. Stephen Paul of Princeton University. The P-series fuels were awarded Patent number 5,697,987 by the United States Patent and Trademark Office on December 16, 1997. DOE's evaluation of Pure Energy Corporation's petition is restricted to those formulations covered under this patent.

To make the P-series fuels, Pure Energy Corporation will be producing ethanol and MTHF through an integrated production process. Pure Energy Corporation expects to utilize commercially proven concentrated acid hydrolysis processing as its base technology for this integrated production process. MTHF is currently produced in limited quantities from furfural (derived from both biomass and petroleum feedstocks) for use as a specialty chemical in consumer end products and/or process industries.

Pure Energy Corporation has developed a thermochemical technology to produce MTHF from cellulosic feedstocks through a levulinic acid pathway, integrating it with an ethanol production system to achieve technical and economic efficiencies. In this process, the lignocellulosic feedstock is converted into both five-and six-carbon sugars, which are then bifurcated into fermentation and thermochemical pathways to produce ethanol and MTHF, respectively.

Pure Energy Corporation has developed several fuel formulations for the P-series fuels. Pure Energy Corporation proposes to vary the components of its P-series fuels to meet particular market demands. The formulations described in Table 1 are those for which Pure Energy Corporation, in its petition, provided specific energy and emission data. Pure Energy Corporation claims that the volumetric percentages of each of the components of the P-series fuels can

range from 10 percent to 50 percent for pentanes plus; from 15 percent to 55 percent for MTHF; from 25 percent to 55 percent for ethanol; and from zero to 15 percent for normal butane. However, data was not provided to DOE for fuel formulations that incorporate the entire blending range. Data was provided to DOE only for the three specific formulations discussed in this notice. Table 1 provides the compositions, by volume, of the three P-series fuel formulations which are the subject of Pure Energy Corporation's petition for rulemaking.

TABLE 1

Volume composition of the P-series fuels

Constituent	Regular	Premium	Cold weather
Pentanes plus	32.5	27.5	16.0
MTHF	32.5	17.5	26.0
Ethanol	35.0	55.0	47.0
Normal butane	0	0	11.0

Pure Energy Corporation claims that its P-series fuels are from 60 to 100 percent non-petroleum, on an energy basis, depending on the source of the pentanes plus and n-butane components of the blends.

Pure Energy Corporation proposes to market the P-series fuels for flexible fuel vehicles (FFVs) originally designed to operate on E–85 (85 percent ethanol/15 percent gasoline), on gasoline, or on any blend of those two fuels. Flexible fuel vehicles are currently available from two major domestic auto manufacturers as mid-size sedans and minivans. In the near future, a large number of minivans and compact pickup trucks will be produced as flexible-fuel vehicles by these two domestic manufacturers.

B. Patent

On December 16, 1997, the United States Patent and Trademark Office issued U.S. Patent No. 5,697,987, titled Alternative Fuel, to Princeton University on a new, non-petroleum substitute for gasoline called the P-series. The abstract for this patent reads:

A spark ignition motor fuel composition consisting essentially of: a hydrocarbon component containing one or more hydrocarbons selected from five to eight carbon atoms straight-chained or branched alkanes essentially free of olefins, aromatics, benzene and sulfur, wherein the hydrocarbon component has a minimum anti-knock index of 65 as measured by ASTM D–2699 and D–2700 and a maximum DVPE of 15 psi as measured by ASTM D–5191; a fuel grade alcohol; and a co-solvent for the hydrocarbon component and the fuel grade alcohol; wherein the hydrocarbon component, the fuel grade alcohol and the co-solvent are present in amounts selected to provide a motor fuel with a minimum anti-knock index of 87 as measured by ASTM D2699 and D–2700, and a maximum DVPE of 15 psi as measured by ASTM D–5191. A method for lowering the vapor pressure of a hydrocarbon-alcohol blend by adding a co-solvent for the hydrocarbon and the alcohol to the blend is also disclosed.

C. Background

10 CFR part 490 sets forth the regulations that implement title V of the Energy Policy Act 1992 (EPACT) (Public Law 102–486) which mandates alternative fueled vehicle acquisition requirements for certain alternative fuel providers and State government fleets. Part 490 is one of a variety of EPACT programs to promote alternative and replacement fuels that reduce reliance on imported oil, reduce criteria pollutant and greenhouse gas emissions, increase energy efficiency, and help displace 10 percent and 30 percent of conventional motor fuels by 2000 and 2010, respectively.

Title III of EPACT requires Federal fleet acquisitions of alternative fueled vehicles. Title IV includes specific authority for a financial incentive program for States, a public information program, and a program for certifying alternative fueled vehicle technician training programs. In addition to the mandates for the purchase of alternative fueled vehicles by certain alternative fuel providers and State government fleets, title V provides for a possible similar mandate for certain private and municipal fleets. Title VI provides for a program to promote electric motor vehicles.

The types of vehicles that satisfy the alternative fuel provider and State government fleet mandates in title V are determined in part by the definition of ''alternative fuel'' in section 301(2). That definition provides: '' 'Alternative fuel' means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol , and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); *and any other fuel the Secretary determines, by rule, is substantially not petroleum, and would yield substantial energy security benefits and substantial environmental benefits.''* [Emphasis added.] 42 U.S.C. 13211(2). The P-series fuels do not fit within the classes of eligible fuels specifically named in section 301(2). The emphasized phrase in the definition of ''alternative fuel'' states the minimum procedural and substantive requirements for adding a new fuel blend to the list of fuels enumerated or implicitly covered by the provisions of section 301(2).

In the rulemaking to establish 10 CFR part 490, DOE concluded that Congress deliberately omitted reformulated gasoline (RFG) from the definition of ''alternative fuel'' in section 301(2) of the Act. The basis for this conclusion was explained in a final rule at 61 FR 10622 (March 14, 1996). The relatively small percentage of non-petroleum content in RFG was an important consideration in that explanation.

For reasons set forth in detail below, DOE proposes to determine that the P-series fuels, as described by United States Patent number 5,697,987, which contain at least 60 percent non-petroleum energy content derived from MTHF (manufactured solely from biomass feedstocks) and ethanol, are substantially not petroleum and would yield substantial energy security and substantial environmental benefits, and thus should be added to the definition of ''alternative fuel'' in 10 CFR 490.2.

II. Statutory Criteria for Designating Additional Alternative Fuels

Neither section 301(2) nor any other provision of EPACT states specifically or indicates how to measure whether a new fuel: (1) is ''substantially not petroleum'' and (2) would yield ''substantial energy security benefits;'' and (3) would yield ''substantial

environmental benefits.'' Moreover, these criteria do not purport to be exclusive, and in appropriate circumstances, DOE could consider other criteria related to achievement of the purposes of the Program.

Legislative committee report language likewise does not identify specifically what numbers and measures Congress viewed as defining the minimum that would qualify as substantially not petroleum, substantial energy security, and substantial environmental benefits. However, the report of the House Committee on Energy and Commerce described the pertinent language in section 301(2) as providing ''. . . the Secretary with the opportunity to add alternative and replacement fuels that are not now being marketed to those specifically identified in the legislation.'' *[Emphasis added.]* H.R. Rep. No. 474(1), 102nd Cong., 2nd Sess., 182, reprinted in 1992 U.S. Code Cong. & Admin. News 2005. The word ''opportunity'' suggests that the authority to add fuels to the definition of ''alternative fuel'' is largely discretionary.

A. Substantially Not Petroleum

Any standard dictionary or thesaurus indicates that ''substantially'' is an adverb that can be used to convey a variety of subtly different meanings. ''Substantially'' is sometimes used as a synonym for the word ''mainly.'' At other times, it is used as a synonym for the words ''considerably'' or ''importantly.'' *See, e.g., Webster's New World Thesaurus* 725 (Simon & Schuster, 1985). The former is a more narrow usage because the word ''mainly'' means the principal and predominant portion of a whole. (Obviously, a fuel that is more than 50 percent non-petroleum in energy equivalent terms is ''mainly'' and therefore ''substantially not petroleum.'') The latter usage is broader because a less than principal or predominant portion of the whole could still be large enough to be regarded as ''considerable'' or ''important.'' Whether to construe ''substantially'' narrowly or broadly is a policy question. Since the petition does not involve fuels that are less than 50 percent non-petroleum, in terms of energy content, it is unnecessary to address this policy question in this rulemaking.

Section 502(b) of the Act establishes goals for replacing the projected consumption of motor fuel in the U.S. on an energy equivalent basis. The goals provided by this section are that 10% of the motor fuel consumed by 2000 and 30% of the motor fuel consumed by 2010 will be replacement fuels. These goals are the driving force for all the alternative and replacement fuel provisions in the Act. Because the achievement of these goals is to be measured on an energy equivalent basis, DOE believes that when evaluating a fuel, the determination of whether it is ''substantially not petroleum'' should be based on an analysis of the fuel's non-petroleum energy content, rather than a volumetric analysis of the fuel's non-petroleum content.

Pure Energy Corporation claims that, on an energy basis, its P-series fuels will be at least 60 percent derived, and may be 100 percent derived, from non-petroleum sources, depending on the source of the light hydrocarbons in the blends. In its petition, the Pure Energy Corporation provided DOE with information and analysis to substantiate these claims, and DOE had the National Renewable Energy Laboratory (NREL) review those data. NREL confirmed the accuracy of Pure Energy Corporation's claim regarding the energy-based, non-petroleum content of the P-series fuels. Table 2 summarizes the worst-case (lowest non-petroleum) makeup of the three P-series fuel formulations, based on the net (lower) heating value of all constituents.

TABLE 2

Verified non-petroleum energy content of the P-series fuels

Constituent	Regular (percent)	Premium (percent)	Cold weather (percent)
Pentanes plus	36.2	33.3	19.1
MTHF	37.7	22.1	32.3
Ethanol	26.1	44.6	37.5
Normal butane	0.0	0.0	11.2
Non-petroleum	63.8	66.7	69.8

It is evident to DOE that the MTHF (manufactured from biomass feedstock) and the ethanol in the P-series fuels are non-petroleum. However, it is less clear as to whether the pentanes plus component is non-petroleum. The Department of Energy's Energy Information Administration (EIA), in its publication *Annual Energy Review 1996, 386* ((DOE/EIA–0384(96)) defines ''pentanes plus'' as ''a mixture of hydrocarbons, mostly pentanes and heavier, extracted from natural gas. [This] includes isopentane, natural gasoline, and plant condensate.'' This same publication also defines petroleum products as including ''unfinished oils, liquefied petroleum gases, pentanes plus, aviation gasoline, motor gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, petrochemical feedstocks, special naphthas, lubricants, waxes, petroleum coke, asphalt, road oil, still gas, and miscellaneous products.'' Ibid. However, it is unnecessary to determine whether to restrict pentanes plus on the basis of source because the MTHF (manufactured from biomass feedstock) and ethanol, which are present in all three fuel blends, result in a non-petroleum energy content for the P-series formulations of at least 63.8 percent. That percentage is the main or predominant portion of the fuel, and even under the narrow definition of ''substantially,'' the three fuel blends are ''substantially not petroleum.''

Because U.S. Patent number 5,697,987 does not specifically define the composition of the P-series fuels, DOE has determined that the fuels need to be more specifically described before they can be added to the regulatory definition of ''alternative fuel.'' Given that the petition shows that the P-series fuels will be at least 60 percent derived from non-petroleum sources, DOE will be using that percentage as a way of more narrowly defining the P-series fuels, yet allowing some variability in the blend components and blend levels. DOE also believes that the amount of MTHF and ethanol in the fuels will result in a non-petroleum content of at least 60 percent for the P-series fuels, absent any other non-petroleum component, if the MTHF is manufactured solely from biomass feedstock. Since 60 percent represents the main or predominant portion of the P-series fuels covered by the petition for

rulemaking, DOE proposes to determine that they are ''substantially not petroleum'' under section 301(2) of the Act.

B. Substantial Energy Security Benefits

Pure Energy Corporation claims in its petition that the P-series fuels are 100 percent domestic and capable of displacing gasoline on essentially a gallon-for-gallon basis. Pure Energy Corporation notes that each gallon of the P-series fuel directly displaces 0.88 gallons of RFG in vehicle use. Pure Energy Corporation also states that the energy required to produce a one gallon equivalent of the fuel is approximately 13,800 BTUs less than that required to produce one gallon of RFG.

The petition provides information to support a claim that the production of the P-series fuels results in a positive energy balance. The process efficiency (BTUs produced per BTU of input) of the P-series fuels is approximately 2.25 when the ethanol is produced from renewable resources, such as biomass. If, however, the ethanol is produced from corn, the process efficiency is slightly lower, with a value between 1.75 and 1.88. Although the process efficiency is slightly lower when the ethanol is derived from corn, production of ethanol from either feedstock represents a significant energy savings for the life cycle of the fuel.

DOE has had NREL and Argonne National Laboratory (ANL) examine these claims. The analyses, ''Review of Pure Energy Petition for Alternative Fuel Status'' (NREL) and ''Assessment of Fuel-Cycle Energy Use and Greenhouse Gas Emissions of Pure Energy's Proprietary Motor Fuel'' (ANL) can be reviewed at DOE's Freedom of Information Reading Room under Docket Number EE–RM–98–PURE. These analyses support Pure Energy Corporation's claim of significant petroleum displacement, although NREL found Pure Energy Corporation's claim of 100 percent domestic content to be slightly high.

NREL estimated that the P-series fuels (regular grade) with pentanes plus derived from natural gas would be 96 percent derived from domestic resources. NREL believes that the feedstock for ethanol and MTHF production will almost certainly be wholly domestic. NREL asserts that the feedstock for the pentanes plus and the butane will be either natural gas or petroleum. Because a portion of these feedstocks is currently and will continue to be imported, it is debatable whether the P-series fuels will ever be wholly derived from domestic resources. However, if coal gas were used as the feedstock, the pentanes plus would be wholly derived from domestic resources. If the pentanes plus were derived from refining at oil import levels projected for 2015 (as estimated by EIA), the regular grade of the P-series fuel would still be 80 percent derived from domestic resources.

ANL estimated that the P-series fuels could reduce fossil energy use by 49 to 57 percent, relative to RFG. ANL also estimates the P-series fuels could reduce petroleum use by 79 to 81 percent, relative to RFG. These estimates are affected by some key assumptions that ANL used in its analysis. One assumption is that Pure Energy Corporation's fuel production yield per dry ton of biomass is accurate. Another one is that Pure Energy Corporation's assumption that the amount of steam and electricity required in MTHF/ethanol plants is provided by combustion of the lignin cake produced within the plants and that no net energy input is required.

On the basis of the foregoing, DOE proposes that the P-series fuels, as described by United States Patent number 5,697,987, which contain at least 60 percent non-petroleum energy content derived from MTHF (manufactured solely from biomass feedstock) and ethanol, would yield ''substantial energy security benefits'' as that phrase is used in section 301(2) of the Act.

C. Substantial Environmental Benefits

Pure Energy Corporation had vehicle tailpipe and evaporative emissions tests conducted by an Environmental Protection Agency (EPA) certified automotive test laboratory using both the current Federal testing procedure (FTP) and the US06 test. 40 CFR part 86. The US06 is a high acceleration, aggressive driving schedule developed by the EPA that is often identified as a ''Supplemental FTP'' driving schedule. The US06 driving cycle is ten minutes in duration and has a maximum speed of 80.3 miles per hour. This cycle was developed by EPA in conjunction with the California Air Resources Board and vehicle manufacturers. The cycle is used by EPA to set emission standards and control emissions associated with aggressive, high-speed driving conditions not represented by the FTP.

Pure Energy Corporation's test vehicles, two 1997 Ford Taurus E–85 flexible-fuel vehicles, were operated on seven fuels: three P-series fuels (regular, premium and cold weather), E–85, Federal Certification gasoline, California Phase 2 RFG and two commercial ''street'' gasolines (a summer and a winter blend). The results were submitted to DOE as part of Pure Energy Corporation's petition. Pure Energy Corporation also provided an analysis of the greenhouse gas emissions associated with the production, distribution and use of the P-series fuels and compared them to those of gasoline and E–85.

Both the criteria pollutant emissions test results and the greenhouse gas analysis tend to support Pure Energy Corporation's claim of substantial environmental benefits arising from the use of the P-series fuels. Criteria emissions from the P-series fuels were consistently among the lowest of all test fuels, met Federal Tier 1 standards and statutorily provided Federal Tier 2 standards in every case, and compared favorably with those from E–85. The premium P-series fuel had better emission characteristics than the regular P-series fuel. NREL surmised that this may be due to the increased volume of ethanol in the premium fuel. With regard to non-methane hydrocarbons (NMHC) and total hydrocarbons, the P-series fuels reduced emissions by almost a third compared to Phase 2 RFG. It is worth noting that all of the fuels tested had evaporative emissions well below the evaporative emissions standard for Federal Tier 1. Table 3 summarizes the results of the Federal Test Procedure emissions results (all results in grams per mile). The numbers are averages over both cars tested and all FTP tests performed, as presented in Pure Energy Corporation's petition.

TABLE 3

Comparison of Federal test procedure emission results (gram/mile)

	NMHC	Carbon monoxide	Nitrogen oxides
Pure Regular	0.074	1.081	0.064
Pure Premium	.064	1.062	.059
Phase II RFG	.115	1.247	.039

TABLE 3—Continued

Comparison of Federal test procedure emission results (gram/mile)			
	NMHC	Carbon monoxide	Nitrogen oxides
Tier 1 standards	.250	3.4	.4
Tier 2 standards	.125	1.7	.2

The Tier 2 standards that are referenced in Table 3 are the pending standards identified by Congress in section 202(i) of the Clean Air Act (CAA). Section 202(i) of the CAA outlines a process for assessing whether more stringent exhaust emission reductions from light duty vehicles and light duty trucks should be required. Congress required EPA to report the results of this assessment. Congress identified specific standards that EPA must consider in making this assessment, but stated that the study should also consider other possible standards. These standards, referred to as ''Tier 2 standards'', would be more stringent than the standards required for light duty vehicles and light duty trucks in the CAA beginning in model year 1994, but could not be implemented prior to the 2004 model year.

EPA recently released a Draft Tier 2 Study and published a Notice of Document Availability regarding this document. 63 FR 23255. This study assesses the air quality need, technical feasibility and cost effectiveness of more stringent standards. It is DOE's understanding that EPA will issue the Tier 2 Report to Congress by July 31, 1998. Following submission of this Report to Congress, EPA will, through the rulemaking process, determine whether: there is an air quality need for further emission reductions; the technology for meeting more stringent emissions standards will be available; and whether obtaining further reductions in emissions from light duty vehicles and light duty trucks is necessary and cost effective.

As seen in Table 4, the P-series fuels had reduced emissions for ozone-forming potential (OFP), carbon monoxide and for air toxics. With regard to NO_X emissions, indolene and Phase 2 RFG outperformed the P-series fuels by a small margin. However, the EPA certified test laboratory pointed out that the Taurus' engine could be adjusted to significantly reduce NO_x emissions, while only slightly increasing CO and hydrocarbon emissions to levels well below the standard.

The OFP is a measure of the performance of the fuel-vehicle combination, and is calculated by multiplying the fraction of each compound in the emissions mixture by its reactivity. The specific reactivity is calculated by dividing the OFP by the mass of the non-methane organic gaseous emissions, and is considered a better gauge of the reactivity of the fuels' emissions profile. Table 4 compares the emission results of the P-series fuels, indolene, Phase 2 RFG and commercial ''street'' gasoline to EPA's National Ambient Air Quality Standards (NAAQS). 40 CFR part 63. The numbers are averages over both cars tested and all FTP and US06 tests performed, as presented in Pure Energy Corporation's petition.

TABLE 4

Comparison of emission results related to NAAQS (gram/mile)								
	CO		NO_X		OFP		Spec. React.	
	FTP	USO6	FTP	USO6	FTP	USO6	FTP	USO6
Indo.	1.421	11.99	0.056	0.040	0.488	0.470	3.248	3.092
RFG II	1.247	10.56	.039	.049	.469	.379	3.640	3.059
Street	1.427	12.07	.095	.077	.522	.501	3.334	3.070
E85	1.218	5.15	.056	.079	.494	.087	2.410	3.633
Pure 1	1.081	6.15	.064	.057	.305	.161	3.360	3.460
Pure 2	1.062	6.23	.059	.081	.282	.158	2.849	3.568

The petition stated that the total emissions resulting from the production of the P-series fuels are 71 percent lower than those associated with the production of one gallon of Phase 2 RFG. Of note are the claims that emissions are reduced, relative to Phase 2 RFG, by more than 99 percent for methane, by 85 percent for SOx, by 71 percent for carbon dioxide and by 68 percent for nitrogen oxides.

The petition claims that the P-series fuels perform better than Phase 2 RFG or indolene in terms of direct carbon dioxide emissions and that the P-series fuels will result in significant reductions in carbon dioxide emissions when considered on a life-cycle basis. If the P-series fuels are produced from biomass, as is the desire of Pure Energy Corporation, it is claimed that a significant percent of the carbon emissions associated with the gasoline life-cycle will be avoided. Specifically, it is claimed that the P-series fuels are estimated, on a life-cycle basis, to reduce carbon dioxide emissions by at least 63 percent.

Regarding toxicity, Pure Energy Corporation claims that its P-series fuels appear to be less hazardous to human health than conventional gasoline. Based on the results of recently conducted animal studies, the P-series fuels are claimed to have lower inhalation toxicity than gasoline. It is also claimed that the P-series fuels are not skin sensitizers and are non-mutagenic/genotoxic in bacterial assays.

DOE had NREL assess the emissions test results and had ANL perform an analysis of the full fuel cycle greenhouse gas emissions of the P-series fuels. NREL confirmed that regular and premium formulations of the P-series fuels displayed carbon monoxide, nitrogen oxides and non-methane hydrocarbon equivalent emissions that met the Tier 1 and statutorily provided Tier 2 standards, and that their

evaporative emissions were well below the Tier 1 standards.

The FTP and US06 testing included measurements of the four toxics associated with vehicle emissions: benzene, 1,3-butadiene, formaldehyde, and acetaldehyde. The total toxic emissions were presented, along with the potency weighted toxics (PWT) emissions. The PWT weighs each individual component by a factor that represents its relative toxicity. NREL noted that the emissions of air toxics from the P-series fuels were lower than those from all other test fuels, both in terms of total mass emissions and in terms of their PWT. As a result, the NREL analysis indicates that the P-series fuels hold the promise of reduced toxics emissions.

ANL's evaluation of the full fuel cycle greenhouse gas emissions of the P-series fuels confirmed that, over their entire production, distribution and end-use cycle, the P-series fuels will result in greenhouse gas emissions 45 to 50 percent below those of reformulated gasoline. These reductions in greenhouse gas emissions are possible if the ethanol component of the P-series fuels is made from biomass, as is Pure Energy Corporation's intention.

On the basis of the foregoing, DOE proposes that the P-series fuels, as described by United States Patent number 5,697,987, which contain at least 60 percent non-petroleum energy content derived from MTHF (manufactured solely from biomass feedstock) and ethanol, would yield ''substantial environmental'' benefits as that phrase is used in section 301(2) of the Act.

III. Opportunity for Public Comment

A. Participation in Rulemaking

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or comments with respect to the subject set forth in this notice. Whenever applicable, full supporting rationale, data, and detailed analyses should also be submitted.

B. Written Comment Procedures

Written comments (8 copies) should be identified on the outside of the envelope, and on the comments themselves, with the designation: ''P-series Fuel Rulemaking (Docket Number EE–RM–98–PURE)'' and must be received by the date specified at the beginning of this notice. In the event any person wishing to submit a written comment cannot provide eight copies, alternative arrangements may be made in advance by calling Ms. Andi Kasarsky at (202) 586–3012.

All comments received on or before the date specified at the beginning of this notice and other relevant information will be considered by DOE before final action is taken on the proposed rule. All comments submitted will be available for examination in the Rulemaking Docket File in DOE's Freedom of Information Reading Room.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information or data that is believed to be confidential, and which may be exempt by law from public disclosure, should submit one complete copy, as well as two copies from which the information claimed to be confidential has been deleted. The DOE will make its own determination of any such claim.

C. Public Hearing

In DOE's view, today's proposed rulemaking does not involve any significant issues of law or fact that would warrant holding a public hearing. Moreover, Pure Energy Corporation has not requested such a hearing, and the opportunity to file written comments should suffice for other members of the public who want DOE to considers their views. For these reasons, DOE has not provided for a public hearing in this notice. Nevertheless, if members of the public request the opportunity to make oral comments and can identify issues that would justify scheduling a public hearing, DOE will reconsider its position on holding such a hearing

IV. Regulatory and Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this rulemaking has not been reviewed by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12612

Executive Order 12612, ''Federalism,'' 52 FR 41685 (October 30, 1987) requires that regulations, rules, legislation and other policy actions be reviewed for any substantial direct effect on States, on the relationship between the National Government and the States, or in the distribution of power and responsibilities among various levels of government. If there are substantial effects, the Executive Order requires the preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing policy action. DOE has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and has determined there are no federalism implications that would warrant the preparation of a federalism assessment. The rule proposed today would simply allow an additional fuel to qualify as an alternative fuel for the purposes of the Energy Policy Act of 1992. The proposed rule would not have a substantial direct effect on States, the relationship between the States and Federal Government, or the distribution of power and responsibilities among various levels of government.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires preparation of an initial regulatory flexibility analysis for every rule which by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Today's proposed rule would provide an additional fuel choice for organizations which must comply with the requirements of the Alternative Fuel Transportation Fuel Program (10 CFR part 490). There is no reason to anticipate any adverse impact. DOE certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

D. Review Under the National Environmental Policy Act

The proposed rule would identify the P-series fuels as ''alternative fuel'' as that term is defined in the Alternative Transportation Fuels Program regulations (10 CFR 490.2) and section 301(2) of the Energy Policy Act (42 U.S.C. 13211(2)). The proposed rule interprets statutory and regulatory definitions and would not change the environmental effect of the Alternative Fuel Transportation Program regulations. DOE, therefore, has determined that this proposed rule is covered under the Categorical Exclusion in paragraph A5 to Subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under the Paperwork Reduction Act

No new collection of information is proposed to be imposed by this

rulemaking. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

List of Subjects in 10 CFR Part 490

Administrative practice and procedure, Energy conservation, Fuel, Motor vehicles.

Issued in Washington, DC, on July 13, 1998.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the Preamble, Title 10, Chapter II, Subchapter D, of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 490—ALTERNATIVE FUEL TRANSPORTATION PROGRAM

1. The authority cite for Part 490 continues to read as follows:

Authority: 42 U.S.C. 7191, 13211, 13235, 13251, 13257, 13258, 13260–3.

§ 490.2 [AMENDED]

2. Section 490.2, Definitions, is amended by adding in the definition of ''Alternative Fuel,'' the phrase, ''P-series fuels as described by United States Patent number 5,697,987, dated December 16, 1997, and containing at least 60 percent non-petroleum energy content derived from methyltetrahydrofuran (manufactured solely from biomass feedstock) and ethanol,'' before ''and electricity (including electricity from solar energy).''

[FR Doc. 98–20129 Filed 7–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–38–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Engine Time Limits section in the Engine Shop Manual (ESM) for CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C series turbofan engines to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–38–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Glorianne Messemer, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7132, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–38–AD.'' The

postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–38–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of fan disks and high pressure turbine rotor (HPTR) disks which could most likely result in a safety hazard to the airplane in the event of a disk fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's maintenance manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Time Limits section (chapter 05–11–00) in the Engine Shop Manual (ESM) for CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C series turbofan engines, and, for air carriers, the approved continuous airworthiness maintenance program. CFMI, the manufacturer of CFM56–2, –2A, –2B, –3, –3B, and –3C series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 4,705 engines of the affected design in the worldwide fleet. The FAA estimates that 2,074 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 30 work hours per engine for the fan disk inspection and 10 work hours for the HPTR disk inspection. The average labor rate is $60 per work hour. Using average shop visitation rates, 415 fan disks and 1,728 HPTR disks are expected to be affected per year. The cost impact of the proposed AD on U.S. operators is estimated to be $1,784,000 per year.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International: Docket 98–ANE–38–AD.

Applicability: CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C series turbofan engines, installed on but not limited to McDonnell Douglas DC–8 series, Boeing 737 series, as well as Boeing E–3, E–6, and KC–135 (military) series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits section (chapter 05–11–00) of Engine Shop Manual (ESM) CFMI–TP.SM.4, for CFM56–2 series engines, ESM CFMI–TP.SM.6, for CFM56–2A/–2B series engines, and ESM CFMI–TP.SM.5, for CFM56–3/–3B/–3C series engines, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the Inspection/Check section instructions provided in the applicable manual sections listed below:

Part nomenclature	Part number (P/N)	Inspect per engine manual chapter
Fan Disk Inspection:		
Disk Fluorescent Penetrant, Inspection (FPI) and Disk Bore and Dovetail Eddy Current Inspection (ECI).	All	72–21–03
HPT Disk Inspection:		
Disk FPI and Disk Bolt Holes ECI.	All	72–52–02

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's ESM; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits section in the ESM.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the Time Limits section in the ESM and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by section 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by section 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by section 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising Chapter 05–11–00, titled Time Limits, in the ESM as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19626 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–39–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Life Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for

General Electric Company (GE) GE90 series turbofan engines to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–39–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–39–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–39–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of critical life limited rotating components which could result in a safety hazard to the airplane in the event of a rotating component fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failures present the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's maintenance manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is

repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to Life Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for General Electric Company GE90 series turbofan engines, and, for air carriers, the approved continuous airworthiness maintenance program. General Electric Company, the manufacturer of GE90 series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies critical life-limited rotating engine parts with the potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 100 engines of the affected design in the worldwide fleet. It would take approximately 7 work hours per engine for the proposed inspections. The FAA has determined that no engines installed on airplanes of U.S. registry would be affected by this proposed AD and therefore there is no cost impact of the proposed AD on U.S. operators.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket 98–ANE–39–AD.

Applicability: General Electric Company (GE) GE90–76B/ –77B/ –85B/ –90B/ –92B series turbofan engines, installed on but not limited to Boeing 777 airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Life Limits Section of the Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part number (P/N)	Inspect per engine manual chapter
High Pressure Compressor Rotor Disk, Stage 7	All	72–31–07 (Task 72–31–07–200–001).
High Pressure Turbine Rotor Interstage Seal	All	72–53–03 (Task 72–53–03–200–001).

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's maintenance manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with Life Limits Section of the manufacturer's ICA.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the Life Limits Section of the ICA and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the Life Limits Section to the ICA as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19627 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–41–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Time Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–41–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–41–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–41–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of critical life limited rotating components which could most likely result in a safety hazard to the airplane in the event of a disk fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failures present a safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's maintenance manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Time Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for General Electric Company CF6–6, CF6–45, and CF6–50 series turbofan engines, and, for air carriers, the approved continuous airworthiness maintenance program. General Electric Company, the manufacturer of CF6–6, CF6–45, and CF6–50 series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 2,500 engines of the affected design in the worldwide fleet. The FAA estimates that 1,139 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per engine for the fan disk inspections and 8 work hours for the high pressure turbine rotor (HPTR) (stage 1 and 2) disk inspections. The average labor rate is $60 per work hour. Using average shop visit rates, 219 fan disks and 911 HPTR (stage 1 and 2) disks are expected to be affected per year. The cost impact of the proposed AD on U.S. operators is estimated to be $500,000 per year.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket 98–ANE–41–AD.

Applicability: General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines, installed on but not limited to Airbus A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Time Limits Section of the Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part number (P/N)	Inspect per engine manual chapter
For CF6–6, CF6–45, CF6–50 Engines:		
Fan Rotor, Stage 1 Disk	All	72–21–03 (CF6–6: Inspection CF6–45/50: Task 72–21–03–200–000).
High Pressure Turbine (HPT), Stage 1 Disk	All	72–53–03 (CF6–6: Inspection, CF6–45/50: Task 72–53–03–200–000).
HPT, Stage 2 Disk	All	72–53–04 (CF6–6: Inspection, CF6–45/50: Task 72–53–04–200–000).

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's Engine Manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits Section of the manufacturer's ICA.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the Time Limits Section of the ICA and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the Time Limits Section of the ICA as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19628 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–43–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Time Limits Section (TLS) in the Pratt & Whitney (PW) JT8D–200 Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–43–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7175, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–43–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–43–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of front compressor front hubs (fan hubs) which could most likely result in a safety hazard to the airplane in the event of a hub fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures

prescribed in the manufacturer's Engine Manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Time Limits Section (TLS) in the Pratt & Whitney (PW) JT8D–200 Turbofan Engine Manual, and, for air carriers, the approved continuous airworthiness maintenance program. PW, the manufacturer of JT8D–200 series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 2,624 engines of the affected design in the worldwide fleet. The FAA estimates that 1,279 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per engine to accomplish the proposed actions. The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $306,960.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket 98–ANE–43–AD.

Applicability: Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines, installed on but not limited to McDonnell Douglas MD80 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limit Section (TLS) of the PW JT8D–200 Engine Manual (EM), Part Number 773128, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''4. Critical Life Limited Part Inspection

A. Inspection Requirements

(1) This section has the definitions for individual engine piece parts and the inspection procedures which are necessary when these parts are removed from the engine.

(2) It is necessary to do the inspection procedures of the piece parts in Paragraph B when:

(a) The part is removed from the engine and disassembled to the level specified in paragraph B and—

(b) Either the part has accumulated more than 100 cycles since the last piece part inspection or the part is damaged.

(3) The inspections specified in this section do not replace or make unnecessary other recommended inspections for these parts or other parts.

B. Parts Requiring Inspection

Note: Piece part is defined as any of the listed parts with all the blades removed.

Description	Section	Inspection
Hub (Disk), 1st Stage compressor, 5000501–01 (hub detail), 500042–01 (Hub assembly)	71–33–31	–02/–03

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the PW JT8D–200 EM.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the TLS of the PW JT8D–200 EM and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the TLS of the PW JT8D–200 EM as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19629 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–45–AD]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1/–A5/–D5 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Airworthiness Limitations Section (ALS) and Maintenance Scheduling Section (MSS) of the Instructions for Continued Airworthiness (ICA) in the Time Limits Manual (Chapter 05–10–00) of the Engine Manuals for International Aero Engines AG (IAE) V2500–A1/–A5/–D5 series turbofan engines to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the recordkeeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record-keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–45–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7133, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–45–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–45–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of fan disks which could most likely result in a safety hazard to the airplane in the event of a disk fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's Engine Manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Airworthiness Limitations Section (ALS) and Maintenance Scheduling Section (MSS) of the Instructions for Continued Airworthiness (ICA) (chapter 05–10–00) of the Engine Manuals, Part Number (P/N) M–V2500–1IA and P/N E–V2500–3IA, for International Aero Engines AG (IAE) V2500–A1/–A5 series and V2500–D5 series turbofan engines, respectively, and, for air carriers, the approved continuous airworthiness maintenance program. IAE, the manufacturer of V2500–A1/–A5/–D5 series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 831 engines of the affected design in the worldwide fleet. The FAA estimates that 229 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per engine for the enhanced fan disk inspection. The average labor rate is $60 per work hour. Using average shop visitation rates, the cost impact of the proposed AD on U.S. operators is estimated to be $14,000 per year.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

International Aero Engines AG (IAE): Docket 98–ANE–45–AD.

Applicability: International Aero Engines AG (IAE) V2500–A1/–A5/–D5 series turbofan engines, installed on but not limited Airbus A319, A320, A321, and McDonnell Douglas MD–90 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) and Maintenance Scheduling Section (MSS) of the Instructions for Continued Airworthiness (ICA) in the Time Limits Manual of the Engine Manuals, part number (P/N) M–V2500–1IA and P/N E–V2500–3IA, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

(1) For Engine Manual, P/N M–V2500–1IA, Time Limits Manual, Chapter 5–10–00, Configuration -1, Page 1, dated April 7, 1995, (Effectivity: V2500–A1); and

(2) For Engine Manual, P/N M–V2500–1IA, Time Limits Manual, Chapter 5–10–00, Configuration -2, Page ½, dated February 1, 1995, (Effectivity: V2500–A5), and;

(3) For Engine Manual, P/N E–V2500–3IA, Time Limits Manual, Chapter 5–10–00, Page ½, dated December 1, 1995, (Effectivity: V2500–D5):

(i) Add the following to paragraph 1, entitled ''Airworthiness Limitations'': ''Refer to paragraph 2—Maintenance Scheduling for information that sets forth mandatory inspection requirements.''

(ii) Add the following to paragraph 2, entitled ''Maintenance Scheduling'': ''Whenever a part identified in this paragraph satisfies both of the following conditions:

(A) The part is considered completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's engine manual; and

(B) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine; then that part is considered to be at the piece-part level and it is mandatory to perform the inspections for that part as specified in the following:

Part nomenclature	Part number (P/N)	Inspect per engine manual
Fan Disk	All	Chapter 72–31–12, Subtask 72–31–12–230–054''.

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the ALS and MSS in the applicable Engine Manual.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the ALS and the MSS in the applicable Engine Manual and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the ALS and the MSS of the Instructions for Continued Airworthiness in the Time Limits Manual (Chapter 05–10–00) of the Engine Manuals as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19630 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–47–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Time Limits Section (TLS) in the Pratt & Whitney (PW) JT9D Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–47–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7130, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–47–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–47–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of fan hubs which could most likely result in a safety hazard to the airplane in the event of a hub fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's Engine Manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person

performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Time Limits Section (TLS) in the Pratt & Whitney (PW) JT9D Turbofan Engine Manual, and, for air carriers, the approved continuous airworthiness maintenance program. PW, the manufacturer of JT9D series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 2,724 engines of the affected design in the worldwide fleet. The FAA estimates that 1,372 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per engine to accomplish the proposed actions. The average labor rate is $60 per work hour. Using average shop visitation rates, 807 fan hubs are expected to be affected per year. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $390,000 per annum.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket 98–ANE–47–AD.

Applicability: Pratt & Whitney (PW) JT9D–3A, –7, –7H, –7A, –7AH, –7F, –7J, –20J, –59A, –70A, –7Q, –7Q3, –7R4D, –7R4D1, –7R4E, –7R4E1, –7R4G2, –7R4H1, –and 7R4E4 series turbofan engines, installed on but not limited to Boeing 747 and 767 series, McDonnell Douglas DC–10 series, and Airbus A300 and A310 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section (TLS) of the manufacturer's Engine Manual (EM), Part Numbers 754459, 777210, 785059, 785058, 789328, as appropriate, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part number (P/N)	Inspect per manual section	Inspection
Fan hub	648501 (Assy. P/N 648621)	72–31–04	Inspection –03.
Fan hub	648501 (Assy. P/N 665321)	72–31–04	Inspection –03.
Fan hub	666101 (Assy. P/N 665321,719127, 778621)	72–31–04	Inspection –03.
Fan hub	690501 (Assy. P/N 678541,726641, 778631)	72–31–04	Inspection –03.

Part nomenclature	Part number (P/N)	Inspect per manual section	Inspection
Fan hub	734901 (Assy. P/N 726941)	72–31–04	Inspection –03.
Fan hub	745401 (Assy. P/N 732721)	72–31–00	Inspection –03.
Fan hub	745401 (Assy. P/N 804221)	72–31–00	Inspection –03.
Fan hub	5001701–01 (Assy. P/N 5001331–01)	72–31–00	Inspection –03.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the manufacturers engine manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the PW JT9D EM.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the TLS of the PW JT9D EM and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the TLS of the PW JT9D EM as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19631 Filed 7–27–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–49–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–80A, CF6–80C2, and CF6–80E1 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Life Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for General Electric Company (GE) CF6–80A, CF6–80C2 and CF6–80E1 series turbofan engines to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–49–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may

be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–49–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–49–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of critical life limited rotating components which could most likely result in a safety hazard to the airplane in the event of a disk fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failures present a safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's maintenance manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Life Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) for General Electric Company CF6–80A, CF6–80C2 and CF6–80E1 series turbofan engines, and, for air carriers, the approved continuous airworthiness maintenance program. General Electric Company, the manufacturer of CF6–80A, CF6–80C2 and CF6–80E1 series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 2,922 engines of the affected design in the worldwide fleet. The FAA estimates that 649 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per engine

for the fan disk inspections and 8 work hours for the high pressure turbine rotor (HPTR) (stage 1 and 2) disk inspections. The average labor rate is $60 per work hour. Using average shop visit rates, 130 fan disks and 346 HPTR (stage 1 and 2) disks are expected to be affected per year. The cost impact of the proposed AD on U.S. operators is estimated to be $200,000 per year.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket 98–ANE–49–AD.

Applicability: General Electric Company (GE) CF6–80A, F6–80C2 and CF6–80E1 series turbofan engines, installed on but not limited to Airbus A300, A310, and A330 series, Boeing 747 and 767 series, and McDonnell Douglas MD–11 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Life Limits Section of the Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part number (P/N)	Inspect per engine manual chapter
For CF6–80A Engines:		
Disk, Fan Rotor, Stage 1	All	72–21–03 (Inspection).
HPT Disk, Stage 1	All	72–53–03 (Inspection).
HPT Disk, Stage 2	All	72–53–06 (Inspection).
For CF6–80C2 Engines:		
Disk, Fan Rotor Stage 1	All	72–21–03 (Task 72–21–03–200–000).
HPT Disk, Stage 1	All	72–53–02 (Task 72–53–02–200–000).
HPT Disk, Stage 2	All	72–53–06 (Task 72–53–06–200–000).
For CF6–80E1 Engines:		
Disk, Fan Rotor Stage 1	All	72–21–03 (Task 72–21–03–200–001).
HPT Disk, Stage 1	All	72–53–02 (Task 72–53–02–200–001).
HPT Disk, Stage 2	All	72–53–06 (Task 72–53–06–200–001).

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's ESM; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Life Limits Section of the manufacturer's ICA.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the Life Limits Section of the ICA and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the Life Limits Section of the ICA as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19632 Filed 7–27–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–48–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Time Limits Section (TLS) in the Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Turbofan Engines Engine Manual (EM) to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts which indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, that if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by October 26, 1998.

ADDRESSES: Submit comments in triplicate to the FederalAviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–48–AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7175, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–48–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–48–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly

reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of front compressor front hubs (fan hubs) and second stage compressor disks which could most likely result in a safety hazard to the airplane in the event of a hub or disk fracture. The need for additional rule making is also being considered by the FAA. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section. Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's Engine Manual.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

For engines or engine modules that are approved for return to service by an authorized FAA-certificated entity and that are acquired by an operator after the effective date of this AD, the mandatory enhanced inspections need not be accomplished until the next piece-part opportunity. For example, there is no need for an operator to disassemble to piece-part level an engine or module returned to service by an FAA-certificated facility simply because that engine or module was previously operated by an entity not required to comply with this AD. Furthermore, the FAA intends for operators to perform the enhanced inspections of these parts at the next piece-part opportunity following the initial acquisition, installation, and removal of the part following the effective date of this AD. For piece parts that have not been approved for return to service prior to the effective date of this AD, the FAA does intend that the mandatory enhanced inspections required by this AD be performed before such parts are approved for return to service. Piece parts that have been approved for return to service prior to the effective date of this AD may be installed; however, enhanced inspection will be required at the next piece-part opportunity.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the Time Limits Section (TLS) of the PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Turbofan Engines EM, and, for air carriers, the approved continuous airworthiness maintenance program. PW, the manufacturer of JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series turbofan engines, used on 14 CFR part 25 airplanes has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

There are approximately 11,278 engines of the affected design in the worldwide fleet. The FAA estimates that 5,821 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per engine to accomplish the proposed actions. The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,444,820.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket 98–ANE–48–AD.

Applicability: Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series turbofan engines, installed on but not limited to Boeing 727 and 737 series and McDonnell Douglas DC–9 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section (TLS) of the Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Turbofan Engines Engine Manual (EM), part number 481672, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''6. Critical Life Limited Part Inspection

A. Inspection Requirements:

(1) This section has the definitions for individual engine piece parts and the inspection procedures which are necessary when these parts are removed from the engine.

(2) It is necessary to do the inspection procedures of the piece parts in paragraph B when:

(a) The part is removed from the engine and disassembled to the level specified in paragraph B and—

(b) The part has accumulated more than 100 cycles since the last piece part inspection, provided that the part was not damaged by or related to the cause for it's removal from the engine.

(3) The inspections specified in this section do not replace or make not necessary other recommended inspections for these parts or other parts.

B. Parts Requiring Inspection

Note: Piece part is defined as any of the listed parts with all the blades removed.

Engine manual description	Section	Inspection
Hub (Disk), 1st Stage Compressor:		
491201	72–33–31	–XX,–02,–03
496501	72–33–31	–XX,–02,–03
504101	72–33–31	–XX,–02,–03
515201	72–33–31	–XX,–02,–03
594301	72–33–31	–XX,–02,–03
640501	72–33–31	–XX,–02,–03
640601	72–33–31	–XX,–02,–03
743301	72–33–31	–XX,–02,–03
749701	72–33–31	–XX,–02,–03
749801	72–33–31	–XX,–02,–03
750001	72–33–31	–XX,–02,–03
750101	72–33–31	–XX,–02,–03
778901	72–33–31	–XX,–02,–03
791401	72–33–31	–XX,–02,–03
791501	72–33–31	–XX,–02,–03
791601	72–33–31	–XX,–02,–03
791701	72–33–31	–XX,–02,–03
791801	72–33–31	–XX,–02,–03
806001	72–33–31	–XX,–02,–03
806101	72–33–31	–XX,–02,–03
817401	72–33–31	–XX,–02,–03
844401	72–33–31	–XX,–02,–03
845401	72–33–31	–XX,–02,–03
848001	72–33–31	–XX,–02,–03
848101	72–33–31	–XX,–02,–03
Disk, 2nd Stage Compressor.	72–33–31	–XX,–02,–03
482502	72–33–33	–XX
502502	72–33–33	–XX
520602	72–33–33	–XX
570302	72–33–33	–XX
570402	72–33–33	–XX
678202	72–33–33	–XX
730202	72–33–33	–XX
730302	72–33–33	–XX
730402	72–33–33	–XX
740502	72–33–33	–XX
745702	72–33–33	–XX
745902	72–33–33	–XX
746002	72–33–33	–XX
746802	72–33–33	–XX
760402	72–33–33	–XX
760502	72–33–33	–XX
807502	72–33–33	–XX
5002402–01	72–33–33	–XX
790832 (Disk assembly).	72–33–33	–XX''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits section in the EM.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The records of the mandatory inspections required as a result of revising the Time Limits section in the EM and the air carrier's continuous airworthiness maintenance program as provided by paragraph (a) of this AD shall be maintained by FAA-certificated air carriers which have an approved continuous airworthiness maintenance program in accordance with the record keeping system currently specified in their manual required by sections 121.369 of the Federal Aviation Regulations (14 CFR 121.369); or, in lieu of the record showing the current status of each mandatory inspection required by sections 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)), certificated air carriers may establish an approved alternate system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by sections 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated.

Note 3: These record keeping requirements apply only to the records used to document the mandatory inspections required as a result of revising Chapter 05–11–00, titled Time Limits, in the EM as provided in paragraph (a) of this AD, and do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Issued in Burlington, Massachusetts, on July 16, 1998.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–19633 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–23]

Proposed Establishment of Class E Airspace; Guthrie, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E airspace area at Guthrie County Regional Airport, Guthrie, IA. The FAA has developed Global Positioning System (GPS)

Runway (RWY) 36 and Nondirectional Radio Beacon (NDB) RWY 18 Standard Instrument Approach Procedures (SIAPs) to serve Guthrie County Regional Airport, IA. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is necessary to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The area will contain the new GPS RWY 36 and NDB RWY 18 in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 36 and NDB RWY 18 SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: Comments must be received on or before September 11, 1998.

ADDRESSES: Send comments on the proposal in triplicate to : Manager, Airspace Branch, ACE–520, Federal Aviation Administration, Docket No. 98–ACE–23, 601 East 12th Street, Kansas City, MO 64106.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–ACE–23.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availabiliy of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the procedures.

The Proposal

The FAA is considering a amendment to 14 CFR part 71 to establish Class E airspace area at Guthrie, IA. The FAA has developed GPS RWY 36 and NDB RWY 18 SIAPs to serve Guthrie County Regional Airport, Guthrie, IA. The intended effect of this action is to provide segregation of aircraft operating under Instrument Flight Rules (IFR) from aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Guthrie, IA [New]

Guthrie County Regional Airport, IA
(Lat 41°41′16″ N., long. 94°26′07″ W.)
Guthrie Center NDB
(Lat 41°40′55″ N., long. 94°26′00″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Guthrie Country Regional Airport and within 2.5 miles each side of the 350° bearing from the Guthrie Center NDB extending from the 6.4-mile radius to 7 miles north of the airport.

* * * * *

Issued in Kansas City, MO, on July 10, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–20115 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 303

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

[Docket No. 980716178–8178–01]

RIN 0625–AA53

Proposed Limit on Duty-Free Insular Watches in Calendar Year 1999

AGENCIES: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

ACTION: Proposed rule and request for comments.

SUMMARY: This action invites public comment on a proposal to amend the Departments' ITA regulations governing duty-exemption allocations and duty-refund entitlements for watch producers in the United States' insular possessions (the Virgin Islands, Guam and American Samoa) and the Northern Mariana Islands. The proposed amendments would change the value limit for watches eligible for duty-exemption, update the creditable wage ceiling, modify the new entrant invitation language and establish the total quantity and respective territorial shares of insular watches and watch movements which would be allowed to enter the United States free of duty during calendar year 1999.

DATES: Comments must be received on or before August 27, 1998.

ADDRESSES: Address written comments to Faye Robinson, Program Manager, Statutory Import Programs Staff, Room 4211, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526, same address as above.

SUPPLEMENTARY INFORMATION: The insular possessions watch industry provision in Sec. 110 of Pub. L. No. 97–446 (96 Stat. 2331) (1983) as amended by Sec. 602 of Pub. L. No. 103–465 (108 Stat. 4991) (1994) additional U.S. Note 5 to chapter 91 of the HTS requires the Secretary of Commerce and the Secretary of the Interior, acting jointly, to establish a limit on the quantity of watches and watch movements which may be entered free of duty during each calendar year. The law also requires the Secretaries to establish the shares of this limited quantity which may be entered from the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands. Regulations on the establishment of these quantities and shares are contained in Sec. 303.3 and 303.4 of title 15, Code of Federal Regulations (15 CFR 303.3 and 303.4). The Departments propose to establish for calendar year 1999 a total quantity of 3,740,000 units and respective territorial shares as shown in the following table:

Virgin Islands	2,240,000
Guam	500,000
American Samoa	500,000
Northern Mariana Islands	500,000

Compared to the total quantity established for 1998 (63 FR 5887; February 5, 1998), this amount would be a decrease of 400,000 units. The proposed Virgin Islands territorial share would be reduced by 400,000 and the shares for Guam, American Samoa and the Northern Mariana Islands would not change. The amount we propose for the Virgin Islands is more than sufficient for the anticipated needs of all the existing producers.

We also propose raising the maximum value of components for duty-free treatment of watches from $200 to $500 by amending Sec. 303.14(b)(3). This change would relax the limitation on the value of imported components that may be used in the assembly of duty-free insular watches. The proposed value levels would provide the producers with a greater choice in the kinds of watches they assemble, thereby affording them an opportunity to increase shipments and raise territorial employment.

We propose raising from $35,000 to $38,650 the maximum dollar amount of wages creditable in the calculation of the value of the production incentive certificate by amending § 303.14(a)(1)(i). The increase in the maximum creditable wage limit is being proposed to keep pace with inflation. The ceiling was last raised in 1994.

Finally, we propose eliminating subparagraphs (1) and (2) of § 303.14(d) and consolidating provisions on new entrant invitations in a revised § 303.14(d). There is no longer a producer in Guam, leaving the Virgin Islands as the only territory with an active industry. The proposed change would remove the need to amend the regulations when such production shifts occur.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the Assistant General Counsel for Legislation and Regulation has certified to the Chief Counsel, Small Business Administration, that the proposed rule will not have a significant economic impact on a substantial number of small entities. This is because the rulemaking affects only the five watch companies currently participating in the insular possessions watch program, all of which are located in the Virgin Islands. Although a reduction of the 1999 Virgin Islands territorial share of duty-exemption is being proposed, the reduced amount would still represent more than twice the amount of duty-free shipments used in 1997. Accordingly, the proposed reduction for the 1999 annual duty-exemption for the Virgin Islands should not impose any cost or have any economic effect on these small companies. Similarly, updating the creditable wage ceiling, simplifying and updating the new entrant invitation language and raising the value limit for watches eligible for duty-exemption will not impose any cost or have any other adverse economic effect on the producers.

Paperwork Reduction Act

This proposed rulemaking involves information collection activities subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* which are currently approved by the Office of Management and Budget under control numbers 0625–0040 and 0625–0134. The amendments will not increase the information burden on the public.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information unless it displays a currently valid OMB Control Number.

It has been determined that the proposed rulemaking is not significant for purposes of Executive Order 12866.

List of Subjects in 15 CFR Part 303

Administrative practice and procedure, American Samoa, Customs duties and inspection, Guam, Imports, Marketing quotas, Northern Mariana Islands, Reporting and recordkeeping requirements, Virgin Islands, Watches and jewelry.

For reasons set forth above, we propose to amend 15 CFR part 303 as follows:

PART 303—[AMENDED]

1. The authority citation for 15 CFR part 303 continues to read as follows:

Authority: Pub. L. 94–241, 90 Stat. 263 (48 U.S.C. 1681, note); Pub. L. 97–446, 96 Stat. 2331 (19 U.S.C. 1202, note); Pub. L. 103–465, 108 Stat. 4991.

§ 303.14 [Amended]

2. Section 303.14(a)(1)(i) is amended by removing ''$35,000'' and adding ''$38,650'' in its place.

3. Section 303.14(b)(3) is amended by removing ''$200'' and adding ''$500'' in its place.

4. Section 303.14(d) is revised to read as follows:

§ 303.14 Allocation factors and miscellaneous provisions.

* * * * *

(d) New entrant invitations. Applications from new firms are invited for any unused portion of any territorial share.

* * * * *

5. Section 303.14(e) is amended by removing ''2,640,000'' and adding ''2,240,000'' in its place.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

Allen Stayman,

Director, Office of Insular Affairs.

[FR Doc. 98–20162 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–DS–P 4310–93–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. IC–23325, IA–1736; File No. S7–22–98]

RIN 3235–AH02

Temporary Exemption for Certain Investment Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for public comment amendments to the rule under the Investment Company Act of 1940 that permits an investment adviser, in certain circumstances, to advise an investment company temporarily under a contract that the investment company's shareholders have not approved. The proposed amendments would expand the exemption provided by the rule to include new advisory contracts entered into as a result of a merger or similar business combination involving the fund's adviser or a controlling person of the adviser, and would lengthen the period during which the adviser may serve under a contract without shareholder approval. The proposed amendments are intended to enable more investment advisers to rely on the rule rather than seek individual exemptions from the Commission, subject to conditions designed to protect the interests of investors pending the shareholder vote.

DATES: Comments must be received on or before September 30, 1998.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Mail Stop 6–9, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7–22–98; this file number should be included on the subject line if E-mail is used. Comment letters will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, DC 20549. Electronically submitted comment letters also will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Marilyn Mann, Senior Counsel, or Penelope W. Saltzman, Assistant Chief, (202) 942–0690, Office of Regulatory Policy, Division of Investment Management, Mail Stop 5–6, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (the ''Commission'') today is requesting public comment on amendments to rule 15a–4 (17 CFR 270.15a–4) under the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Investment Company Act'' or the ''Act'').

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I. Executive Summary

The Commission is proposing for public comment amendments to rule 15a–4 under the Investment Company Act. Rule 15a–4 permits an investment adviser to an investment company (''fund'') to serve temporarily under a contract that has not been approved by the fund's shareholders. The proposed amendments would extend the rule to new advisory contracts entered into as a result of a merger or similar business combination involving the fund's adviser or a controlling person of the adviser, in connection with which the adviser or a controlling person of the adviser receives a benefit (collectively, ''adviser mergers''). The amendments also would increase the maximum number of days the investment adviser could serve under the rule and clarify the timing of board approval of the fund's advisory contract. The proposed amendments would enable more investment advisers to rely on the rule rather than seek an individual exemption from the Commission, subject to conditions designed to protect the interests of investors pending the shareholder vote.

II. Background

Section 15(a) of the Investment Company Act prohibits a person from serving as an investment adviser to a fund except under a written advisory contract that the fund's shareholders have approved.[1] Section 15(a) also requires that an advisory contract must provide for its automatic termination upon its assignment.[2] An advisory contract that continues in effect for more than two years must be approved annually by either the fund's board of directors or its shareholders.[3]

Section 15(a) is designed to give shareholders a voice in a fund's investment advisory contract and to prevent trafficking in fund advisory contracts.[4] One of section 15(a)'s unintended effects, however, is to leave a fund without an investment adviser if the fund's contract with the adviser is terminated before the fund's shareholders can vote on a new contract.[5] A fund could face this

[1] 15 U.S.C. 80a–15(a). Section 15(a) requires that a majority of the fund's outstanding voting securities approve the contract. Section 2(a)(42) of the Act (15 U.S.C. 80a–2(a)(42)) defines a vote of a majority of the outstanding voting securities of a fund to mean the vote of shareholders representing (a) 67 percent or more of the voting securities present at the meeting, if the holders of more than 50 percent of the fund's outstanding voting securities are present or represented by proxy, or (b) more than 50 percent of the outstanding voting securities of the fund, whichever is less.

[2] 15 U.S.C. 80a–15(a)(4). An ''assignment'' of an investment advisory contract includes a transfer of the contract to another investment adviser as well as a transfer of a controlling block of the investment adviser's voting securities. 15 U.S.C. 80a–2(a)(4).

[3] 15 U.S.C. 80a–15(a)(2).

[4] *Hearings on S. 3580 Before the Subcomm. of the Senate Comm. on Banking and Currency*, 76th Cong., 3d Sess. 253 (1940) (statement of David Schenker).

[5] If an investment advisory contract is terminated by a foreseeable assignment, an investment adviser may be required, under its fiduciary duty, to

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situation, for example, if a controlling shareholder of the fund's adviser suddenly dies and control of the adviser passes to an heir.[6] To prevent funds from being harmed as a result of the loss of advisory services for a period of time, the Commission adopted in 1980 rule 15a–4, which provides a temporary exemption from the requirement that a fund's shareholders approve its advisory contract.[7] The rule permits a fund to be advised under a short-term contract while shareholder approval is obtained for a new advisory contract.

Under rule 15a–4, a person may serve as an adviser to a fund for up to 120 days under a contract that the fund's shareholders have not approved (''interim contract'')[8] when (i) the previous advisory contract has not been renewed, (ii) the fund's directors or shareholders terminate the advisory contract, or (iii) the contract is assigned (and therefore terminates) under circumstances in which the investment adviser, or a controlling person of the adviser, does not receive any money or other benefit. The rule requires the fund's board of directors, including a majority of the directors who are not interested persons of the fund (''independent directors''), to approve the interim contract,[9] and limits the compensation under the interim contract to the amount the adviser could have received under the most recent advisory contract approved by shareholders (''previous contract'').[10]

Based on its experience with the rule since 1980, and in light of developments in the financial services industry, the Commission is proposing three amendments to rule 15a–4. These amendments would (i) clarify the timing of board approval of an interim contract, (ii) expand the rule to permit the fund to operate under an interim contract entered into as a result of an adviser merger, and (iii) lengthen the amount of time a fund can operate under an interim contract from 120 to 150 days. As discussed in more detail below, the amendments would largely codify prior Commission exemptive orders, which effectively permitted advisers or their affiliates to consummate a merger before the fund's shareholders voted on a new advisory contract rather than delay the merger in order to obtain shareholder approval.

Proposed Amendments to Rule 15a–4

A. Board Approval

Under section 15 of the Act and rule 15a–4, the board of directors of a fund must approve an interim contract at or before the time the fund enters into the interim contract. If an assignment results from an unforeseeable event, board approval of the interim contract before the assignment may be impracticable. In addition, with no prior notice of the assignment, members of the board may not be immediately available to meet to approve the interim advisory contract.[11]

The Commission has granted an exemption from the board approval requirement of section 15(c) when death of a controlling shareholder of a fund's investment adviser has resulted in an assignment of the fund's advisory contract.[12] The proposed amendments would provide similar exemptive relief in this type of situation by allowing the board seven calendar days to approve an interim contract in circumstances in which the *current* rule would permit an investment adviser to serve a fund temporarily under a contract without shareholder approval. The proposed amendments also would facilitate a special meeting to approve an interim contract, by permitting the fund's board of directors to participate by telephone or similar means of communication that allows all participants to hear each other at the same time.[13]

The Commission requests comment regarding this proposed amendment. The Commission's rules previously have not provided this grace period for board approval. Have boards been able to meet the requirements of section 15(c) without a grace period when an advisory contract is terminated as a result of an unforeseeable assignment? Does seven days give the board sufficient time to review the interim contract and vote? Should the rule provide a longer period for approval but not provide an exemption from the requirement to vote in person?

B. Adviser Mergers

Since 1980, a growing number of mergers in the financial services industry[14] has led to a growing number of requests for exemptive relief from

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continue providing advisory services to the fund until the shareholders approve a new contract. *See* Exemptions for Certain Investment Advisers and Principal Underwriters of Investment Companies, Investment Company Act Release No. 10809 (Aug. 6, 1979) (44 FR 47100, 47102 (Aug. 10, 1979)) (''1979 Proposing Release'').

[6] *See, e.g.*, American-South African Investment Company Limited, Investment Company Act Release Nos. 6398 (Mar. 22, 1971) (36 FR 5819 (1971)) (notice) and 6456 (Apr. 14, 1971) (order) (investment adviser received exemption from section 15(a) for period between death of indirect owner of 50 percent of outstanding shares of investment adviser and annual meeting of shareholders).

[7] 17 CFR 270.15a–4. *See also* 1979 Proposing Release, *supra* note , at 47101.

[8] The interim contract may terminate at the earlier of the expiration of the 120-day period or the date on which shareholders approve a new contract with the adviser. Alternatively, the fund may enter into a new contract with the adviser which, if approved by shareholders, continues past the 120-day period. In the latter case, the term ''interim contract'' refers to the contract during the time the exemption is in effect.

[9] Rule 15a–4(a) (17 CFR 270.15a–4(a)). Under section 15(c) of the Act, a fund's independent directors must approve the terms of an investment advisory contract before it can go into effect. 15 U.S.C. 80a–15(c). A fund's directors have a duty to request, and the adviser has a duty to furnish, all information reasonably needed to evaluate the terms of the proposed advisory contract. *Id*. In reviewing the advisory contract, the independent directors' role is to represent the interests of shareholders by acting as ''independent watchdogs'' and furnishing an independent check on the fund's management. *See Burks* v. *Lasker*, 441 U.S. 471, 484–85 (1979); *see also* Division of Investment Management, SEC, Protecting Investors: A Half Century of Investment Company Regulation 255–57 (1992) (''Protecting Investors Report'').

[10] Rule 15a–4(b) (17 CFR 270.15a–4(b)).

[11] Section 15(c) of the Act requires the board to vote ''in person'' to approve an investment advisory contract. 15 U.S.C. 80a–15(c). Historically, the Commission has taken the view that the ''in person'' requirement must be satisfied by a meeting at which the directors are physically present. *See* Provisions of Investment Company Amendments Act of 1970 (Pub.L. 91–547) Concerning Approval of Investment Advisory Contracts and Other Matters Which Should Be Considered by Registrants in Connection With Their 1971 Annual Meetings, Investment Company Act Release No. 6336 (Feb. 2, 1971) (36 FR 2867, 2867 & n.3 (Feb. 11, 1971)). Section 15(c) does not by its terms specify that the in person requirement means that board members must be physically present. Under the laws of some states, a similar requirement can be met by a meeting at which directors are present through the means of a conference call or audiovisual conference. *See, e.g.*, Del. Code Ann. tit. 8, § 141(i) (1991); Md. Code Ann., Corps. & Ass'ns § 2–409(d) (1993). The Commission's historic view is based on the legislative history of section 15(c), which indicates that the provision meant directors were required to be ''personally present'' to vote at meetings. H.R. Rep. No. 1382, 91st Cong., 2d Sess. 25–26 (1970); S. Rep. No. 184, 91st Cong., 1st Sess. 39 (1969).

[12] *See, e.g.*, American-South African Investment Company Limited, *supra* note (permitting board approval one week after termination of advisory contract caused by death of controlling shareholder of the investment adviser).

[13] Proposed rule 15a–4(b)(1)(ii).

[14] *See Financial Services Consolidation Hits Mutual Fund Industry in '97*, USA Today, Dec. 18, 1997, at 14E (noting the many mergers in the mutual fund industry in 1997, and predicting that the trend would continue in 1998); Investment Counseling, Inc., Re-Thinking Strategic Activity 1 (1997) (showing the increase in mergers and acquisitions in the money management industry in 1995 and 1996 over 1992–1994); Tim Quinson, *Banks Add More Investment Services With Focus On Fund Firms*, The Dallas Morning News, Dec. 28, 1997, at 9H (many large U.S. banks recently purchased managers of mutual funds); Barry P. Barbash, *Mutual Fund Consolidation and Globalization: Challenges for the Future*, Remarks to the Mutual Fund and Investment Management Conference 1–2 (Mar. 23, 1998) (during the past year, the Commission's Division of Investment Management received from funds and advisory firms an average of one merger-related exemptive application each week) (available on the Internet at <http://www.sec.gov/news/speeches/spch208.htm>).

section 15(a) of the Act.[15] Adviser merger transactions can result in the assignment (and thus the automatic termination) of advisory contracts,[16] but are not covered by rule 15a–4 because the adviser will have received money or other benefits as a result of the transaction.[17]

In response to these requests for relief, the Commission has granted exemptions from section 15(a) in a variety of circumstances in which applicants stated it was necessary to conclude a transaction before a shareholder vote could be held, or when the meeting to hold a shareholder vote on the advisory contract could be combined with another previously scheduled shareholder meeting to occur after the adviser merger.[18] Applicants have represented that it is often impracticable to obtain shareholder approval of an advisory contract prior to an adviser merger without causing a substantial delay in closing the transaction. These delays can result in significant adverse effects, such as the loss of key personnel of the investment adviser, that could be detrimental to fund shareholders.[19]

Rule 15a–4 is designed to deal with unforeseeable assignments of advisory contracts by permitting the board to act on an emergency basis to prevent the fund from being harmed by the absence of advisory services.[20] By contrast, adviser mergers are often foreseeable, will benefit the adviser, and typically occur as a result of a transaction in which the fund is not a participant and in which its interests are not represented.[21] In these cases, fund boards have more opportunity to protect the interests of the fund by, among other things, more closely evaluating the services it will receive under an interim contract (*i.e.*, after the merger or acquisition of the fund's investment adviser or a controlling person of the investment adviser). Therefore, the Commission has granted exemptive relief from section 15(a) in connection with adviser mergers only upon certain additional conditions designed to protect the fund's interests until shareholders have had an opportunity to approve a new advisory contract. The Commission is proposing to codify the relief provided in these orders based on similar conditions, as described below.

1. Terms and Conditions

In considering requests for exemptive relief in connection with adviser mergers, the Commission has required certain actions by the fund's board of directors and certain provisions in the interim contract, which are designed to preserve the quality of advisory and other services that the fund received before the merger until the shareholders vote on a new contract. The Commission is proposing to incorporate these conditions in rule 15a–4. In the case of an adviser merger, the proposed amendments would require that: (i) The interim contract generally contain the same terms and conditions as the previous contract;[22] (ii) the interim contract be approved by the fund's board of directors, including a majority of the independent directors, before the interim contract begins;[23] and (iii) the board, including a majority of independent directors, find that the scope and quality of the advisory services to be provided under the interim contract will be at least equivalent to the scope and quality of the services provided under the previous contract.[24] The Commission requests comment whether the rule should require the board to make specific findings regarding the interim contract. If so, should the rule require any additional findings by the fund's board regarding the interests of investors?

If the quality of the advisory services provided to the fund diminishes during the performance of the interim contract, the board may need to consider whether to terminate the contract and seek to employ another adviser. In order to allow the board to act quickly, the proposed rule would require that the interim contract permit the board to terminate the contract on no more than 10 calendar days' written notice to the adviser.[25]

The Commission requests comment whether the rule should specify actions the directors should take to monitor the adviser's performance during the exemptive period. Should the rule require the adviser to report to the directors regarding changes in personnel

[15] Since rule 15a–4 was adopted in 1980, the Commission has issued over 50 orders temporarily exempting funds and their investment advisers from the shareholder approval requirement in connection with assignments resulting from a merger or acquisition involving the fund's investment adviser. Over half of these orders have been issued since the beginning of 1996.

[16] *See supra* note .

[17] When the Commission adopted rule 15a–4 in 1980, it decided not to extend the rule to cover adviser mergers because they were ''foreseeable.'' *See* Exemptions for Certain Investment Advisers and Principal Underwriters of Investment Companies, Investment Company Act Release No. 11005 (Jan. 2, 1980) (45 FR 1860, 1861 n.2 (Jan. 9, 1980)) (''1980 Adopting Release'').

[18] *See, e.g.*, Cash Reserve Management, Inc., Investment Company Act Release Nos. 16172 (Dec. 11, 1987) [52 FR 47985 (Dec. 17, 1987)] (notice) and 16202 (Jan. 5, 1988) [39 SEC Docket 1602 (Jan. 19, 1988)] (order) (acquisition of investment adviser through tender offer); Mutual Fund Group, Investment Company Act Release Nos. 21629 (Dec. 28, 1995) [61 FR 365 (Jan. 4, 1996)] (notice) and 21696 (Jan. 23, 1996) [61 SEC Docket 555 (Feb. 20, 1996)] (order) (meetings to be held after the assignment to vote on fund mergers); *see also* Kenneth S. Gerstein, *Acquisitions of Mutual Fund Advisors: Some Practical Issues Under the Investment Company Act*, Investment Law., Apr. 1994, at 12, 13.

[19] *See, e.g.*, General Securities, Inc., Investment Company Act Release Nos. 18884 (Aug. 7, 1992) [57 FR 37020 (Aug. 17, 1992)] (notice) and 18927 (Sept. 3, 1992) (52 SEC Docket 1776 (Sept. 22, 1992)) (order) (delaying the closing of the merger could cause defections of investment adviser's registered representatives, possibly threatening adviser's viability and diminishing the services provided to the fund); Kidder, Peabody Investment Trust, Investment Company Act Release Nos. 20818 (Jan. 4, 1995) [60 FR 2803 (Jan. 11, 1995)] (notice) and 20865 (Jan. 27, 1995) [58 SEC Docket 2092 (Feb. 28, 1995)] (order) (delaying the closing of the transaction until shareholders could vote on new advisory contracts would result in substantial defections by portfolio managers, advisory employees, and supervisory personnel).

[20] *See* 1980 Adopting Release, *supra* note 17, at n.2; *see also* 1979 Proposing Release, *supra* note , at 47102. The 1979 Proposing Release stated that the Commission intended the rule to cover assignments of advisory contracts that were not reasonably foreseeable, such as assignments resulting from the death of a controlling shareholder of the adviser. *Id.* at 47101–02. When an investment adviser assigns a contract under reasonably foreseeable circumstances, such as pursuant to a merger, ''the investor protection concerns expressed by Congress with respect to section 15(a) are better fulfilled when investment company shareholders are provided the opportunity to approve any successor investment advisory contract prior to the successor adviser's serving the company.'' *Id.* at 47102. The 1979 Proposing Release also noted that the rule would not extend the period during which an investment company must comply with section 15(a) requirements regarding annual continuance of investment advisory contracts. *Id.* at n.8.

[21] *See* Stephanie A. Djinis, *Acquisition of a Mutual Fund Adviser: The Role of Fund Directors*, 29 Sec. & Commodities Reg. 135, 135–36 (June 19, 1996) (adviser may inform fund's board about merger plans after negotiating the transaction, and the board is not in a position to reject the merger); Gerstein, *supra* note 18, at 12 (neither a fund, nor its shareholders, are parties to the acquisition of the fund's adviser).

[22] Proposed rule 15a–4(b)(2)(v). The requirement concerning the terms and conditions of the interim contract is designed to ensure that the contract does not vary from the previous contract with respect to important matters such as indemnification, the adviser's standard of care, and the allocation of expenses between the adviser and the fund. The interim contract would, however, have effective and termination dates that are different from the dates of the previous contract and could contain other differences that the fund's board of directors determines are immaterial.

[23] Proposed rule 15a–4(b)(2)(ii).

[24] Proposed rule 15a–4(b)(2)(iii). Thus, the interim contract could provide for lower advisory fees, but not a lower level of service. The Commission anticipates that the information needed to make this additional finding generally would be similar to the information the independent directors examine in fulfilling their responsibilities under section 15(c) and could include information on the services to be provided under the interim contract, such as the quality of the investment adviser's personnel (especially in light of any personnel changes) and the investment adviser's past performance and compliance records.

[25] Proposed rule 15a–4(b)(2)(iv).

or other matters?[26] The Commission also requests comment on the maximum 10-day notice the interim contract may require before termination of the interim contract. Is this type of provision necessary? If it is, should the rule provide a shorter or longer maximum notice period (*e.g.*, 5 or 20 days)? Commenters who believe that a shorter or longer notice period is needed should explain why, and specify the number of days they believe would be appropriate.

2. Placement of Advisory Fees in Escrow

Orders for exemptive relief from section 15(a) have been conditioned on placing advisory fees earned during the interim period in an escrow account payable to the adviser only when and if the fund's shareholders approve a new contract with the adviser. The escrow requirement was designed to allow shareholders, in effect, to subsequently ratify the investment adviser's compensation under the interim contract.

The proposed amendments would include a modified escrow requirement. The provision would require that advisory fees earned under the interim contract be held in an interest-bearing escrow account with a bank or the fund's custodian.[27] If the shareholders approve the new advisory contract, the escrowed fees would be paid to the investment adviser in accordance with the interim contract.[28] If the shareholders do not approve the new contract, however, the adviser would be compensated out of the escrowed fees for the actual costs of performing the interim contract, so long as the costs do not exceed the total compensation the adviser would have received under the interim contract.[29] Any remaining escrowed fees would be returned to the fund.

Most of the prior exemptive orders required all the escrowed fees to be returned to the fund if shareholders did not approve a new contract with the investment adviser. The proposed change from the condition in prior exemptive orders is intended to allow shareholders to withhold an adviser's profits if the shareholders do not approve a new contract with that adviser, while providing for compensation for services rendered by the adviser.[30]

The Commission requests comment on the proposed escrow requirement. Do the escrow arrangements encourage investment advisers to obtain shareholder approval prior to the adviser merger? Does this approach create economic burdens for investment advisers, especially smaller or less capitalized advisers?

3. Costs of Shareholder Solicitation

In most investment adviser business combinations, the advisers bear the expenses of the transaction.[31] Applicants have stated in requests for exemptive relief that funds would not pay any of the costs of soliciting shareholder approval of the new advisory contract after an adviser merger, and the orders have included this representation as a condition for relief.[32] The Commission is not proposing to include this condition in the rule because it does not appear to be relevant to the question of whether relief should be granted from the shareholder approval requirement of section 15(a). If an advisory contract is terminated as a result of an adviser's action (such as an adviser merger) that benefits the adviser, however, issues may arise under other sections of the Investment Company Act if the fund pays the costs of soliciting shareholder approval of a new contract.[33] The Commission requests comment whether, in light of these issues, rule 15a–4 should require that the parties to an adviser merger, rather than the fund, pay the costs associated with the transaction.

The Commission also requests comment generally on the proposed amendment to rule 15a–4 to exempt advisory contracts temporarily from the shareholder approval requirement in the context of adviser mergers. Do the proposed conditions adequately protect fund shareholders against overreaching by the investment adviser?

C. Length of Exemptive Period

Rule 15a–4 currently exempts an investment adviser from the shareholder approval requirement for 120 days. This time period was adopted to provide a fund adequate time to solicit proxies and obtain a quorum of voting shareholders.[34] Today, however, the 120-day period in many cases may be insufficient time for obtaining shareholder approval of the new advisory contract.[35] Funds have found it difficult to obtain a quorum of shareholders necessary to vote on an advisory contract.[36] In addition, funds that hold annual shareholders' meetings often must call a special meeting to approve the advisory contract within

[26] Prior exemptive orders have required that the investment adviser report to the fund's board during the exemptive period any material changes in the adviser's personnel, in order to permit the directors to monitor the scope and quality of services provided to the fund. *See, e.g.*, Nations Fund Portfolios, Inc., Investment Company Act Release Nos. 21801 (Mar. 4, 1996) [61 FR 9511 (Mar. 8, 1996)] (notice) and 21854 (Mar. 25, 1996) (61 SEC Docket 1821 (Apr. 23, 1996)) (order).

[27] Proposed rule 15a–4(b)(2)(vi)(A).

[28] Proposed rule 15a–4(b)(2)(vi)(B).

[29] Proposed rule 15a–4(b)(2)(vi)(C). This procedure is similar to that permitted by rule 18f–2(c)(2) (17 CFR 270.18f–2(c)(2)), which allows an investment adviser to continue to advise a series fund without approval from the series shareholders pending approval of a new contract as long as the adviser's compensation is limited to the lesser of actual costs or the amount it would have received under the advisory contract.

[30] Placing the fees in escrow until the shareholders vote on the new contract also may encourage the investment adviser to obtain the shareholder vote as soon as possible.

[31] *See* 1 Thomas P. Lemke et al., Regulation of Investment Companies § 24.02[1][c] (1997).

[32] *See, e.g.*, Merrill Lynch & Co., Inc., Investment Company Act Release Nos. 22947 (Dec. 19, 1997) (62 FR 67420 (Dec. 24, 1997)) (notice) and 22997 (Jan. 12, 1998) (66 SEC Docket 981 (Feb. 10, 1998)) (order); USLIFE Income Fund, Inc., Investment Company Act Release Nos. 22664 (May 16, 1997) (62 FR 28079 (May 22, 1997)) (notice) and 22701 (June 11, 1997) (64 SEC Docket 2011 (July 8, 1997)) (order).

[33] *See* 1979 Proposing Release, *supra* note 5, at n.13 (if a fund were to bear any of the costs caused by an adviser merger, including costs associated with conducting a special shareholders' meeting, payment of those costs might constitute compensation to the investment adviser and might raise questions regarding the availability of section 15(f) (15 U.S.C. 80a–15(f)) (creating safe harbor under which investment advisers may receive a benefit in connection with a sale of securities of, or a sale of any other interest in, an investment adviser that results in an assignment of an investment advisory contract, if certain conditions are met), section 15(a)(1) (15 U.S.C. 80a–15(a)(1)) (advisory contract must precisely describe all compensation to be paid under the contract) and section 36(b) (15 U.S.C. 80a–35(b)) (investment adviser's fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by the fund or its shareholders)). *But see* Travelers Group Inc., et al., Investment Company Act Release Nos. 22873 (Nov. 3, 1997) (62 FR 60540 (Nov. 10, 1997)) (notice) and 22911 (Nov. 26, 1997) (65 SEC Docket 2962 (Dec. 23, 1997)) (order) (adviser to pay costs of soliciting shareholder approval of new advisory contract, except that if solicitation is in conjunction with fund's annual meeting at which other matters are to be discussed, fund may pay portion of costs).

[34] *See* 1980 Adopting Release, *supra* note 17.

[35] The Commission has issued several orders temporarily exempting fund advisers from the shareholder approval requirement of section 15(a) when the fund was unable to obtain a quorum within the time period allowed by rule 15a–4, or when the fund wished to postpone the shareholder vote until its next annual or special meeting. *See, e.g.*, The Emerging Germany Fund Inc., Investment Company Act Release Nos. 18323 (Sept. 18, 1991) (56 FR 48265 (Sept. 24, 1991)) (notice) and 18492 (Oct. 16, 1991) (50 SEC Docket 1432 (Feb. 4, 1992)) (order). The Commission staff also has taken the position in a number of no-action letters that an adviser may temporarily (pending shareholder approval of the advisory contract) provide services to the fund at the lower of the cost to the adviser of providing the services or the compensation the adviser would have received under the previous contract. *See, e.g.*, NPG Growth Fund, Inc., SEC No-Action Letter (July 6, 1975).

[36] *See* Protecting Investors Report, *supra* note 9, at 272 n.82; Lori Pizzani, *Avoiding Proxy Voting Bumps*, Mutual Fund Market News, Apr. 28, 1997, at 1.

the 120-day period, which results in additional costs for the fund.

The Commission proposes to increase the period permitted by the rule to 150 days, to allow funds more time to seek shareholder approval of the new advisory contract.[37] Commenters who believe that a longer period is needed should explain why, and specify the number of days they believe would be appropriate. Should the rule allow funds that hold annual shareholder meetings to postpone the shareholder vote on the advisory contract until the next annual meeting?[38]

D. Availability of Exemption After Shareholder Vote

The Commission's proposal to extend the exemptive period is intended to provide sufficient time to obtain shareholder approval of a new advisory contract. Consistent with current rule 15a–4, if the shareholders do not approve the new contract before the exemptive period expires, the rule would not be available for an additional period of time. Thus, for example, if a contract terminates and shareholders subsequently vote to terminate the interim contract, the adviser will not be able to serve the fund under another interim contract under rule 15a–4.[39]

E. General Request for Comment

The Commission requests comment on the proposed rule amendments that are the subject of this release, suggestions for additional provisions or changes to the rule, and comments on other matters that might have an effect on the proposals contained in this release. The Commission requests comment whether the proposals, if adopted, would promote efficiency, competition, and capital formation. Comments will be considered by the Commission in satisfying its responsibilities under section 2(c) of the Investment Company Act.[40] The Commission encourages commenters to provide data to support their views.

IV. Cost-Benefit Analysis

The Commission is sensitive to the costs and benefits imposed by its rules. The proposed amendments are likely to result in cost savings for investment advisers[41] by removing the need to seek exemptive relief in the case of adviser mergers. Based on orders issued in 1997, the Commission estimates that the total annual cost savings for investment advisers resulting from the proposed amendments would be approximately $260,000, and possibly more. In 1997, the Commission issued 13 orders granting exemptive relief in connection with adviser mergers at an estimated cost to the applicants of $20,000 for each application. The Commission expects that cost savings could be greater in the future because the steady increase in orders issued in connection with adviser mergers over the past three years appears likely to continue in 1998.[42] The requirements of the rule with respect to director findings should not be burdensome in view of the fact that section 15(c) already requires the fund's independent directors to review and approve the new advisory contract. In addition, cost savings could be realized by funds and advisers not governed by paragraph (b)(2) of the rule in that directors may participate in the meeting to approve the advisory contract ''by any means of communication that allows all directors participating to hear each other simultaneously during the meeting.'' This provision could result in savings in time and travel costs.

Unlike most prior exemptive orders, the proposed amendments would not prohibit funds from paying costs associated with soliciting shareholder approval of a new advisory contract after an adviser merger. Thus, the proposed amendments could result in increased costs if funds bear those expenses in the future. In most investment adviser business combinations, however, the advisers bear the costs of the transaction.[43] In addition, applicants have represented that advisers will bear the costs of soliciting shareholder approval of a new advisory contract after an adviser merger. While the Commission cannot predict what will happen if the proposed amendments are adopted, we believe that advisers are likely to continue to pay these costs and, therefore, the proposed amendments are not likely to result in increased shareholder solicitation costs for funds.

The Commission requests comment on the potential costs and benefits of the rule and of the proposed amendments or any suggested alternatives to the proposed amendments. Data is requested concerning these costs and benefits.

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996,[44] the Commission also requests information regarding the potential impact of the proposed rule on the economy on an annual basis. Commenters are requested again to provide data to support their views.

V. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (''IRFA'') in accordance with 5 U.S.C. 603 regarding the proposed amendments to rule 15a–4. The following summarizes the IRFA.

Existing rule 15a–4 provides a temporary exemption in certain circumstances from the requirement that shareholders approve an investment advisory contract. The rule does not, however, cover interim contracts entered into as a result of adviser mergers. Due to the growing number of acquisitions and mergers in the financial services industry, the Commission has received a growing number of applications for exemption from the shareholder approval requirement in connection with adviser mergers. In addition, funds have advised the Commission that the 120-day exemptive period in rule 15a–4 is too short to obtain shareholder approval of an advisory contract.

The proposed amendments would extend rule 15a–4 to adviser mergers, extend the length of the exemptive period to 150 days, and clarify the timing of board approval of the fund's advisory contract. The proposed amendments would significantly reduce the need to file exemptive applications, resulting in cost and time savings for funds and investment advisers.

The Commission is proposing to amend rule 15a–4 pursuant to the authority set forth in sections 6(c) and

[37] Proposed rule 15a–4(a)(2).

[38] A provision related to annual shareholder meetings would, as a practical matter, principally affect closed-end funds. The Act does not require that shareholders annually elect directors. Investment Company Act section 16(a) (15 U.S.C. 80a–16(a)); John Nuveen & Co. Inc., SEC No-Action Letter (Nov. 18, 1986). Most open-end funds are organized in states that do not require annual shareholders' meetings. *See, e.g.,* Del. Code Ann. tit. 12, § 3806(b)(5) (1995); Md. Code Ann., Corps. & Ass'ns § 2–501(b) (1993). *See generally* Protecting Investors Report, *supra* note 9, at 275. Most closed-end funds, however, list their shares on stock exchanges and are required to hold annual meetings under stock exchange rules. *See, e.g.,* New York Stock Exchange Listed Company Manual ¶ 302.00 (1995).

[39] *See* 1979 Proposing Release, *supra* note 5, at n.12.

[40] Section 2(c) requires the Commission, when it engages in rulemaking and is required to consider whether an action is consistent with the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. 15 U.S.C. 80a–2(c).

[41] One of the standard conditions to the adviser merger orders is that the costs of the exemptive application will be paid by the adviser or advisers.

[42] The Commission issued 6, 11, and 13 orders granting exemptive relief in connection with adviser mergers in 1995, 1996, and 1997, respectively. The Commission already has received five applications in the first quarter of 1998.

[43] *See* 1 Lemke, *supra* note 31, at § 24.02(1)(c).

[44] Pub. L. 104–121, Title II, 110 Stat. 857 (1996).

38(a) of the Act. Rule 15a–4 applies to funds (including business development companies (''BDCs'')) and their investment advisers.[45] The rule does not affect funds that do not have an external investment adviser[46] (*i.e.*, unit investment trusts or other funds that are internally managed).

An investment adviser is a small entity if it (1) manages less than $25 million in assets, (2) has total assets of less than $5 million on the last day of its most recent fiscal year, and (3) does not control, is not controlled by, and is not under common control with another investment adviser that manages $25 million or more in assets, or any person (other than a natural person) that had total assets of $5 million or more on the last day of the most recent fiscal year.[47] The Commission estimates that there are approximately 820 investment advisers that advise funds, approximately 180 of which are small entities. A fund is a small entity if it, together with other funds in the same group of related funds, has net assets of $50 million or less as of the end of its most recent fiscal year.[48] There are approximately 2,600 active open-end funds, approximately 210 of which are small entities. There are approximately 545 active closed-end funds, approximately 42 of which are small entities. There are approximately 63 BDCs, approximately 33 of which are small entities.

The Commission believes that the proposed amendments would decrease the burdens on small funds and small investment advisers by making it unnecessary for them to seek an exemptive order from the Commission in order to delay the shareholder vote required by section 15(a). The requirements of the rule, as explained above in section III, are designed to protect the interests of investment companies, including small funds and their shareholders, and therefore an exemption from any of those requirements for small entities would not be consistent with the protection of investors. The Commission believes that the burden these requirements place on small advisers is minimal because the requirements generally are intended to maintain the status quo until the shareholder vote can be held.

The Commission is proposing escrow arrangements under the proposed rule amendments that differ from the escrow arrangements required under most exemptive orders issued to date to funds seeking relief similar to that provided by the proposed amendments. The proposed amendments would require the advisory fee to be paid under the interim contract to be placed in escrow, but would allow an investment adviser to recover its costs of performing the interim contract if a fund's shareholders do not approve a new advisory contract. Most of the prior exemptive orders required that all the escrowed fees be returned to the fund if shareholders did not approve a new contract with the investment adviser. The proposed changes from conditions imposed under prior exemptive orders are designed to allow shareholders to withhold profits under an interim contract when the shareholders reject a new contract with that adviser, while providing for compensation for services provided by the adviser. This provision may be of particular benefit to small advisers.

The Commission has not identified any overlapping or conflicting federal rules. The Commission has considered alternatives to the proposed rule amendment that would accomplish the objective of the rule and minimize the impact on small entities. These alternatives include: (i) Establishing different compliance requirements that take into account the resources available to small entities; (ii) clarifying, consolidating, or simplifying compliance requirements under the rule for small entities; (iii) using performance rather than design standards; and (iv) exempting small entities from coverage of the rule, or any part of the rule.

The Commission believes that further clarification, consolidation, or simplification of the compliance requirements is not necessary. Standards contained in the proposed amendment are performance, rather than design, standards.[49] An exemption from coverage of the rule for small advisers or small funds would prevent those entities from benefiting from rule 15a–4 and would not be consistent with the protection of investors.

The Commission encourages the submission of comments on matters discussed in the IRFA. Comment specifically is requested on the number of small entities that would be affected by the proposed rule amendments. Comment also is requested on the effect of the rule amendments on investment advisers and funds that are small entities. Commenters are asked to describe the nature of any effect and provide empirical data supporting the extent of the effect. These comments will be placed in the same public file as comments on the proposed rule amendments.

A copy of the IRFA may be obtained by contacting Marilyn Mann, Mail Stop 5–6, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.

VI. Statutory Authority

The Commission is proposing to amend rule 15a–4 pursuant to the authority set forth in sections 6(c) and 38(a) (15 U.S.C. 80a–6(c) and 80a–37(a)) of the Investment Company Act.

List of Subjects in 17 CFR Part 270

Investment companies, Securities.

Text of Proposed Rule

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–34(d), 80a–37, 80a–39 unless otherwise noted;

* * * * *

2. Section 270.15a–4 is revised to read as follows:

§ 270.15a–4 Temporary exemption for certain investment advisers.

(a) *Definitions.* For purposes of this section:

(1) *Fund* means an investment company;

(2) *Interim contract* means a written contract for a period no greater than 150 days that has not been approved by a majority of the fund's outstanding voting securities; and

(3) *Previous contract* means an investment advisory contract that has been approved by a majority of the fund's outstanding voting securities and has been terminated.

(b) Notwithstanding section 15(a) of the Act (15 U.S.C. 80a–15(a)), a person may act as investment adviser for a fund under an interim contract after the termination of a previous contract as

[45] Section 59 of the Act (15 U.S.C. 80a–58) provides, among other things, that sections 15(a) and 15(c) of the Act apply to a BDC to the same extent as if it were a registered closed-end investment company.

[46] The vast majority of open-end and closed-end funds are externally managed. All face-amount certificate companies currently in existence are externally managed. The Commission does not keep statistics on how many BDCs are externally managed.

[47] Definitions of ''Small Business'' or ''Small Organization'' Under the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Exchange Act of 1934, and the Securities Act of 1933, Securities Act Release No. 7548 (June 24, 1998) (63 FR 35508 (June 30, 1998)) (''Small Entity Release'').

[48] *Id.*

[49] Proposed rule 15a–4(b)(2)(iii), (v).

provided in paragraphs (b)(1) and (b)(2) of this section:

(1) In the case of a previous contract terminated by an event described in section 15(a)(3) of the Act (15 U.S.C. 80a–15(a)(3)), by the failure to renew the previous contract, or by an assignment (other than an assignment by an investment adviser or a controlling person of the investment adviser in connection with which assignment the investment adviser or a controlling person directly or indirectly receives money or other benefit):

(i) The compensation to be received under the interim contract is no greater than the compensation the adviser would have received under the previous contract; and

(ii) The fund's board of directors, including a majority of the directors who are not interested persons of the fund, has approved the interim contract within seven calendar days after the termination, at a meeting in which directors may participate by any means of communication that allows all directors participating to hear each other simultaneously during the meeting.

(2) In the case of a previous contract terminated by an assignment by an investment adviser or a controlling person of the investment adviser in connection with which assignment the investment adviser or a controlling person directly or indirectly receives money or other benefit:

(i) The compensation to be received under the interim contract is no greater than the compensation the adviser would have received under the previous contract;

(ii) The board of directors, including a majority of the directors who are not interested persons of the fund, has voted in person to approve the interim contract before the previous contract is terminated;

(iii) The board of directors, including a majority of the directors who are not interested persons of the fund, determines that the scope and quality of services to be provided to the fund under the interim contract will be at least equivalent to the scope and quality of services provided under the previous contract;

(iv) The interim contract provides that the fund's board of directors or a majority of the fund's outstanding voting securities may terminate the contract at any time, without the payment of any penalty, on not more than 10 calendar days' written notice to the investment adviser;

(v) The interim contract contains the same terms and conditions as the previous contract, with the exception of its effective and termination dates, provisions governed by paragraphs (b)(2)(i), (b)(2)(iv), and (b)(2)(vi) of this section, and any other differences in terms and conditions that the board of directors, including a majority of the directors who are not interested persons of the fund, finds to be immaterial; and

(vi) The interim contract contains the following provisions:

(A) The compensation earned under the contract will be held in an interest-bearing escrow account with the fund's custodian or a bank.

(B) If a majority of the fund's outstanding voting securities approve a contract with the investment adviser by the end of the 150–day period, the amount in the escrow account (including interest earned) will be paid to the investment adviser.

(C) If a majority of the fund's outstanding voting securities do not approve a contract with the investment adviser, the investment adviser will be paid, out of the escrow account, the lesser of:

(*1*) Any costs incurred in performing the interim contract (plus interest earned on that amount while in escrow); or

(*2*) The total amount in the escrow account (plus interest earned).

Dated: July 22, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–20088 Filed 7–27–98; 8:45 am]

BILLING CODE 8010–01–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–121–FOR]

Pennsylvania Abandoned Mine Land Reclamation Program

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

ACTION: Proposed rule; reopening of comment period.

SUMMARY: OSM is reopening the public comment period on a proposed amendment to the Pennsylvania Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter referred to as the Pennsylvania Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment adds a new section ''F'' entitled Government Financed Construction Contracts (GFCC) to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. The proposed amendment also includes the Program Requirements and Monitoring Requirements related to the use of GFCC for that purpose. The proposed amendment is intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed construction exemption in Section 528 of SMCRA to be applied in cases involving less than 50% government financing only in the limited situation where the construction constitutes a government approved and administered abandoned mine land reclamation project under Title IV of SMCRA.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.] August 12, 1998.

ADDRESSES: Written comments should be mailed or hand delivered to Robert Biggi, Field Office Director, at the address listed below. Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Harrisburg Field Office: Mr. Robert J. Biggi, Director, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack), 415 Market Street, Harrisburg, Pennsylvania 17101. Telephone: (717) 782–4036.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert J. Biggi, Director, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack) 415 Market Street, Harrisburg, Pennsylvania 17101. Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 30, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background on the Pennsylvania program, including the Secretary's findings and the disposition of comments, can be found in the July 30, 1982 **Federal Register** (47 FR 33079). Subsequent actions concerning the AMLR program amendments are identified at 30 CFR 938.20 and 938.25.

II. Description of the Proposed Amendment

By letter dated November 21, 1997 (Administrative Record No. PA–855.00), the Pennsylvania Department of Environmental Protection (PADEP) submitted proposed Program Amendment No. 2 to the Pennsylvania Abandoned Mine Reclamation Plan. In addition, PADEP also submitted the following documents: Basis of Authority for the Proposed Amendment, AML Amendment Conformance with 30 CFR Section 884.13, Assistant Counsel's Opinion of Authority for GFCC, PADEP Organization Chart and the Office of Mineral Resources Management Organization Chart. The proposed amendment is intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed construction exemption in Section 528 of SMCRA to be applied in certain cases involving less than 50% government financing. The inspection forms and related instructions to be utilized to monitor the GFCC program are part of the amendment. Pennsylvania submitted the proposed amendment at its own initiative.

OSM announced receipt of the proposed amendment in the December 29, 1997, **Federal Register** (62 FR 67590) 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 January 28, 1998. However, OSM's review determined that several items contained in the proposed amendments required clarification. As a result, a letter requesting clarification on three items was sent to Pennsylvania dated June 5, 1998 (Administrative Record No. PA–855.08). Pennsylvania initially responded in its letter dated June 17, 1998, (Administrative Record No. PA 855.09), that it would require additional time to respond to OSM's request, and that it expected to provide a response by July 15. A response was received from Pennsylvania in its letter dated July 7, 1998 (Administrative Record No. PA–855.10). Therefore, OSM is reopening the public comment period regarding the following clarifications to Pennsylvanians proposed amendments:

Pennsylvania was asked to clarify how it would fund projects in cases where the operator defaults on the contract or otherwise fails to perform the necessary reclamation. OSM noted that the proposed amendment at page 15 requires that a performance bond shall be submitted for the GFCC where required, but it does not state the authority for requiring a bond, nor does it state the conditions under which a bond would be required. Pennsylvania responded that it has developed a bond rate schedule to be used to establish the bond amount for each GFCC. The bond rate schedule is based on acreage involved and PADEP's experience in reclaiming abandoned mine lands. Should a contractor default on a GFCC or otherwise fail to perform the required reclamation, PADEP will make a demand upon the surety to fulfill its performance bond obligations to either complete the reclamation required by the GFCC or to pay that amount of bond money necessary for PADEP to hire another contractor to complete the remaining contract reclamation work. A consent order and agreement, in conjunction with a permit condition, will be used to ensure AML sites which receive excess spoil from a Title V site are fully reclaimed. The permit condition will provide that the operator will use no more than that amount of excess spoil than is necessary to reclaim the AML site, and that the operator's failure to complete the required reclamation of the AML site prohibits release of the bond on the Title V permit. An operator's failure to complete reclamation of the AML site would be a violation of its permit, exposing the operator to civil penalties and/or bond forfeiture. Additionally, the consent order and agreement will make it possible for the PADEP to have a court enforce the consent order and agreement and require the operator to complete the reclamation. Pennsylvania also responded that the authority for requiring a bond is contained in the statutes cited in the legal opinion attached to the proposed program amendment initially submitted. Pennsylvania revised pages 15 and 16 of its proposed amendment to include these clarifications.

Pennsylvania was also asked to clarify which requirements in the approved program will apply to the placement of excess spoil on abandoned mine lands as referenced in the proposed amendment at page 7 where it is stated that the placement of excess spoil on adjacent AML lands would be approved AML reclamation projects and would therefore encompass the same time-tested administrative, financial, contractual and environmental safeguards as any other approved AML projects in the Commonwealth. OSM requested that Pennsylvania either require that these projects be handled in the same manner as Federally-funded AML projects, or otherwise identify the administrative, financial, contractual and environmental safeguards that will be applied to these ''no-cost'' GFCC's, and show how these safeguards will ensure the same level of environmental protection as that which is provided by Federally-funded AML projects. Pennsylvania responded that these projects will be handled in the same manner as Federally-funded AML projects. Furthermore, projects that involve the support and involvement of the District Mining Offices will be subject to the additional administrative requirements designed to address the coordination between the Bureau of Abandoned Mine Reclamation and the District Mining Offices. Pennsylvania revised page 7 of its proposed amendment to include these clarifications.

Pennsylvania was requested to include in its AML Plan provisions to ensure that excess spoil from Title V operations will not be placed on approved AML sites in amounts greater than necessary to address the AML impacts and problems. Pennsylvania responded that it modified its amendment by adding the following sentence to the end of the first paragraph on page 6, C.1; after the fourth sentence of the first full paragraph on page 7; after the first sentence of the last paragraph on page 9; after the first sentence of Part F(2) on page 13; and after the first sentence of the third paragraph under Program Requirements on page 15: ''The amount of excess spoil from Title V operations will not exceed that amount necessary to address the AML impacts and problems.''

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15, OSM is now seeking comment on whether the amendment proposed by Pennsylvania satisfies the applicable requirements for the approval of State AMLR program amendments. Specifically, OSM is seeking comments on the clarifications to the State's AML Plan that were submitted on July 7, 1998 (Administrative Record No. PA 855.10). Comments should address whether the proposed amendment with these clarifications satisfies the applicable program approval criteria of 30 CFR 884.15. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations.

Comments received after the time indicated under **DATES** or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This proposed 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 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 Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions 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 State 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 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 in the analyses for the corresponding 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 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 21, 1998.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 98–20163 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300693; FRL–6020–6]

RIN 2070–AC18

Spinosad; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a time-limited tolerance for residues of spinosad in or on coffee at 0.02 parts per million (ppm). This action is being initiated by EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170). The United States Department of Agriculture/Agricultural Research Service (USDA/ARS) has requested that EPA establish a time-limited tolerance on coffee in order for USDA/ARS to conduct efficacy testing of spinosad to control the Mediterranean Fruit Fly. This testing will be conducted on 80 acres in Hawaii under an Experimental Use Permit (EUP).

DATES: Comments, identified by the docket conrol number [OPP–300693], must be received by EPA on or before August 11, 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 VI 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: Susan Lewis, 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) 305–7448, e-mail: lewis.susan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 15, 1998 (63 FR 18329)(FRL–5785–7), EPA established permanent tolerances by removing the time limitation for the tolerance for residues of the insecticide spinosad in or on cottonseed at 0.02 ppm and by establishing tolerances in or on almonds at 0.02 ppm; almond hulls at 2.0 ppm; apples at 0.2 ppm; apple pomace, wet at 0.5 ppm; citrus fruits group at 0.3 ppm; dried citrus pulp at 0.5 ppm; citrus oil at 3.0 ppm; cotton gin byproducts at 1.5 ppm; fruiting vegetables (except cucurbits) group at 0.4 ppm; leafy vegetables (except Brassica vegetables) group at 8.0 ppm; Brassica (cole), leafy vegetables, head and stem subgroup at 2.0 ppm; Brassica (cole), leafy vegetables, greens subgroup at 15.0 ppm; fat of cattle, goats, hogs, horses, and sheep at 0.7 ppm; meat of cattle, goats, hogs, horses, and sheep at 0.04 ppm; meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2

ppm; milk fat at 0.5 ppm; and whole milk at 0.04 ppm.

The USDA has requested that EPA establish a time-limited tolerance for residues of spinosad in or on coffee. This tolerance will expire on August 28, 2000. USDA has requested this tolerance in order to conduct efficacy testing of spinosad for control of the Mediterranean Fruit Fly. This testing will be conducted on 80 acres in Hawaii under an Experimental Use Permit (EUP).

The Agency has concluded that a tolerance of 0.02 ppm (which is the Limit of Quantitation (LOQ) for the analytical method) is adequate for coffee. This is based on a very low application rate and the fact that the hull of the coffee bean is removed. No residues are expected to be found on the coffee beans.

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 percent 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 hundredfold MOE is based on the same rationale as the hundredfold 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.

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 the existing uses of spinosad. EPA had sufficient data to assess the hazards of spinosad and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of spinosad for those uses. EPA's assessment of the dietary exposures and risks associated with establishing the existing 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 spinosad are discussed below.

1. Acute toxicity studies with technical spinosad (88% – 90.4%): Oral LD_{50} in the rat is > 5,000 milligram/kilogram (mg/kg) for males and females - Toxicity Category IV; dermal LD_{50} in the rat is > 2,800 mg/kg for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 5.18 mg/L - Toxicity Category IV; primary eye irritation in the rabbit (slight conjunctival irritation) - Toxicity Category IV; primary dermal irritation in the rabbit (no erythema and edema) - Toxicity Category IV. Spinosad is not a sensitizer.

2. Acute toxicity studies with the end-use (44% formulation) product for spinosad: Oral LD_{50} in the rat is > 5,000 mg/kg for males and females - Toxicity Category IV; dermal LD_{50} in the rat is > 2,800 mg/kg for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 5 mg/L - Toxicity Category IV; primary eye irritation in the rabbit (slight conjunctival irritation) - Toxicity Category IV; primary dermal irritation in the rabbit (slight transient erythema and edema) - Toxicity Category IV; not a sensitizer.

3. In a subchronic feeding study in rats, the no-observed adverse effect level (NOAEL) was 33.9 and 38.8 mg/kg/day for males and females, respectively. The lowest observed effect level (LOEL) was 68.5 and 78.1 mg/kg/day for males and females, respectively based on decreased body weight gain, anemia, and vacuolation in multiple organs (kidney, liver, heart, spleen, adrenals, and thyroid).

4. In a subchronic feeding study in mice, the no observed effect level (NOEL) was 7.5 mg/kg/day and the LOEL was 22.5 mg/kg/day based on cytoplasmic vacuolation in multiple organs (kidney, liver, heart, stomach, lymphoid organs, and ovary).

5. In a subchronic feeding study in dogs, the NOEL was 4.89 and 5.38 mg/kg/day for males and females, respectively. The LOEL was 9.73 mg/kg/day and 10.5 mg/kg/day based on decreased mean body weights and food consumption, and anemia.

6. In a 21–day dermal study in rats, the NOEL for systemic effects was > 1,000 mg/kg/day (limit dose). No systemic toxicity was observed at any dose tested.

7. In a chronic feeding study in dogs, the NOEL was 2.68 mg/kg/day. The LOEL was 8.22 mg/kg/day based on increased liver enzymes (ALT, AST), triglycerides; vacuolated cells (parathyroid), and arteritis.

8. In an carcinogenicity study in mice, the NOEL was 11.4 mg/kg/day. The LOEL was 50.9 mg/kg/day based on decreased body weight gains, increased mortality, hematologic effects, increased thickening of the gastric mucosa, and histologic changes in the stomach of males.

9. In a chronic feeding/carcinogenicity/neurotoxicity study in rats, the NOEL (systemic) was 9.5 and 12.0 mg/kg/day for males and females, respectively. The LOEL (systemic) was 24.1 and 30.3 mg/kg/day for males and females, respectively based on vacuolation of epithelial follicular cells of the thyroid. The neurological NOEL was 46 and 57 mg/kg/day for males and females, respectively. The neurological LOEL was not determined.

10. In a developmental study in rabbits, the maternal NOEL was ≧ 50 mg/kg/day. The maternal LOEL was not established. The developmental NOEL was ≧ 50 mg/kg/day. The developmental LOEL was not established.

11. In a developmental study in rats, the maternal NOEL was > 200 mg/kg/day. The maternal LOEL was not established. The developmental NOEL was > 200 mg/kg/day. The developmental LOEL was not established.

12. In a two-generation reproduction toxicity study in rats, the systemic NOEL was 10 mg/kg/day. The systemic LOEL was 100 mg/kg/day based on increased organ weights (heart, liver, kidney, spleen, thyroid), histopath lesions in the lungs and mesenteric lymph nodes, stomach (F), and prostate. The reproductive NOEL was 10 mg/kg/day. The reproductive LOEL was 100 mg/kg/day based on decreased litter size, decreased pup survival, decreased body weight, increased incidence of dystocia and/or vaginal bleeding post-partum with associated increased mortality of dams.

13. Studies on gene mutation and other genotoxic effects: In a Gene Mutation Assay (mouse forward mutation) there was no forward mutation induction in mouse lymphoma L5178Y Tk +/- cells at concentrations of 0, 1, 5, 10, 15, 20, or 25 µg/ml without metabolic activation or at concentrations of 15 through 50 µg/ml with metabolic activation. In a Structural Chromosomal Aberration Assay *In vitro* there was no increase in the number of CHO (chinese hamster ovary) cells with chromosomal aberrations at concentrations from 20 to 35 µg/ml (without activation) or concentrations from 100 to 500 µg/ml (with activation). In a Micronucleus Test in mice, there was no increase in the frequencey of micronuclei in bone marrow cells from mice treated at concentrations from 500 to 2,000 µg/ml for 2 days. In Other Genotoxicity Assays, unscheduled DNA synthesis was not induced in adult rat hepatocytes *in vitro* at concentrations of 0.01 to 5 µg/ml tested.

14. The results of three metabolism studies are as follows: i. Approximately 95% of technical spinosad was eliminated by 24 hours mainly in the urine (34%), bile (36%), and tissues and carcass (21%). Metabolites include the glutathione conjugates of the unchanged form as well as N- and O-demethylated forms of XDE-105 (Factor D).

ii. At 100 mg/kg/dose, the radiolabeled XDE-105 (Factor D) was primarily excreted in the feces (68%) after 24–hours. The absorption, distribution, and elimination of 14C-XDE-105 (Factor A) demonstrated no appreciable differences based on dose or repeated dosing.

iii. At high (100 mg/kg) doses, there are no major differences in the bioavailability, routes or rates of excretion or metabolism of 14C-XDE-105 (Factor A) following oral administration.

15. In an acute neurotoxicity study, groups of Fischer 334 rats (10/sex/dose) received a single oral (gavage) administration of spinosad (87.9%) at dose levels of 0, 200, 630, or 2,000 mg/kg. There were no effects on neurobehavioral endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was ≧ 2,000 mg/kg/day (HDT). A LOEL was not established.

16. In a subchronic neurotoxicity study, groups of Fischer 344 rats (10/sex/dose) were administered diets containing spinosad at levels of 0, 0.003, 0.006, 0.012, or 0.06% (0, 2.2, 4.3, 8.6, or 42.7 mg/kg/day for males and 2.6, 5.2, 10.4, or 52.1 mg/kg/day for females, respectively). There were no effects on neurobehavior endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was ≧ 42.7 and ≧ 52.1 mg/kg/day in males and females, respectively (HDT).

17. In the 2–year chronic neurotoxicity study, groups of Fischer 344 rats (65/sex/dose) received diets containing spinosad at dose levels of 0, 0.005, 0.02, 0.05, or 0.1% (0, 2.4, 9.5, 24.1, or 49.4 mg/kg/day for males and 0, 3.0, 12.0, 30.3, or 62.2 mg/kg/day for females, respectively). Neurobehavioral testing performed at 3, 6, 9, and 12 months of study was negative, and histopathological evaluation of perfused tissues at study termination did not identify pathology of the central or peripheral nervous system. There was no evidence of neurotoxicity. For neuropathology, the NOEL was 0.1% (≧ 46 mg/kg/day for males and 57 mg/kg/day for females (HDT).

B. Toxicological Endpoints

1. *Acute toxicity*. EPA did not select a dose and endpoint for an acute dietary risk assessment due to the lack of toxicological effects attributable to a single exposure (dose) in studies available in the data base including oral developmental toxicity studies in rats and rabbits. In the acute neurotoxicity study the NOEL was ≧ 2,000 mg/kg/day.

2. *Short - (1 day to 7 days), intermediate- (1 week to several months), and chronic - term occupational and residential dermal and inhalation toxicity*. EPA did not select a dose or endpoint for short-, intermediate and long-term dermal risk assessments because (i) lack of appropriate endpoints; (ii) the combination of molecular structure and size as well as the lack of dermal or systemic toxicity at 2,000 mg/kg/day in a 21-day dermal toxicity study in rats which indicates the lack of dermal absorption; and (iii) the lack of long-term exposure based on the current use pattern. Therefore, a dermal risk assessment is not required. EPA also determined that based on the current use pattern and exposure scenario, and inhalation risk assessment is not required.

3. *Chronic toxicity*. EPA has established the RfD for spinosad at 0.027 mg/kg/day. This RfD is based on a chronic toxicity study in dogs using a NOEL of 2.68 mg/kg/day. The LOEL was 8.46 mg/kg/day based on vacuolation in glandular cells (parathyroid) and lymphatic tissues, arteritis and increases in serum enzymes such as alanine aminotransferase, and aspartate aminotransferase, and triglyceride levels in dogs fed spinosad in the diet at dose levels of 1.44, 2.68, or 8.46 mg/kg/day for 52 weeks. A hundredfold uncertainty factor (UF) was applied to the NOEL of 2.68 mg/kg/day to account for inter- and intra-species variation.

EPA determined that the 10X factor to account for enhanced sensitivity of infants and children (as required by FQPA) should be removed. Thus, an uncertainty factor of 100 is adequate and the RfD remains at 0.027 mg/kg/day. The FQPA factor is removed because: (i) the data provided no indication of increased susceptibility of rats or rabbits to *in utero* and/or post-natal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity. (ii) No neurotoxic signs have been observed in any of the standard required studies conducted. (iii) The toxicology data base is complete and there are no data gaps.

4. *Carcinogenicity*. There is no evidence of carcinogenicity in studies in either the mouse or rat.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.495) for the residues of spinosad in or on almonds at 0.02 ppm; almond hulls at 2.0 ppm; apples at 0.2 ppm; apple pomace, wet at 0.5 ppm; citrus fruits group at 0.3 ppm; dried citrus pulp at 0.5 ppm; citrus oil at 3.0 ppm; cottonseed at 0.02 ppm; cotton gin byproducts at 1.5 ppm; fruiting vegetables (except cucurbits) group at 0.4 ppm; leafy vegetables (except Brassica vegetables) group at 8.0 ppm; Brassica (cole), leafy vegetables, head and stem subgroup at 2.0 ppm; Brassica (cole), leafy vegetables, greens subgroup at 15.0 ppm; fat of cattle, goats, hogs, horses, and sheep at 0.7 ppm; meat of cattle, goats, hogs, horses, and sheep at 0.04 ppm; meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2 ppm; milk fat at 0.5 ppm; and whole milk at 0.04 ppm.

For the existing uses referred to above, risk assessments were conducted by EPA to assess dietary exposures and risks from spinosad 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 1 day or single exposure. No acute toxicological endpoints were identified for spinosad due to the lack of toxicological effects attributable to a single exposure (dose). Therefore, the

Agency concludes that there is a reasonable certainty of no harm from acute dietary exposure.

ii. *Chronic exposure and risk.* The RfD used for the chronic dietary analysis is 0.027 mg/kg/day. In conducting this chronic dietary risk assessment, EPA made very conservative assumptions: 100% of citrus, almonds, apples, fruiting (except cucurbit) vegetables, Brassica leafy vegetables, leafy vegetables, cottonseed, and ruminant commodities having spinosad tolerances will contain spinosad residues and those residues will be at the level of the established tolerance. This results in an overestimate of human dietary exposure. This chronic dietary risk assessment used 10 ppm tolerances for the leafy vegetables (except Brassica vegetables) crop group and for the Brassica leafy vegetables head and stem subgroup from section 18 tolerances that were established last year. For the section 3 registrations on these groups, EPA has recommended tolerances of 8 ppm (leafy vegetables) and 2 ppm (Brassica head and stem leafy vegetables). The use pattern for these section 18 registrations is identical to the section 3 registrations proposed in this risk assessment, but due to an incomplete data base at the time the section 18 registrations were reviewed, the tolerances were set high which resulted in a conservative risk assessment. With this action, these section 18 tolerances are replaced by the new section 3 tolerances. Thus, in making a safety determination for this tolerance, EPA is taking into account this conservative exposure assessment.

The existing spinosad tolerances resulted in a Theoretical Maximum Residue Contribution (TMRC) that is equivalent to the following percentages of the RfD: U.S. population (24% of RfD); nursing infants (< 1 year old)(8% of RfD); non-nursing infants (< 1 year old) (24% of RfD); children (1–6 years old) (34% of RfD); children (7–12 years old) (29% of RfD); Northeast Region (25% of RfD); Western Region (27% of RfD); Non-Hispanic Blacks (27% of RfD); Non-Hispanic others (37% of RfD); females 13+ years, nursing (27% of RfD).

The Agency believes that the addition of a 0.02 ppm tolerance for spinosad on coffee will only change the percent of the RfD used for any of the categories listed above by less than 1%. This is based on the fact that the use will be limited to 80 acres in Hawaii for experimental purposes for period of time not to exceed 2 years.

2. *From drinking water.* The Agency has determined that spinosyns Factor A and Factor D are immobile in soil and will not leach into ground water. Based on structure/activity relationships, the Agency concluded that the spinosad metabolites/fermentation impurities (spinosyns Factor B, Factor B of D, Factor K, and other related Factors) were of no more toxicological concern than the two parent compounds (spinosyns Factor A and Factor D) and therefore, only these were considered in the drinking water assessment. EPA used the ''Interim Approach for Addressing Drinking Water Exposure in Tolerance Decision Making'' issued on 11/17/97. Thus, the PRZM/EXAMS Models were run to produce estimates of spinosad in surface water. The primary use of these models is to provide a screen for sorting out pesticides for which OPP has a high degree of confidence that the true levels of the pesticide in drinking water will be less than the human health drinking water levels of concern (DWLOCs). A human health DWLOC is the concentration of a pesticide in drinking water which would result in acceptable aggregate risk, after having already factored in all food exposures and other non-occupational exposures for which OPP has reliable data. PRZM/EXAMS was used to conduct a Tier 2 surface water analysis. The Tier 2 estimated drinking water concentration (EEC) of spinosad from surface water sources is not likely to exceed 0.059 µg/l from use on apples, 0.092 µg/l from use on Brassica vegetables, 0.065 µg/l from use on cotton, and 0.075 µg/l from use on citrus.

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.* Based on the chronic dietary (food) exposure and using default body weights and water consumption figures, chronic drinking water levels of concern (DWLOC) were calculated. The chronic drinking water exposure and risk estimates are 0.019890 mg/kg/day (690 µg/l DWLOC) for the overall U.S. population; 0.01896 mg/kg/day (570 µg/l DWLOC) for females 13+ years, nursing; and 0.016865 mg/kg/day (170 µg/l DWLOC) for children age 1–6 years.

3. *From non-dietary exposure.* There are no current residential uses for spinosad. However, the proposed use of a 0.5% spinosad product on structural lumber may have residential uses. This product is injected into drilled holes and then sealed after treatment. Due to the lack of toxicity endpoints (hazard) and minimal contact with the active ingredient during and after application, exposure to residential occupants is not expected.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Spinosad has not yet been grouped with any other insecticides into a class.

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

spinosad 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, spinosad does not appear to produce a toxic metabolite produced by other substances. For the purposes of these tolerance actions, therefore, EPA has not assumed that spinosad has a common mechanism of toxicity with other substances.

D. Aggregate Risks and Determination of Safety for U.S. Population

Chronic risk. The following information is based on the review of the existing uses of spinosad: Using the TMRC exposure assumptions described above, EPA has concluded that aggregate exposure to spinosad from food will utilize 24% of the RfD for the U.S. population. For the most highly exposed populations subgroup, children (1–6 years old), chronic dietary (food only) exposure occupies 34% of the RfD. This is a conservative risk estimate for reasons described above. 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. The chronic DWLOC for the infants and children subgroup is 170 parts per billion (ppb). The chronic modeling estimates (EECs) for spinosad residues in surface water are as high as 0.092 ppb from use on Brassica leafy vegetables. The maximum estimated concentrations of spinosad in surface water are less than EPA's levels of concern for spinosad in drinking water as a contribution to chronic aggregate exposure. Taking into account present uses and uses proposed in this risk assessment, EPA concludes with reasonable certainty that residues of spinosad in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Therefore, the Agency concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to spinosad residues from food and water.

No dermal or inhalation endpoints were identified. Due to the nature of the non-dietary use, EPA believes that the use of spinosad in treating structural lumber will not result in any exposure through the oral route. Therefore, the chronic aggregate risk is the sum of food and water.

Based on the above information, the Agency concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to spinosad from food and water resulting from the addition of the time-limited experimental use on coffee as described above.

E. Aggregate Cancer Risk for U.S. Population

The RfD Committee determined that there is no evidence of carcinogenicity in studies in either the mouse or rat. Therefore, a carcinogenic risk assessment is not required.

F. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— a. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of spinosad, 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 pesticide exposure during prenatal development to one or both parents. 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.

b. *Developmental toxicity studies.* i. In a prenatal developmental toxicity study, groups of pregnant Sprague-Dawley rats (30/group) received oral (gavage) administration of spinosad (88.6%) in aqueous 0.5% methycellulose at dose levels of 0, 10, 50, 200 mg/kg/day during gestation days 6 through 17. For maternal toxicity, the NOEL was ≧ 200 mg/kg/day (HDT); a LOEL was not established. Marginal maternal toxicity was reported at this dose level (decreased body weight gain). Based upon the results of a range-finding study, which showed maternal toxicity (body weight and food consumption decreases at 100 and 300 mg/kg/day), the dose level of 200 mg/kg/day in the main study was considered adequate. For developmental toxicity, the NOEL was > 200 mg/kg/day; a LOEL was not established. In the range-finding study, fetal body weight decrements occurred at 300 mg/kg/day.

ii. In a prenatal developmental toxicity study, groups of pregnant New Zealand White rabbits (20/group) received oral (gavage) administration of spinosad (88.6%) in 0.5% aqueous methyl cellulose at doses of 0, 2.5, 10, or 50 mg/kg/day during gestation days 7 through 19. For maternal toxicity, the NOEL was ≧ 50 mg/kg/day (HDT); a LOEL was not established. At this dose, slight body weight loss was observed in the first few days of dosing, but this finding was not supported by other signs. In the range-finding study, inanition was observed at doses of 100, 200, and 400 mg/kg/day, with significant decreases in body weight gain during dosing. All does at these dose levels were sacrificed prior to scheduled termination; no fetal data were available. No evidence of developmental toxicity was noted. For developmental toxicity, the NOEL was ≧ 50 mg/kg/day; a LOEL was not established. (No fetal effects were noted for fetuses of the range-finding study at doses up to 50 mg/kg/day).

c. *Reproductive toxicity study.* In a two-generation reproduction study, groups of Sprague-Dawley rats (30/sex/group) received diets containing spinosad (88%) at dose levels of 0, 0.005, 0.02, or 0.2% (3, 10, or 10 mg/kg/day, respectively) for two successive generations. For parental systemic toxicity, the NOEL was 0.02% (10 mg/kg/day) and the LOEL was 0.2% (100 mg/kg/day), based on increased heart, kidney, liver, spleen, and thyroid weights (both sexes), histopathology in the spleen and thyroid (both sexes), heart and kidney (males), and histopathologic lesions in the lungs and mesenteric lymph nodes (both sexes), stomach (females), and prostate. For offspring toxicity, the NOEL was 0.02% (10 mg/kg/day) and the LOEL was 0.2% (100 mg/kg/day) based on decreased litter size, survival (F2), and body weights. Reproductive effects at that

dose level included increased incidence of dystocia and/or vaginal bleeding after parturition with associated increase in mortality of dams.

d. *Neurotoxicity*. i. In an acute neurotoxicity study, groups of Fischer 344 rats (10/sex/dose) received a single oral (gavage) administration of spinosad (87.9%) at dose levels of 0, 200, 630, or 2,000 mg/kg. There were no effects on neurobehavioral endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was > 2,000 mg/kg (HDT); a LOEL was not established.

ii. In a subchronic neurotoxicity study, groups of Fisher 344 rats (10/sex/dose) were administered diets containing spinosad at levels of 0, 0.003, 0.006, 0.012, or 0.06% (0, 2.2, 4.3, 8.6, or 42.7 mg/kg/day for males and 2.6, 5.2, 10.4, or 52.1 mg/kg/day for females, respectively). There were no effects on neurobehavioral endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was ≧ 42.7 for males and ≧ 52.1 mg/kg/day for females (HDT).

iii. In the 2–year chronic toxicity study, groups of Fischer 344 rats (65/sex/dose) received diets containing spinosad at dose levels of 0, 0.005, 0.02, 0.05, or 0.1% (0, 2.4, 9.5, 24.1, or 49.4 mg/kg/day for males and 0, 3.0, 12.0, 30.3, or 62.2 mg/kg/day for females, respectively). Neurobehavioral testing performed at 3, 6, 9, and 12 months of study was negative, and histopathological evaluation of perfused tissues at study termination did not identify pathology of the central or peripheral nervous system. There was no evidence of neurotoxicity. For neuropathology, the NOEL was 0.1% (> 49.4 mg/kg/day for males and 62.8 mg/kg/day for females).

e. *Pre- and post-natal sensitivity*. There was no increased susceptibility to rats or rabbits following *in utero* and/or postnatal exposure to spinosad.

f. *Conclusion*. The data provided no indication of increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity. In addition, all neurotoxicity studies were negative for effects on the central or peripheral nervous system.

EPA determined that the 10X factor to account for enhanced sensitivity of infants and children (as required by FQPA) should be removed. The FQPA factor is removed because (i) the data provided no indication of increased susceptibility of rats or rabbits to *in utero* and/or post natal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity. (ii) No neurotoxic signs have been observed in any of the standard required studies conducted. (iii) The toxicology data base is complete and there are no data gaps.

2. *Acute risk*. An acute risk assessment is not required because no acute toxicological endpoints were identified for spinosad.

3. *Chronic risk*. Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to spinosad from food will utilize 34% of the RfD for children age 1–6 years old. 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 concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to spinosad residues.

Based on the above information, EPA concludes that there is a resonable certainty that no harm will result to infants and children from aggregate exposure to spinosad residues as a result of the use on coffee in an experimental use program in Hawaii.

G. Endocrine Disruption

EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect...'' The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further testing of this active ingredient and end use products for endocrine disrupter effects.

III. Other Considerations

A. Metabolism In Plants and Animals

EPA has reviewed the results of plant metabolism studies (apples, cabbage, cotton, tomatoes, turnips) and livestock metabolism studies (goat and hen). The metabolism of spinosad in plants and animals is adequately understood for the purposes of these tolerances. Based on structure/activity relationships, EPA concluded that the spinosad metabolites/fermentation impurities (spinosyns Factor B, Factor B or D, Factor K, and other related Factors) were of no more toxicological concern than the two parent compounds (spinosyns Factor A and Factor D).

EPA focused on the following data/information: the overall low toxicity of spinosad; the low levels of metabolites/fermentation impurities present; and that spinosad appears to photodegrade rapidly and become incorporated into the general carbon pool. EPA concluded that only 2 parent compounds (spinosyns Factor A and Factor D) need to be included in the tolerance expression and used for dietary risk assessment purposes.

B. Analytical Enforcement Methodology

Method GRM 94.02 (method for determination of spinosad residues in cottonseed and related commodities using HPLC/UV) underwent successful independent lab validation and EPA lab validation and has been submitted to FDA for inclusion in PAM II as Method I. Additional methods have been submitted for other crop matrices (leafy vegetables - GRM 95.17; citrus - GRM 96.09; tree nuts - GRM 96.14; fruiting vegetables - GRM 95.04; and cotton gin byproducts - GRM 94.02.S1). All of these methods are essentially similar to GRM 94.02 and have been submitted to FDA for inclusion in PAM II as letter methods. These methods are adequate for regulation of the tolerance expression.

Method RES 94094 (method for determination of spinosad residues in ruminant commodities using HPLC/UV) underwent successful independent lab validation and EPA lab validation and has been submitted to FDA for inclusion in PAM II as Method I. This method is adequate for regulation of the tolerance expression.

Method RES 95114 (method for determination of spinosad residues in ruminant commodities using immunoassay) underwent successful independent lab validation and EPA lab validation and has been submitted to FDA for inclusion in PAM II as Method I. This method is adequate for regulation of the tolerance expression.

C. International Residue Limits

No CODEX, Canadian, or Mexican MRLs have been established for residues of spinosad on any crops.

IV. Conclusion

A time-limited tolerance is being proposed for residues of spinosad in coffee at 0.02 ppm.

V. Public Comment Procedures

EPA invites interested persons to submit written comments, information, or data in response to this proposed rule. After consideration of comments, EPA will issue a final rule. Such rule will be subject to objections. Failure to file an objection within the appointed period will constitute waiver of the right to raise in future proceedings issues resolved in the final rule.

The period for comments on this proposed rule has been shortened to 14 days because the Agency believes that it is in the public interest to do so. The purpose of this temporary tolerance is to allow for efficacy testing to determine whether this reduced risk chemical will control the Mediterranean Fruit Fly. This quarantine insect is a serious economic pest which is threatening continental U.S. borders. The USDA/ARS needs to begin their experimental use program in Hawaii no later than August 15, 1998 and therefore, the Agency is allowing a 14 day public comment period to accommodate this need.

VI. Public Docket and Submission of Electronic Comments

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number [OPP–300693] (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 rulemaking 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–300693]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

VIII. Regulatory Assessment Requirements

This action proposes a time-limited tolerance under FFDCA section 408(e). 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). In addition, this proposed 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 special 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, under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency 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.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 23, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be 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 § 180.495, by revising paragraph (a) to read as follows:

§ 180.495 Spinosad; tolerances for residues.

(a) *General* . Tolerances are established for residues of the insecticide Spinosad. Factor A is 2-[(6-deoxy-2,3,4-tri-*O*-methyl-α-L-manno-pyranosyl)oxy]-13-[[5-(dimethylamino)-tetrahydro-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,6b-tetradecahydro-14-methyl-1*H*-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione. Factor D is 2-[(6-deoxy-2,3,4-tri-*O*-methyl-α-L-manno-pyranosyl)oxy]-13-[[5-(dimethylamino)-tetrahydri-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-4,14-dimethyl-1*H*-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione.

Commodity	Parts per million	Expiration/Revocation Date
Almonds	0.02	None
Almond hulls	2.0	None
Apples	0.2	None
Apple pomace, wet	0.5	None
Brassica (cole), leafy vegetables, greens subgroup	10.0	None
Brassica (cole), leafy vegetables, head and stem subgroup	2.0	None
Cattle, fat	0.6	None
Cattle, meat	0.04	None
Cattle, meat byproducts	0.2	None

Commodity	Parts per million	Expiration/Revocation Date
Citrus fruits group	0.3	None
Citrus oil	3.0	None
Citrus pulp, dried	0.5	None
Coffee	0.02	8/28/00
Cotton gin byproducts	1.5	None
Cottonseed	0.02	None
Fruiting vegetables (except cucurbits) group	0.4	None
Goat, fat	0.6	None
Goat, meat	0.04	None
Goat, meat byproducts	0.2	None
Hogs, fat	0.6	None
Hogs, meat	0.04	None
Hogs, meat byproducts	0.2	None
Horses, fat	0.6	None
Horses, meat	0.04	None
Horses, meat byproducts	0.2	None
Leafy vegetables (except Brassica vegetables) group	8.0	None
Milk, fat	0.5	None
Milk, whole	0.04	None
Sheep, fat	0.6	None
Sheep, meat	0.04	None
Sheep, meat byproducts	0.2	None

* * * * *

[FR Doc. 98–20286 Filed 7–27–98; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6131–1]

National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 25

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

This rule proposes to add 14 new sites to the NPL, 11 to the General Superfund section and 3 to the Federal facilities section.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before September 28, 1998, EPA has changed its policy and will normally no longer respond to late comments.

ADDRESSES: By Postal Mail: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW; Washington, DC 20460; 703/603–9232.

By Express Mail: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; 1235 Jefferson Davis Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.

By E-Mail: Comments in ASCII format only may be mailed directly to SUPERFUND. DOCKET@EPA.GOV. E-mailed comments must be followed up by an original and three copies sent by mail or Federal Express.

For additional Docket addresses and further details on their contents, see Section II, ''Public Review/Public Comment,'' of the Supplementary Information portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, phone (703) 603–8852, State, Tribal and Site Identification Center, Office of Emergency and Remedial Response (Mail Code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, or the Superfund Hotline, Phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Pub. L. 99–499, 100 Stat. 1613 *et seq.*

What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under Section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' (''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 USC 9601(23).)

What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. However, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), 48 FR 40659 (September 8, 1983).

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites being addressed generally by other Federal agencies (the ''Federal Facilities Section''). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP):

(1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as Appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

(2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)).

(3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on March 6, 1998 (63 FR 11331).

What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * * 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to remedy the releases, including enforcement action under CERCLA and other laws.

How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be

neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, to describe the relevant release(s) the approach generally used is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which contamination from that area has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the threat presented by a release'' will be determined by a Remedial Investigation/Feasibility Study (''RI/FS'') as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

To date, the Agency has deleted 175 sites from the NPL.

Can Portions of Sites Be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of July 1998, EPA has deleted portions of 11 sites.

What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when:

(1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) The site qualifies for deletion from the NPL.

In addition to the 166 sites that have been deleted from the NPL because they have been cleaned up (9 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 350 sites are also on the NPL CCL. Thus, as of July 1998, the CCL consists of 516 sites.

II. Public Review/Public Comment

Can I Review the Documents Relevant to This Proposed Rule?

Yes, the documents that form the basis for EPA's evaluation and scoring of sites in this rule are contained in dockets located both at EPA Headquarters in Washington, D.C. and in the appropriate Regional offices.

How Do I Access the Documents?

You may view the documents, by appointment only, in the Headquarters or the appropriate Regional docket after the appearance of this proposed rule. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

You may also request copies from EPA Headquarters or the appropriate Regional docket. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

Following is the contact information for the EPA Headquarters docket (see ''How do I submit my comments?'' section below for Regional contacts): Docket Coordinator, Headquarters, U.S.

EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202. 703/603–9232.

(Please note this is a visiting address only. Mail comments to EPA Headquarters as detailed at the beginning of this preamble, or contact Regional offices as detailed in the ''How do I submit my comments?'' section below.)

What Documents Are Available for Public Review at the Headquarters Docket?

The Headquarters docket for this rule contains: HRS score sheets for each proposed site; a Documentation Record for each site describing the information used to compute the score; information for any site affected by particular statutory requirements or EPA listing policies; and a list of documents referenced in the Documentation Record.

The Headquarters docket also contains an ''Additional Information'' document which provides a general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, and the economic impacts of NPL listing.

What Documents Are Available for Public Review at Regional Dockets?

Each Regional docket for this rule contains all of the information in the Headquarters docket for sites in that Region, plus, the actual reference documents containing the data principally relied upon and cited by EPA in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets.

How Do I Submit My Comments?

Comments must be submitted to EPA Headquarters as detailed at the beginning of this preamble. Regional offices may be reached at the following:

Jim Kyed, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Dawn Shellenberger, Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA Library, 3rd Floor,, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, Mail Code 3PM52, 215/566–5364 (after July 30 contact: Kevin Wood, U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103, Mail Code: 3HS33, 215/814–3303)

Sherryl Decker, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 100 Alabama Street, SW, Atlanta, GA 30303, 404/562–8127 Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, 312/886–7570

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mail Code 6SF–RA, Dallas, TX 75202–2733, 214/655–7436

Carole Long, Region 7 (IA, KS, MO, NE), U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224

David Williams, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6757

Carolyn Douglas, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343

David Bennett, Region 10 (AK, ID, OR, WA), U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101, 206/553–2103

What Happens to My Comments?

EPA considers all comments received during the comment period. Significant comments will be addressed in a support document that EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

What Should I Consider When Preparing My Comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values or other listing criteria (*Northside Sanitary Landfill* v. *Thomas*, 849 F.2d 1516 (D.C. Cir. 1988)). EPA will not address voluminous comments that are not specifically cited by page number and referenced to the HRS or other listing criteria. EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in EPA's stated eligibility criteria is at issue.

Can I Submit Comments After the Public Comment Period Is Over?

EPA has changed its policy and will normally no longer respond to late comments. EPA can only guarantee that it will consider those comments postmarked by the close of the formal comment period. EPA has a policy of not delaying a final listing decision solely to accommodate consideration of late comments.

Can I View Public Comments Submitted by Others?

During the comment period, comments are placed in the Headquarters docket and are available to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the Regional docket approximately one week after the formal comment period closes.

Can I Submit Comments Regarding Sites Not Currently Proposed to the NPL?

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

III. Contents of This Proposed Rule

Proposed Additions to the NPL

Table 1 identifies the 11 sites in the General Superfund section being proposed to the NPL in this rule. Table 2 identifies the 3 sites in the Federal Facilities section being proposed to the NPL in this rule. These tables follow this preamble. All sites are proposed based on HRS scores of 28.50 or above. The sites in Table 1 and Table 2 are listed alphabetically by State, for ease of identification, with group number identified to provide an indication of relative ranking. To determine group number, sites on the NPL are placed in groups of 50; for example, a site in Group 4 of this proposal has an HRS score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

Status of NPL

A final rule published elsewhere in today's **Federal Register**, results in an NPL of 1,193 sites, 1,040 in the General Superfund Section and 153 in the Federal Facilities Section. With this proposal of 14 new sites, there are now 56 sites proposed and awaiting final agency action, 47 in the General Superfund Section and 9 in the Federal Facilities Section. Final and proposed sites now total 1,249.

Withdrawal of 3 Sites From Proposal to the NPL

EPA is withdrawing the following three sites from proposal to the NPL: Cross County Sanitation Landfill in Patterson, New York; Lincoln Creosote

in Bossier City, Louisiana; and Monarch Tile Manufacturing, Inc. in Florence, Alabama.

IV. Executive Order 12866

What Is Executive Order 12866?

Executive Order 12866 requires certain regulatory assessments for any ''economically significant regulatory action,'' defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

Is This Proposed Rule Subject to Executive Order 12866 Review?

No, this is not an economically significant regulatory action; therefore, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under Section 202 of the UMRA, 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 by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires 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 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 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.

Does UMRA Apply to This Proposed Rule?

No, EPA has determined that this rule 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. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site reponses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

What Is the Regulatory Flexibility Act?

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

Does the Regulatory Flexibility Act Apply to This Proposed Rule?

While this rule proposes to revise the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this proposed rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this proposed regulation does not require a regulatory flexibility analysis.

VII. National Technology and Advancement Act

What Is the National Technology and Advancement Act?

Section 12(d) of the National Technology and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs 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, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Does the National Technology and Advancement Act Apply to This Proposed Rule?

EPA is not proposing any new test methods or other technical standards as part of today's rule, which proposes to add sites to the NPL. Thus, the Agency

does not need to consider the use of voluntary consensus standards in developing this proposed rule. EPA invites public comment on this analysis.

VIII. Executive Order 13045

What Is Executive Order 13045?

On April 21, 1997, the President issued Executive Order 13045 entitled Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19883). Under section 5 of the Order, a federal agency submitting a ''covered regulatory action'' to OMB for review under Executive Order 12866 must provide information regarding the environmental health or safety effects of the planned regulation on children. A ''covered regulatory action'' is defined in section 2–202 as a substantive action in a rulemaking, initiated after the date of this order or for which a Notice of Proposed Rulemaking is published 1 year after the date of this order, that is likely to result in a rule that may be ''economically significant'' under Executive Order 12866 and concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.

Does Executive Order 13045 Apply to This Proposed Rule?

This proposed rule is not a ''covered regulatory action'' as defined in the Order and accordingly is not subject to section 5 of the Order. As discussed above this proposed rule does not constitute economically significant action (i.e., it is not expected to have an annual adverse impact of $100 million or more) under Executive Order 12866. Further, this rule does not concern an environmental health risk or safety risk that disproportionately affects children.

IX. Paperwork Reduction Act

What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

Does the Paperwork Reduction Act Apply to This Proposed Rule?

This action does not impose any burden requiring OMB approval under the Paperwork Reduction Act.

X. Executive Order 12875

What is Executive Order 12875 and is it Applicable to This Proposed Rule?

Enhancing the Intergovernmental Partnership—This proposed rule does not impose any enforceable duty or contain any unfunded mandate that would require any prior consultation with State, local or tribal officials under Executive Order 12875.

TABLE 1.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 25, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
CA	Pemaco Maywood	Maywood	12
IL	Evergreen Manor Ground Water Contamination	Winnebago County	5/6
IL	Indian Refinery-Texaco Lawrenceville	Lawrenceville	2
LA	Delatte Metals	Ponchatoula	5/6
NC	Davis Park Road TCE	Gastonia	20
NJ	Federal Creosote	Manville Borough	5/6
NJ	Route 561 Dump	Gibbsboro	5/6
NM	North Railroad Avenue Plume	Espanola	5/6
NY	Computer Circuits	Hauppauge	5/6
NY	Lehigh Valley Railroad	Le Roy	5/6
WI	Fox River NRDA/PCB Releases	Green Bay	5/6

Number of Sites Proposed to General Superfund Section: 11.

TABLE 2.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 25, FEDERAL FACILITIES SECTION

State	Site name	City/county	Group
MD	Andrews Air Force Base	Camp Springs	5/6
MD	Brandywine DRMO	Brandywine	5
VA	Little Creek Naval Amphibious Base	Virginia Beach	5/6

Number of Sites Proposed to Federal Facilities Section: 3.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

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.

Dated: July 20, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 98–20155 Filed 7–27–98; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–123, RM–9291]

Radio Broadcasting Services; Marysville and Hilliard, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Citicasters Co., licensee of Station WKFX, Channel 289A, Marysville, OH, seeking the reallotment of Channel 289A from Marysville to Hilliard, OH, as the community's first local aural service, and the modification of Station WKFX's license accordingly. Channel 289A can be allotted to Hilliard in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.1 kilometers (7.5 miles) northeast, at coordinates 40–07–47 North Latitude and 83–05–20 West Longitude, to avoid a short-spacing to the licensed site of Station WCHO-FM, Channel 288A, Washington Court House, Ohio, and to the pending application of Station WMXG, Channel 292A, London, Ohio (BPH–971202IE). Canadian concurrence in this allotment is required since Hilliard is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before September 8, 1998, and reply comments on or before September 23, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Marissa G. Repp, F. William LeBeau, Hogan & Hartson L.L.P., Columbia Square, 555 Thirteenth Street, NW, Washington, DC 20004–1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, 202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–123, adopted July 8, 1998, and released July 17, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–20034 Filed 7–27–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–128, RM–9308]

Radio Broadcasting Services; Crystal Falls, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Results Broadcasting Of Iron Mountain, Inc. proposing the allotment of Channel 244A at Crystal Falls, Michigan. Channel 244A can be allotted to Crystal Falls, Michigan, without a site restricton at coordinates 46–05–18 and 88–20–06. Canadian concurrence will be requested for this allotment.

DATES: Comments must be filed on or before September 8, 1998, and reply comments on or before September 23, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John F. Garziglia, Patricia M. Chuh, Pepper & Corazzini, L.L.P., 1776 K Street, NW, Suite 200, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–128, adopted July 7, 1998, and released July 17, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–20033 Filed 7–27–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980715175–8175–01; I.D. 070198B]

RIN 0648–AL35

Fisheries of the Northeastern United States; Vessel Tracking System Power Down Exemption

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes this rule to amend the regulations implementing the Atlantic Sea Scallop and Northeast Multispecies Fishery Management Plans (FMP). This action would change the name Vessel Tracking System (VTS) to Vessel Monitoring System (VMS) and would change the VMS operating requirements for vessels to allow the VMS unit to be turned off if the vessel is out of the water continuously for more than 72 consecutive hours, provided the vessel obtains and complies with a letter of exemption. The change in VMS operating requirements is necessary to address the problem of

the lack of available power to keep VMS units operational when vessels are taken out of the water for repair and maintenance.

DATES: Comments must be received on or before August 27, 1998.

ADDRESSES: Comments on the proposed rule should be sent to Jon Rittgers, Acting Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on VMS Power Down Exemption.''

Comments on burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to Jon Rittgers and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20502 (Attention: NOAA Desk Officer).

Copies of the Regulatory Impact Review supporting this action may be obtained from Jon Rittgers.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273.

SUPPLEMENTARY INFORMATION: Under § 648.10(d), from May 1, 1998, through April 30, 1999, multispecies vessels issued an Individual DAS or Combination Vessel (regarding multispecies fishery) permit are temporarily authorized to use the call-in system of notification (§ 648.10(c)) in lieu of the VTS, hereinafter referred to as VMS (the proposed name change to VMS is for consistency with other Regions). Under current regulations, required VMS units in the Atlantic sea scallop fishery must be fully operational at all times and transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, without interruption, throughout the year. A vessel out of the water for repair and maintenance may not have a power supply reasonably available and in operation with which to power its VMS unit so that it may transmit hourly position reports. This action proposes to amend the operating requirements for a VMS to allow vessels in those fisheries to turn off the VMS unit if the vessel is going to be out of the water continuously for more than 72 hours. Owners of such vessels must first obtain a letter of exemption. This amendment is consistent with the primary intent of the original requirement, which was to monitor the at-sea activity of these vessels for compliance with the regulatory requirements.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would change the operating requirements for a VMS to allow the owners of vessels to turn off the VMS unit if the vessel is going to be out of the water continuously for more than 72 hours. Such vessel owners must first request and obtain a letter of exemption.

The proposed action will not affect a substantial number of small business entities. The maximum estimated number of respondents is estimated to be less than 10 percent of the total vessels with full-time and part-time scallop limited access days at sea permits that are required to use a VMS unit, or 28 vessels. Efforts to minimize the burden include requiring vessel owners to submit only a minimal amount of information in a one-page letter. The cost of preparing and submitting this letter is estimated to be $7.82, and, therefore, will not result in a significant economic impact on these vessel owners. This cost is offset by the cost of having to maintain power to the VMS unit when there is no power supply reasonably available. This action will not increase costs for small entities, compared to large entities, because all scalloping operations are small entities. As a result, a regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

The rule contains one new collection-of-information requirement subject to the PRA. A request to collect this information has been submitted to OMB for approval. The new reporting requirement is a VMS power-down authorization request, which is estimated to take 30 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information requirements. Send comments regarding burden estimates, or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of functions of the agency and whether the information has practical utility, the accuracy of burden estimate, and ways to enhance the quality, utility, and clarity of the information to be collected, and to minimize the burden of collection of information, including through the use of automated collection techniques or other forms of information technology.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 22, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.9, the acronym ''VTS'' in the section heading is replaced with the acronym ''VMS'' and paragraph (b)(2), the first sentence of paragraph (b)(5), and paragraphs (b)(7) and (c) are revised to read as follows:

§ 648.9 VMS requirements.

* * * * *

(b) * * *

(2) The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under paragraph (c)(2) of this section.

* * * * *

(5) The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under paragraph (c)(2) of this section. * * *

* * * * *

(7) The VMS vendor shall be capable of transmitting position data to a NMFS-designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to NMFS.

* * * * *

(c) *Operating requirements.* (1) All required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a

day, unless such vessel is exempted under paragraph (c)(2) of this section.

(2) *Power Down Exemption*. (i) Any vessel required to have on board a fully operational VMS unit at all times, as specified in paragraph (b)(2) of this section, is exempt from this requirement provided the vessel meets the following requirements and conditions:

(A) The vessel will be continuously out of the water for more than 72 consecutive hours; and

(B) A valid letter of exemption obtained pursuant to paragraph (c)(2)(ii) of this section has been issued to and is on board the vessel, and, the vessel is in compliance with all conditions and requirements of said letter.

(ii) *Letter of Exemption*—(A) *Application*. A vessel owner may apply for a letter of exemption from the operating requirements specified in paragraph (c)(1) of this section by sending a written request to the Regional Administrator and providing the following: Sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and, the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again).

(B) *Issuance*. Upon receipt of an application, the Regional Administrator may issue a letter of exemption if it is determined that the vessel owner provided sufficient information as required under paragraph (c)(2)(ii)(A) of this section and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's DAS. Any change in the period of time for which an exemption is needed may be granted upon written request.

* * * * *

3. In addition to the amendment set forth above, the words ''vessel tracking system'' are replaced with the words ''vessel monitoring system'' and the acronym ''VTS'' is replaced with the acronym ''VMS'' whenever they appear throughout 50 CFR part 648.

[FR Doc. 98–20166 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 63, No. 144
Tuesday, July 28, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette PIEC Advisory Committee will meet at 9:00 a.m. on Thursday, August 13, 1998, at the Sweet Home Ranger District Office; 3225 Highway 20; Sweet Home, Oregon 97836; phone: 541/367–5168.

The Advisory Committee meeting will be a field trip on the Willamette National Forest (NF) and the Salem District of the BLM. The trip will begin at 9:00 a.m. and will return to Sweet Home by 4:00 p.m. The focus of the field trip is adaptive management. Tentative stops include young stand studies on BLM lands and commercial thinnings in Late Successional Reserves on the Willamette NF.

The public is welcome to attend, but will have to provide their own transportation to the field sites. Maps and an itinerary of the travel route and stops will be available at the beginning of the trip. There will not be a specific public forum; however, public comments and participation will be provided for during the day. Written comments may be submitted prior to the meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting and field trip, contact Designated Federal Official Neal Forrester, Willamette National Forest, 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465–6924.

Dated: July 22, 1998.

Darrel L. Kenops,

Williamette Forest Supervisor.

[FR Doc. 98–20083 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 27, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action will result in authorizing small entities to furnish the commodity to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity has been proposed for addition to Procurement List for production by the nonprofit agency listed: Compact Disc, Recordable, (Requirements for U.S. Geological Survey, Denver, Colorado), NPA: North Central Sight Services, Willamsport, Pennsylvania.

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–20160 Filed 7–27–98; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 USC Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region Logbook Family of Forms.

Agency Form Number(s): None.

OMB Approval Number: 0648–0213.

Type of Request: Extension of a currently approved collection.

Burden: 46,610 hours.

Number of Respondents: 1,336 (with multiple responses).

Avg. Hours Per Response: Ranges between 3 and 35 minutes depending on the requirement.

Needs and Uses: Under the authority of the Magnuson Fishery Conservation and Management Act, Regional Fishery Management Councils develop fishery management plans (FMPs) to conserve and manage marine resources. Participants in the groundfish fisheries

of the Exclusive Economic Zone off Alaska must submit information about their fishing or processing activities. The information is placed in a database used for monitoring and management of fisheries as well as for the enforcement of fisheries regulations.

Affected Public: Businesses or other for-profit organizations, individuals.

Frequency: Weekly, monthly, other, recordkeeping.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: July 22, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–20069 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Capital Expenditures Survey

ACTION: Proposed Collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 28, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Charles Funk, Bureau of the Census, Room 1285, FB #3, Washington, DC 20233, Telephone (301) 457–3324.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans the continuing information collection for the 1998 Annual Capital Expenditures Survey (ACES). The annual survey collects data on fixed assets and depreciation, sales and receipts, and capital expenditures for new and used structures and equipment. The ACES is the sole source of detailed comprehensive statistics on actual business spending by domestic, private, nonfarm businesses operating in the United States.

The major change from the previous ACES is the collection of detailed capital expenditures by type of structure and type of equipment for the 1998 ACES from employer companies. Beginning with the 1998 ACES, type of structures and type of equipment data are collected together once every five years. These data are critical to evaluate the comprehensiveness of capital expenditures statistics collected in years for which type of structures and equipment detail are not collected. The detailed structures data will provide a 5-year benchmark for estimates of new construction put in place. The detailed equipment data will provide a periodic measure of expenditures by type of equipment and assist in evaluating estimates of Producer's Durable Equipment in nonresidential fixed investment. Negotiations are currently taking place with data users on the extent of detailed type of structures and type of equipment data to be collected.

Actual business spending will be collected from employer and nonemployer businesses. Business spending data are used to evaluate the quality of estimates of gross domestic product, develop monetary policy, analyze business asset depreciation, and improve estimates of capital stock for productivity analysis. Industry analysts use these data for market analysis, economic forecasting, identifying business opportunities, product development, and business planning.

II. Method of Collection

The Census Bureau will use mail out/mail back survey forms to collect data. Companies will be asked to respond to the survey within 30 days of the initial mailing. Respondent companies are permitted to respond via facsimile machine using our toll-free number. Letters and/or telephone calls encouraging participation will be directed to respondents that have not responded by the designated time.

III. Data

OMB Number: 0607–0782.

Form Number: ACE–1 (Sent to employer companies reporting payroll to the Internal Revenue Service) and ACE–2 (Sent to nonemployer businesses).

Type of Review: Regular Review.

Affected Public: Businesses or other for-profit organizations, non-profit institutions, small businesses or organizations, and self-employed individuals.

Estimated Number of Respondents: 46,000 (32,000 employer companies, and 14,000 nonemployer businesses).

Estimated Time Per Response: The average for all respondents is 3.815 hours. For companies completing form ACE–1, the range is 2 to 28 hours, averaging 5 hours. For companies completing form ACE–2, the range is less than 1 hour to 2 hours, averaging 1 hour.

Estimated Total Annual Burden Hours: The total annual burden for fiscal year 1999 is estimated to be 175,490 hours.

Estimated Total Annual Cost: The total cost to all respondents is estimated to be $2,323,576. This cost is calculated by multiplying the annual burden hours (175,490) by the Bureau of Labor Statistics' 1996 estimate ($523 for a 39.5 hour work week) for a private industry entry level accountant.

Respondents' Obligation: Mandatory.

Legal Authority: Title 13 United States Code, Sections 182, 224, and 225.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 23, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–20070 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Regulations and Procedures Technical Advisory Committee (RPTAC) will be held August 12, 1998, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Open Session

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Update of policies under review.
4. Update on status of pending regulations.
5. Discussion of proposal to amend Foreign Trade Statistics Regulations and Export Administration Regulations to change definition of ''Exporter of Record''.
6. Report on Wassenaar Arrangement working group meeting.
7. Reports from RPTAC working groups.

Closed Session

8. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. Reservations are not required. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA/BXA MS:3886C, 15th St. & Pennsylvania Ave., NW., U.S. Department of Commerce, Washington, DC 20230.

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 10(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 Lee Ann Carpenter at (202) 482–2583.

Dated: July 23, 1998.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 98–20139 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with June anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke in part three antidumping duty orders.

EFFECTIVE DATE: July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Holly Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20240, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 C.F.R. 351.213(b) (1997), for administrative reviews of various antidumping and countervailing duty orders and findings with June anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on furfuryl alcohol from the People's Republic of China, tapered roller bearings and parts thereof from the People's Republic of China and fresh kiwifruit from New Zealand.

Initiation of Reviews

In accordance with sections 19 C.F.R. 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than June 30, 1999.

Antidumping duty proceedings	Period to be reviewed
JAPAN: Industrial Belts and Components and Parts Thereof:	
A–588–807	6/1/97–5/31/98
NOK Corporation	
NETHERLANDS: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide (''PPD–T''):	
A–421–805	6/1/97–5/31/98

Antidumping duty proceedings	Period to be reviewed
Aramide Products V.O.F.	
NEW ZEALAND: Fresh Kiwifruit:	
A–614–801	6/1/97–5/31/98
New Zealand Kiwifruit Marketing Board	
REPUBLIC OF KOREA: Polyethylene Terephthalate Film, Sheet and Strip (Pet Film):	
A–580–807	6/1/97–5/31/98
SKC Limited	
STC	
SOUTH AFRICA: Furfuryl Alcohol:	
A–791–802	6/1/97–5/31/98
Illovo Sugar Limited	
SWEDEN: Stainless Steel Plate:	
A–401–040	6/1/97–5/31/98
Avesta Sheffield AB	
Uddeholms AB	
THE PEOPLE'S REPUBLIC OF CHINA: Tapered Roller Bearings*	
A–570–601	6/1/97–5/31/98
Zhejiang changsan (Bearing) Group Co. Ltd	
Yantai CMI Bearing Co., Ltd	
Louyang Bearing Factory	
Wafangdian Bearing Factory	
Wafangdian Bearing Industry Co	
Wafangdian Bearing Factory, Liaoning Province	
China National Machinery & Equipment Import & Export Corporation	
China National Machinery and Equipment Import and Export Corporation (CMEC)	
Henan Machinery and Equipment Import and Export Corporation	
The China National Machinery and Equipment Import and Export Corporation, Henan Co., Ltd	
Guizhou Machinery Import and Export Corporation	
Liaoning Machinery Import and Export Corporation	
The China National Machinery & Equipment Import & Export Corporation, Liaoning Co., Ltd	
Liaoning MEC Group Co., Ltd	
China National Machinery Import and Export Corporation, China	
Jilin Machinery Import and Export Corporation	
China National Machinery Import & Export Corporation of Jilin Province	
The China National Machinery and Equipment Import and Export Corporation, Guizhou Branch	
China National Machinery and Equipment Import and Export Corporation (CMEC)	
Guizhou Machinery Import and Export Corporation Guiyang, Guizhou China	
China National Automotive Industry Import & Export Corporation	
China National Automotive Industry Import & Export Corporation, Guizhou China	
China National Automotive Industry Import & Export Corporation, Guizhou Import/Export Corp	
Xiangfan Machinery Import & Export (Group) Corp	
Xiangfan Machinery Foregin Trade Corporation	
Xiangfan International Trade Corp	
Wanxiang Group Corporation	
Shandong Machinery and Equipment Import & Export Corporation	
Shandong Machinery and Equipment Import & Export Group Corporation	
Hangzhou Metals, Minerals, Machinery & Chemical Import Export Corporation	
China Metals, Minerals, Machinery & Chemicals Import Export Corporation	
China Great Wall Industry Company	
Premier Bearing & Equipment, Ltd	
Chin Jun Industrial, Ltd	
China National Machinery Import/Export Corporation	
China National Machinery and Equipment Corp	
China National Machinery and Equipment Import Export Company (CMEC)	
Shanghai Machinery Import & Equipment Import & Export Corp	
Shanghai Machinery Import/Export Corp	
Hubei Provincial Machinery Import & Export Corp	
Zhejang Machinery Import/Export Corp	
Tianshui Hailin Machinery Import & Export Corp	
Heilongjang Machinery Import/Export Corp	
Shandong Machinery Import/Export Corp	
Shanghai Pacific Machinery Import & Export Corp	
Shaanxi Machinery & Equipment I/E Corp	
Guangdong Machinery and Equipment Import & Export	
Guangdong Machinery and Equipment Import & Export (Group) Corporation	
East Sea Bearing Co., Ltd	
Shanghai General Bearing Co., Ltd**	
Direct Source International	
Goldhill International Trading & Services Co	
Bilop International	
China Aeolus Automotive Industries Import Export Corporation	
Flying Dragon Machinery	
Harbin Bearing Factory	

Antidumping duty proceedings	Period to be reviewed
Luoyang Bearing Research Institute of the Ministry Of Machinery & Electronics Industry	
The Tenth Institute of Machinery Project Planning & Research of the Ministry of Machinery & Electronics Industry	
Shanghai Rolling Bearing Factory	
Xiangyang Bearing Factory	
Shanghai Miniature Bearing Factory	
Suzhou Bearing Factory	
Chengdu General Bearing Factory	
Hailin Bearing Factory	
Hongshan Bearing Factory	
Guiyang Bearing Factory	
Haihong Bearing Factory	
Lanzhou Bearing Factory	
Xibei Bearing Factory	
Beijing Bearing Research Institute	
Changzhi People Factory	
Beijing People Bearing Factory	
Handan Bearing Factory	
Jining Bearing Factory	
Shenyang Bearing Factory	
Chaoyang Bearing Factory	
Shenyang Steel Ball Plant	
Gongzhuling Bearing Factory	
Wuxi Miniature Bearing Factory	
Jiamusi Bearing Factory	
Shanghai Bearing Technology Research Institute	
Zhongguo Bearing Factory	
Xiamen Bearing Factory	
Shanghai Hongxing Bearing Factory	
Shanghai Steel Ball Plant	
Wuxi Bearing Factory	
Hangzhou Bearing Factory	
Hefei Bearing Factory	
Huainan Bearing Factory	
Longxi Bearing Factory	
Jiangxi Bearing Factory	
Liangshan Bearing Factory	
Jinan Bearing Factory	
Qingdao Steel Ball Plant	
Huangshi Bearing Factory	
Hebei Steel Ball Plant	
Changsha Bearing Factory	
Guangzhou Bearing Factory	
Guangxi Bearing Factory	
Chongqing General Bearing Factory	
Chongqing Steel Ball Plant	
Yunnan Bearing Factory	
Baoji Bearing Factory	
Tianshui Bearing Instrument Plant	
Beijing Needle Roller Bearing Factory	
Tianjin Minature Bearing Factory	
Datong Bearing Factory	
Hebei Rolling Mill Bearing Factory	
Hebei Bearing Factory	
Chengde Bearing Factory	
The Third Bearing Factory of Shanxi	
Anshan Bearing Factory	
Yingkou Bearing Factory	
Xingcheng Bearing Factory	
Hunjiang Bearing Factory	
Daan Bearing Factory	
Shanghai Hunan Bearing Factory	
Shanghai Pujiang Bearing Factory	
Shanghai Changning Bearing Factory	
Shanghai Needle Roller Bearing Factory	
Xuzhou Revolving Support Factory	
Taian Bearing Factory	
Changshu Bearing Factory	
Northwest Bearing Factory	
Huangshi Bearing Factory	
Guangxi Bearing Factory	
Chongqing Bearing Factory	
Yunnan Bearing Factory	
Baoji Bearing Factory	

Antidumping duty proceedings	Period to be reviewed
Xiangtan Bearing Factory	
Shaoguan Bearing Factory	
Xinjiang Bearing Factory	
The Second Bearing Factory of Xuzhou	
Houzhou Bearing Factory	
Yuxi Bearing Factory	
Chifeng Bearing Factory	
Huangyian Bearing Factory	
Xingchang Bearing Factory	
Liuan Bearing Factory	
Zibo Bearing Factory	
Jining Bearing Factory (Shandong)	
Luoyang Dongfeng Bearing Factory	
Kaifeng Bearing Factory	
Ghangge Bearing Factory	
The Second Machine Tools Electric Apparatus Plant of Anyang	
Shashi Bearing Factory	
Wuhan Bearing Factory	
Changde Bearing Factory	
Hengyang Bearing Factory	
Hubei Bearing Factory	
Yueyang Bearing Factory	
Zhuzhou Bearing Factory	
Fanchang Bearing Factory	
Dongguan Bearing Factory	
Cehngdu Bearing Factory	
Sichuan Small Size Bearing Factory	
Leshan Bearing Factory	
Honghe Bearing Factory	
Shaanxi Bearing Factory	
Shijiazhuang Bearing Factory	
Shanxi Bearing Factory	
Xiangtan Bearing Factory	
Shaoguan Bearing Factory	
Xinjiand Bearing Factory	
Beijing-Pinggu Bearing Factory	
Huhhot Bearing Factory	
Dalian Bearing Instrument Plant	
Nantong Bearing Factory	
Qingjiang Bearing Factory	
Wuhu Bearing Factory	
Yiyang Bearing Factory	
Zhongshan Bearing Factory	
Handan Bearing Factory	
Xingcheng Bearing Factory	
China National Automotive Import & Export Corporation	
China National Automotive Industry Import & Export Corporation	
China National Automotive Industry Xiamen Import/Export Corporation/Shanghai	
China National Automotive Industry Xiamen Import/Export Corporation	
China National Machinery/Equipment Corp	
Kenwa Shipping Co., Ltd	
Far East Enterprising Co. (H.K.) Ltd	
Far East Enterprising (H.K.) Co	
Pantainer Express Line Co	
Intermodal Systems Ltd	
China Ningbo Int'l Economic & Technical Cooperation Corp	
China Ningbo Cixi Import/Export Corp	
Ningbo Xing Li Bearing Co., Ltd	
Ningbo Yinxian Import/Export Corp. China	
Ningbo Yinxian Import/Export Corp. Hong Kong	
Santoh HK Ltd	
Huuzhou Import and Export Corp	
Ideal Consolidators Ltd	
Cargo Services Far East Ltd	
China Resources Transportation & Godown Co., Ltd	
China Travel Service (HK) Ltd	
Fortune Network Ltd	
China Jiangsu Technical Import/Export Corp	
Kaitone Shipping Co., Ltd	
Profit Cargo Service Co., Ltd	
United Cargo Management, Inc	
Zhejang Expanded Bearing Co. China	
Zhejang Expanded Bearing Co. Hong Kong	

Antidumping duty proceedings	Period to be reviewed
Zhejang Yongtong Company China	
Zhejang Yongtong Company Hong Kong	
Wafangdian Hyatt Bearing Manufacturing Co., Ltd	
China National Bearing Joint Export Corp	
PFL Pacific Forwarding, Ltd	
Sui Jun International Ltd	
Wah Shun Shipping Co., Ltd	
Aempac System, Inc	
Xinguang Ind. Prod. Import/Export Corp of Sichuan Province	
Sunway Line, Inc	
Trans-Ocean Bridge Services, Ltd	
Scanwell Container Line Ltd	
Scanwell Consolidators & Forwarders Ltd	
China Machine-Bearing International Corp	
Hyaline Shipping (HK) Co., Ltd	
Long Trend Ltd	
Waiwell Shipping Ltd	
Special Line Ltd	
YK Shipping International, Inc	
Blue Anchor Line Co	
Onan Shipping Ltd	
Shanghai Bearing Corporation	
Wing Tung Wei (China) Ltd	
China Merchants S & E Co., Ltd	
Zhejiang Huangli Bearing Co., Ltd	
China Ningbo International Economic & Technical Cooperation Corporation	
Ningbo Free Trade Zone	
China National Machinery Imp. & Exp. Corp., Chongquing Branch	
China-East Resources International	
Distributino Services Ltd	
Inteks Inc. N.V.O.C.C.	
Shaanxi Machinery & Equipment Imp. & Exp. Corp	
United Cargo Management Inc., Dalian Office	
China Tiancheng Jiangsu Corp. Nanjing	
China Tiancheng Jiangsu Corp. Shanghai	
Zhejiang East Sea Bearing Co., Ltd	
Mayer Shipping Ltd. HK	
Wholelucks Industrial Lim	
Peko Incorporation	
O/B Manfred Development Co., (HK) Ltd	
Asia Stone Company Limited	
Asia (USA) Inc. (Shanghai)	
Xiamen Special Economic Zone Trade Co. Ltd	
SEC Line Ltd	
Jebsin Shipping Ltd	
Heika Express International Ltd	
J.P. Freight, Inc. Shanghai, PRC	
Brilliant Ocean Ltd. Corp. (USA)	
Transunion International Company Hong Kong	
Roson Express Int'l Co., Ltd	
Streamline Shippers Association Hong Kong	
Wholelucks Industrial Lim.	
Laconic Freigth Forwarding Co., Ltd	
Mitrans Shipping Co., Ltd	
Distribution Services Ltd	
The Ultimate Freight Management (H.K.) Ltd	
Ideal Consolidators Ltd	
Luoyang Bearing Research Institute	
Burlington Air Express ltd	
Janco Int'l Freight Ltd	
Phoenix Shanghai China	
Shanghai Dong Yu Materials Co., Ltd	
Guandong Lingnan Industrial Products	
Guandong Lingnan Industrial Products Import & Export Corporation	
Sunrise Industrial Technology Co	
Dongguan Industry Development Corp	
Hi Light Int'l, Inc	
Ever Concord Ltd	
Kin Bridge Express (USA) Inc	
Wice Marine Services Ltd	
Welley Shipping, Ltd	
WSA Lines, Ltd	
Triumph Express Servcie Int'l Ltd	

Antidumping duty proceedings	Period to be reviewed
World Pacific Container Line Ltd	
Hellman Int'l Forwarders, Ltd	
Sino Eagle Co	
Ever Concord Ltd. (Guangzhou)	
Ideal Ocean Lines, Ltd	
MSAS Cargo Int'l (Far East) Ltd	
Ocean Navigator Express Line	
Sunrise Industries technology Co	
China Mudanjiang Heading factory	
Apex Maritime Co., Inc	
Apex Maritime Co., Inc. (Dalian)	
Dalian Machine Tool Accessories	
Everich Shipping, Ltd	
Eternity Int'l Freight Forwarder	
Ningbo Tiansheng Bearing Corp	
Trans-Am Sea Freight (HK) Ltd	
Zhong Shan Transportation Co., Ltd	
Shenzhen Rising Sun Bearing	
Goldline Ltd	
Leader Express International (HK)	
Transnation Shipping Ltd	
Mayer Shipping Ltd	
Shenzhen Jinyuan Industrial	
Transunion International Co., Ltd	
Orient Star Consolidating	
Capital Distribution Services	
Buyers Consolidators Ltd	
Versatile Int'l Corp	
Panalpina China, Ltd	
Trust Freight Services, Inc	
Wah Hing Trading Co	
China North Industries	
Point Talent International Ltd	
Votainer Far East BV	
Seatop Shipping Ltd	
AEL Asia Express (HK) .Ltd	
Kenwa Shipping Co., Ltd	
Wuxi Viking General	
Exbo Shipping Co., Ltd	
Cots Shipping Co., Ltd	
Shenzen South China International	
Ocean Bridge International Inc	
Streamline Shippers Association	
China Jiansu Technical Import & Export Corp	
Ever Concord Ltd	
Air Sea Container Line, Inc	
CL Consolidator Services Ltd	
OAG International, Inc	
Zhejian Xinchang Foreign Economic	
Heicone Jiang Mahcinery Import & Export	
Wenling Foregin Trading Corporation	
Scanwell Freight Express Co., Ltd	
C.U. Transport, Inc	
Shanghai Dongyu Materials Co	
EAS International	
EAS International Transporation Co., Ltd	
Ensign Freight (China) Ltd	
Amec International Co., Ltd	
China Dong Feng Motor	
Rong Shang International Corp	
Air Sea Transport, Inc	
Air Sea Transport, Inc., Yantai Office	
Air Sea Transport, Inc, Dalian	
Wuhan Machinery & Equipment	
STS Machinery, Inc	
USA International Business	
Hang Cheong Shipping Co., Ltd	
Deckwell Sky Express, Inc.	
China Machinery Equipment Import & Export Wuxi Co., Ltd	
China Machinery & Equipment Import & Export Co., Ltd. (Jiangying Bearing Works)	
China Xian Import & Export Corporation	
China Jiangsu Machinery and Equipment Import & Export Wuxi Co., Ltd.	
China Jiangsu Machinery Import and Export (Group) Corp	

Antidumping duty proceedings	Period to be reviewed
China National Packaging Import & Export Nanjing Corporation	
China National Machinery and Equipment Import And Export Corporation (CMEC)	
CMEC Sichan	
CMEC Henan	
CMEC Shandong	
CMEC Jiangsu	
CMEC Guangdong	
CMEC Hebei	
CMEC Hunan	
CMEC Anhui	
CMEC Hubei	
CMEC Zhejiang	
CMEC Liaoning	
CMEC Jiangxi	
CMEC Yunnan	
CMEC Heilongjiang	
CMEC Shaanxi	
CMEC Guizhou	
CMEC Fujian	
CMEC Shanxi	
CMEC Jilin	
CMEC Gansu	
CMEC Hainan	
CMEC Qinghai	
CMEC Chengdu	
CMEC Zengzhou	
CMEC Tsinan	
CMEC Nanjing	
CMEC Guangzhou	
CMEC Shijiazhuang	
CMEC Changsha	
CMEC Hefei	
CMEC Wuhan	
CMEC Hangzouh	
CMEC Shenyang	
CMEC Nanchang	
CMEC Kunming	
CMEC Harbin	
CMEC Xian	
CMEC Guiyang	
CMEC Fuzhou	
CMEC Taiyuan	
CMEC Changchun	
CMEC Lanzhou	
CMEC Haikou	
CMEC Xining	
CMEC Guangxi Zhuang	
CMEC Nei Monggol	
CMEC Xinjiang Uygur	
CMEC Ningxia Hui	
CMEC Xizang	
CMEC Nanning	
CMEC Hohhot	
CMEC Urumqi	
CMEC Yinchuan	
CMEC Lhasa	
CMEC Shanghai	
CMEC Beijing	
CMEC Tianjin	
China National Machinery Import and Export Corporation (CMC)	
Sichuan CMC	
Henan CMC	
Shandong CMC	
Jiangsu CMC	
Guangdong CMC	
Hebei CMC	
Hunan CMC	
Anhui CMC	
Hubei CMC	
Zhejiang CMC	
Liaoning CMC	
Jiangxi CMC	
Yunnan CMC	

Antidumping duty proceedings	Period to be reviewed
Heilongjiag CMC	
Shaanxi CMC	
Guizhou CMC	
Fujian CMC	
Shanxi CMC	
Jilin CMC	
Gansu CMC	
Hainan CMC	
Qinghai CMC	
Chengdu CMC	
Zengzhou CMC	
Tsinan CMC	
Nanjing CMC	
Guangzhou CMC	
Shijiazhuang CMC	
Changsha CMC	
Hefei CMC	
Wuhan CMC	
Hangzhou CMC	
Shenyang CMC	
Nanchang CMC	
Kunming CMC	
Harbin CMC	
Xian CMC	
Guiyang CMC	
Fuzhou CMC	
Taiyuan CMC	
Changchun CMC	
Lanzhou CMC	
Haikou CMC	
Xining CMC	
Guangxi Zhuang CMC	
Nei Monggol CMC	
Xinjiang Uygur CMC	
Ningxia Hui CMC	
Xizang CMC	
Nanning CMC	
Hohhot CMC	
Urumqi CMC	
Yinchuan CMC	
Lhasa CMC	
Shanghai CMC	
Beijing CMC	
Tianjin CMC	

* If one of the above named companies does not qualify for a separate rate, all other exporters of tapered roller bearings from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporter is a part.

** With respect to Shanghai General Bearing Co., Ltd., this initiation notice only applies with respect to subject merchandise entered or sold during the period by Shanghai General Bearing Co., Ltd., but not produced by Shanghai General Bearing Co., Ltd.

Countervailing Duty Proceedings: None.

Suspension Agreements: None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, we will determine, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section to any administrative review initiated in 1996 or 1998 (19 CFR 351.213(j)(1–2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: July 21, 1998.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 98–20161 Filed 7–27–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Application for Appointment as Reserves of the Air Force or USAF Without Component; AF Form 24; OMB Number 0701–0096.

Type of Request: Reinstatement.

Number of Respondents: 3,350.

Responses per Respondent: 1.

Annual Responses: 3,350.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 1,116.

Needs and Uses: The information collection requirements is necessary to determine if an applicant meets the qualifications established for appointment as a Reserve (ANGUS and USAFR) or in the USAF without component. The information contained on AF Form 24 supports the Air Force as it applies to direct appointment (procurement) programs for civilian and military applicants. It provides necessary information to determine if an applicant meets qualifications established for appointment to fill authorized ANGUS and USAFR position vacancies and activities duty requirements. Eligibility requirements are outlined in the Air Force Instruction 36–2005, ''Appointment in Commissioned Grades and Designation and Assignment in Professional Categories—Reserved of the Air Force and the United States Air Force.''

Affected Public: Individuals or households.

Frequency: On occasion.

Respondents Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr.. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Officer Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–20094 Filed 7–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 215.8, Price Negotiation, and Related Clauses at 252.215; OMB Number 0704–0232.

Type of Request: Extension.

Number of Respondents: 300.

Responses Per Respondent: 0.45 (average).

Annual Responses: 141.

Average Burden Per Response: 37.94 hours.

Annual Burden Hours: 5,350.

Needs And Uses: This information collection requirement pertains to information collections used by the Department of Defense (DoD) to negotiate an equitable adjustment in the total amount paid or to be paid under a fixed-price redeterminable or fixed-price incentive contract, to reflect final subcontract prices; and to determine if a contractor has an adequate system for generating cost estimates, and monitor correction of any deficiencies. DFARS 215.806–1 requires that, upon establishment of firm prices for each subcontract listed in a repricing modification, the contractor shall submit costs incurred in performing the subcontract and the final subcontract price. This requirement is used when pricing a fixed-price redeterminable or fixed-price incentive contract that includes subcontracts placed on the same basis for which the contractor has not yet established final prices, if cost or pricing data is inadequate to determine whether the amounts are reasonable, but circumstances require prompt negotiation. DFARS 215.811 and the clause at 252.215–7002, Cost Estimating System Requirements, require that certain large business contractors: (1) Establish an adequate cost estimating system and disclose such estimating system to the Administrative Contracting Officer in writing; and (2) respond in writing to written reports from the Government that identify deficiencies in the estimating system.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: July 22, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–20095 Filed 7–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: End-Use Certificate; DLA Form 1822; OMB Number 0704–0382.

Type of Request: Extension.

Number of Respondents: 40,000.

Responses Per Respondent: 1.

Annual Responses: 40,000.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 13,200.

Needs and Uses: This information collection is used to control the ultimate disposition of Munitions List Items and Commerce Control List Items. Successful bidders are checked to determine if they are responsible and are not debarred bidders, Specially Designated Nationals or Blocked Persons and will not divert the property to denied/sanctioned countries or unauthorized destinations. Respondents are customers, who purchase surplus property, munitions, and commerce list items.

Affected Public: Individuals or households; Business or Other For-Profit; Not-for-Profit Institutions; State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing. WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: July 22, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–20096 Filed 7–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 27, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: July 22, 1998.

Hazel Fiers,

Acting Deputy Chief Information, Officer, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: Evaluation of Upward Bound.

Frequency: On occasion.

Affected Public: Individuals or households; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 9,429.

Burden Hours: 6,825.

Abstract: The Upward Bound program aims to increase the chances that disadvantaged youth will enroll and succeed in college. The Department of Education needs this evaluation to assess the impact of Upward Bound on student outcomes such as college enrollment, persistence, and achievement. Respondents include Upward Bound project directors and a longitudinal panel of Upward Bound students.

[FR Doc. 98–20037 Filed 7–27–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–657–000]

Columbia Gulf Transmission Company; Notice of Request Under Blanket Authorization

July 22, 1998.

Take notice that on July 8, 1998, Columbia Gulf Transmission Company (Columbia Gulf), 2603 Augusta, Suite 125, Houston, Texas 77001, filed in Docket No. CP98–657–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations (18 CFR 157.205, 157.211) under the Natural Gas Act (NGA) for authorization to construct and operate 7.1 miles of 16-inch diameter pipeline and appurtenances and a new delivery point in St. Charles Parish, Louisiana, under Columbia Gulf's blanket certificate issued in Docket No. CP83–496–000, pursuant to Section 7 of the NGA, all as more fully set forth in the request that is on file with the Commission and open to Public inspection.

Columbia Gulf proposes to construct, own and operate the facilities in order to make deliveries to Entergy Louisiana Inc. (ELI), a retail electric utility company which has requested transportation service from Columbia. It is stated that the pipeline facilities will extend from Columbia Gulf's existing Paradis lateral to an interconnection with Evangeline Gas Pipeline, L.P., where the new delivery point will be located. It is asserted that Columbia Gulf will initially deliver up to 100,000 Dt equivalent of natural gas per day to ELI on an interruptible basis pursuant to its ITS–2 rate schedule, with firm service to come later. It is estimated that the cost of the proposed facilities will be approximately $5,784,800. It is explained that the proposed deliveries will not impact Columbia Gulf's existing peak day obligations to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the intent 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 if 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. 98–20066 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG98–7–001]

Midcoast Interstate Transmission, Inc.; Notice of Filing

July 22, 1998.

Take notice that on July 13,1998, Midcoast Interstate Transmission, Inc. (Midcoast) filed standards of conduct in response to the Commission's June 12, 1998 order requiring Midcoast to revise its standards of conduct.[1]

Midcoast states that it has served copies of its revised standards of conduct upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 or 385.214). All such motions to intervene or protest should be filed on or before August 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–20065 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

[1] 83 FERC ¶ 61,296 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–671–000]

Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

July 22, 1998.

Take notice that on July 15, 1998, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251–1396, filed in Docket No. CP98–671–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct, own, and operate a new delivery point (Yates Delivery Point), located in Coweta County, Georgia, for Georgia Power Company (Georgia Power), an electric generation and distribution company, under Transco's blanket certificate issued in Docket No. CP82–426–000, pursuant to Section 7(c) 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.

Transco proposes that the Yates Delivery Point will consist of two 16-inch valve tap assemblies, a meter station with four 12-inch meter tubes, and other appurtenant facilities near milepost 1011.25 on Transco's Mainline, located in Coweta County, Georgia. Transco states that Georgia Power will construct, or cause to be constructed, appurtenant facilities to enable it to receive gas from Transco at the Yates Delivery Point for use as fuel at the Yates Power Plant in Coweta County, Georgia.

Transco states that the new Yates Delivery Point will be used by Georgia Power to receive up to the dekatherms equivalent of 369,000 Mcf of gas per day from Transco. Transco declares that the gas delivered through the new Yates Delivery Point will be received by Georgia Power for fuel in its capacity as an electric generation and distribution company. Transco asserts that Georgia Power is not currently a transportation customer of Transco. Upon completion of the Yates Delivery Point, Transco states it will commence transportation service to Georgia Power pursuant to Transco's Rate Schedules FT–R or IT and Part 284(G) of the Commission's Regulations. Transco declares that Georgia Power may have access in the future to Rate Schedule FT service in the event Georgia Power becomes a replacement shipper for a permanent release of firm capacity or if new firm capacity becomes available through an expansion of Transco's system.

Transco states that the estimated total cost of Transco's proposed facilities is approximately $1,005,000, with Georgia Power reimbursing them for all costs associated with such facilities. Transco asserts that the addition of the Yates Delivery Point will have no significant impact on Transco's peak day or annual deliveries, and is not prohibited by their FERC Gas Tariff.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–20067 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–668–000]

Trancontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

July 22, 1998.

Take notice that on July 13, 1998, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP98–668–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to install and operate a sales tap for marathon Oil Company (Marathon), under Transco's blanket certificate issued in Docket No. CP82–426–000, 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.

Transco proposes to install, own and operate a new sales tap to Marathon on an existing platform in Block 331,

Vermilion Area, Offshore Louisiana. Transco states that gas will be delivered through an existing tap on the piping on the platform, and that Transco will install, own and operate electronic flow measurement equipment. Transco states that Marathon will install, own and operate a valve assembly and a meter tube.

Transco further states that the new sales tap will be used by Marathon to receive up to 500 Mcf of gas per day from Transco on an interruptible basis. Transco states that such gas will be used by Marathon for gas lift purposes at Vermilion Block 331. Transco states that transportation service will be rendered to Marathon pursuant to Transco's Rate Schedule IT and Part 284 (G) of the Commission's regulations. Transco also states that the addition of this sales tap will have no significant impact on its peak day or annual deliveries and is not prohibited by its FERC Gas Tariff.

Transco estimates the total cost of its proposed facilities to be approximately $31,290, and states that Marathon will reimburse Transco for all costs associated with such facilities.

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. 98–20068 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission

July 22, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major License.

b. *Project No.:* P–2567–009.

c. *Date Filed:* June 18, 1998.

d. *Applicant:* Northern States Power Company—Wisconsin.

e. *Name of Project:* Wissota Hydroelectric Project.

f. *Location:* On the Chippewa River in Chippewa County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Chris M. Olson, Northern States Power Company, 100 North Barstow Street, P.O. Box 8, Eau Claire, WI 54702, (715) 836–1053.

i. *FERC Contact:* Mark Pawlowski (202) 219–2795.

j. *Comment Date:* Within 60 days of the notice issuance date.

k. *Description of Project:* The existing project would consist of: (1) six earthen embankments and a 165 foot-long gravity dam; (2) a 6,212-acre reservoir; (3) a powerhouse containing 6 vertical turbine-generator units for a total installed capacity of 36,000 kW; (4) a transmission line; and (5) appurtenant facilities. The average annual energy generation is 149,392,471 kWh.

1. With this notice, we are initiating consultation with the *WISCONSIN STATE HISTORIC PRESERVATION OFFICER (SHPO),* as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR, at § 800.4

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the comment date and serve a copy of the request on the applicant.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–20099 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Tendered for Filing With the Commission

July 22, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major New License (Tendered Notice)

b. *Project No.:* 1895–007.

c. *Date filed:* June 30, 1998.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Columbia Hydroelectric Project.

f. *Location:* On the Board and Congaree Rivers in Richland County and the City of Columbia, South Carolina.

g. *Filed Pursuant to:* Federal Power Act 16 USC 791(a)-825(r).

h. *Applicant Contact:* Mr. Neville O. Lorick, Vice President, Fossil & Hydro Operations, South Carolina Electric & Gas Company, 111 Research Drive, Columbia, SC 29203.

i. *FERC Contact:* Charles R. Hall at (202) 219–2853.

j. *Description of Project:* The existing project consists of: (1) a 1,021-foot-long, 14-foot-high timber crib diversion dam; (2) a shallow, 265-acre reservoir located in the Broad River upstream from the diversion dam; (3) 10-foot-deep, 150-foot-wide, 3.5-mile-long canal with a surface area of 85 acres; (4) a 210-foot-long, granite-block masonry canal intake structure, containing 12 manually operated vertical lift gates to control the flow of water into the canal; (5) a granite-block masonry canal spillway containing two, 12-foot-wide Taintor gates separated by a 208-foot-long stoplog section; (6) a granite-block and brick masonry powerhouse, containing seven turbine-generator units with a total installed capacity of 10,600 kilowatts (kW); and (7) appurtenant facilities.

k. Under Section 4.32 (b)(7) of the Commission's Regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

1. With this notice, we are initiating consultation with the South Carolina State Historic Preservation Officer, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, 800.4.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–20100 Filed 7–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of June 1 Through June 5, 1998

During the week of June 1 through June 5, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Date: July 20, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 88

Appeals

David E. Ridenour, 6/4/98, VFA–0411

David E. Ridenour (Ridenour) filed an Appeal from a determination issued to him by the Office of Inspector General (OIG) of the Department of Energy (DOE). The determination concerned Ridenour's request for information pursuant to the Freedom of Information Act (FOIA). In his Appeal, Ridenour asserted that OIG failed to conduct an adequate search for documents pertaining to a 1997 complaint he had filed with OIG. Additionally, Ridenour asserted that OIG had improperly withheld information pursuant to Exemptions 5, 6 and 7(C) and that OIG had failed to provide him with copies of 18 responsive documents (authored by Ridenour himself) which OIG identified. After reviewing the search that was conducted for responsive documents, the DOE determined that OIG had performed an adequate search. The DOE also held that while OIG properly invoked Exemptions 6 and 7(C), OIG had improperly withheld information pursuant to Exemption 5. Additionally, DOE held that OIG should issue a determination regarding the 18 responsive documents it did not provide to Ridenour. Consequently, Ridenour's Appeal was granted in part.

Gary S. Foster, 6/1/98, VFA–0413, VFA–0414, VFA–0415, VFA–0416, VFA–0417

Gary S. Foster (Foster) filed five Appeals from five determinations issued to him by the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy (DOE) in response to requests filed pursuant to the Freedom of Information (FOIA). In his Appeals, Foster asserted that Oak Ridge failed to conduct an adequate search for certain documents pertaining to beryllium transactions between Oak Ridge and five companies that supplied Oak Ridge with beryllium in the past. After reviewing the search that was conducted for responsive documents, the DOE determined that Oak Ridge had performed an adequate search. Consequently, Foster's Appeals were denied.

Personnel Security Hearing

Personnel Security Hearing, 6/2/98, VSO–0186

An OHA Hearing Officer issued an opinion recommending against restoration of the security clearance of an individual, which had been suspended because the DOE had obtained derogatory information that fell within 10 CFR § 710.8 (f), (j), and (l). In reaching his conclusion, the Hearing Officer found that the individual suffered from alcohol abuse and had a pattern of lying about whether he drank. The Hearing Officer concluded that the individual is not sufficiently honest, reliable and trustworthy within the meaning of 10 CFR § 710.8(l) to hold an access authorization.

Whistleblower Hearing

Carlos M. Castillo, 6/1/98, VWA–0021

Carlos M. Castillo (Castillo) filed a complaint under the DOE's Contractor Employee Protection Program, 10 CFR Part 708, contending that reprisals were taken against him after he raised concerns relating to health and safety to Kiewit Construction Company (Kiewit). These alleged reprisals included the complainant's wrongful termination from employment and, after he had been rehired, being improperly selected for a company layoff. After a preliminary investigation of this matter by the DOE Office of Inspector General, Castillo and Kiewit exercised their option for an expedited hearing under 10 CFR § 708.9. In considering the transcript of testimony taken at the hearing and the submissions of the parties, the Hearing Officer determined that although Castillo had made a protected disclosure relating to health or safety, he failed to carry his burden to show by a preponderance of the evidence that such disclosure was a contributing factor in the personnel actions taken against him by Kiewit. 10 CFR § 708.9(d). Accordingly, in the DOE's Initial Agency Decision, Castillo's request for relief under Part 708 was denied.

Dismissals

The following submissions were dismissed.

Name	Case No.
Farmers Union Oil Company	RF272–94241
Karen Coleman Wiltshire	VFA–0410
Stand of Amarillo, Inc	VFA–0409

[FR Doc. 98–20125 Filed 7–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals During the Week of June 22 Through June 26, 1998

During the week of June 22 through June 26, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Date: July 20, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 91

Appeals

Michael J. Ravnitzky, 6/22/98 VFA–0188

Michael J. Ravnitzky filed an Appeal from a denial by the Albuquerque Operations Office of a request for information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified and Unclassified Controlled Nuclear Information (UCNI) under the Atomic Energy Act, Albuquerque withheld it at the direction of the Office of Declassification under Exemption 3 of the FOIA. In considering the information that was withheld, the DOE determined on appeal that a small portion of the document must continue to be withheld as classified information under Exemption 3, but the remainder, including the information previously withheld as UCNI, could be released. Accordingly, the Appeal was granted in part and a newly redaction version of the requested information was ordered to be released.

Personnel Security Hearing

Personnel Security Hearing, 6/25/98 VSO–0199

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to be granted access authorization under the provisions of 10 CFR Part 710. After considering the testimony presented at the hearing and the record, the Hearing Officer first found that the individual has a mental condition which causes or may cause a significant defect in her judgment or reliability. This finding was based on the DOE consultant psychiatrist's diagnosis of borderline personality disorder. However, the Hearing Officer found that the DOE consultant psychiatrist's diagnosis of cannabis abuse was not well-founded and that the individual's attention deficit disorder was not causing and would not cause a significant defect in her judgment or reliability. The Hearing Officer also found that the individual's two suicide attempts, arrests for negligent use of a firearm and violation of a restraining order, and her one-time use of marijuana demonstrated that she had engaged in unusual conduct or to have been subject to circumstances which tend to show that she was not honest, reliable, or trustworthy; or which furnished reason to believe that she may be subject to pressure, coercion, exploitation, or duress which may cause her to act contrary to the best interests of the national security. Accordingly, the Hearing Officer recommended that the individual not be granted access authorization.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Brewster Central School *et al*	RF272–95345	6/26/98
Crude Oil Supplemental Dist	RB272–00137	6/22/98
Walter L. Burnham *et al*	RK272–04784	6/22/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Personnel Security Hearing	VSO–0212.

[FR Doc. 98–20126 Filed 7–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of June 29 through July 3, 1998

During the week of June 29 through July 3, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Date: July 20, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 92,

Personnel Security Hearing

Personnel Security Hearing, 7/1/98, VSO–0200

A Hearing Officer found that an individual had not successfully mitigated security concerns arising from his habitual use of alcohol and his

alcohol dependence. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Refund Application

Champion Spark Plug Co., 7/1/98, RR272–270

The DOE issued a Decision and Order granting an Application for Refund that Champion Spark Plug Company filed in the Subpart V crude oil refund proceeding. The DOE originally denied Champion's Application, based on its finding that Cooper Industries, a current affiliate of Champion, had waived the right of Champion to a crude oil refund when it filed a claim in the Stripper Well Surface Transporters refund proceeding. However, because Champion was not affiliated with Cooper Industries as of the Payment Date in the Surface Transporters proceeding. The DOE reconsidered Champion's Application. The DOE found that the Applicant was an end-user of the petroleum products for which it sought a refund, and was therefore presumed injured. Based upon purchases of 3,770,806 gallons of petroleum products, the DOE granted a refund of $6,033.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Augusta Petroleum Coop., Inc. *et al*	RF272–95695	6/30/98
Crude Oil Supple Refund Dist	RB272–00138	7/2/98
Our Lady of Sorrows Parish *et al*	RF272–98902	7/1/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Primco, Inc	RK272–04633

[FR Doc. 98–20127 Filed 7–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 6 Through July 10, 1998

During the week of July 6 through July 10, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Date: July 20, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 93

Appeal

Karen Coleman Wiltshire, 7/6/98, VFA–0422

The Department of Energy (DOE) issued a Decision and Order (D&O) denying a Freedom of Information Act (FOIA) Appeal that was filed by Karen Coleman Wiltshire. In her Appeal, Ms. Wiltshire challenged the adequacy of the search for responsive documents. In the Decision, the OHA found that the search was adequate.

Personnel Security Hearing

Personnel Security Hearing, 7/9/98, VSO–0194

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 CFR Part 710. The DOE Personnel Security Division alleged that the individual engaged in unusual conduct that showed the individual is not honest, reliable, or trustworthy or is subject to coercion that may cause the individual to act contrary to the best interests of national security. *See* 10 CFR § 710.8 (l). The parties convened for an evidentiary hearing in which seven witnesses testified. After carefully examining the record of the proceeding, the Hearing Officer determined that the individual had failed to mitigate security concerns connected with his acts of domestic violence. Accordingly, the Hearing Officer recommended that DOE Security not restore the individual's access authorization.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Enron Corporation/Liquid Petroleum Corp	RF340–9	7/10/98
Evelyn Neuman *et al*	RK272–01896	7/9/98
V & B Drilling Co *et al*	RF272–94376	7/9/98
Wilma E. Taylor	RK272–04815	7/6/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Ben Salamoni Trucking Service Inc	RK272–01697
Clarke Oil Well Servicing Inc	RK272–01871
Excel Specialty Products	RK272–04762
Leggett & Platt, Incorporated	RF272–4705
National Beverages, Inc.	RK272–04677
Personnel Security Hearing	VSO–0206
Petrolane Gas Service Ltd. Partnership	RF340–00169
Texaco Refining and Marketing, Inc.	RR340–0001
The Brindle Excavating Co., Inc.	RK272–01477
Weinberg Chemical & Supply Company	RK272–04716
200 Varick Street Associates	RK272–04603

[FR Doc. 98–20128 Filed 7–27–98; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[PF–816; FRL–5799–3]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by the docket control number PF–816, must be received on or before August 27, 1998.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, 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. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager listed in the table below:

Product Manager	Office location/telephone number	Address
Bipin Gandhi (PM 21)	Rm. 707A, CM #2, 703–308–8380, e-mail:gandhi.bipin@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA.
Cynthia Giles-Parker (PM 22).	Rm. 247, CM #2, 703–305–7740, e-mail:giles-parker@epamail.epa.gov.	1921 Jefferson Davis Hwy.,Arlington, VA.

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–816] (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. Comments and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number (insert docket number) and appropriate petition number. Electronic comments on 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:July 9, 1998.

James Jones,

Director, Registration 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.

1. Fleming Laboratories, Inc.

PP 4G4276

EPA has received a pesticide petition (PP 4G4276) from Fleming Laboratories, Inc., P.O.Box 34384, Charlotte, NC 28234 proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of (4-methylphenyl)arsonic acid in or on the raw agricultural commodity fresh market grapefruit grown only in Florida at 0.5 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

A. Residue Chemistry

1. *Plant metabolism*. A plant metabolism study is being conducted at the proposed use rate of 6.22 lbs active ingredient (6.25 lbs product) per acre and has revealed approximately 0.46 ppm total radioactive residue (TRR) in whole fruit, of which 0.13 ppm or 29.2% of the TRR was parent compound. Four of the 11 metabolites isolated from whole fruit exceed 10% of the TRR. Metabolite characterization and identification is still in progress.

2. *Analytical method*. A High Performance Liquid Chromatography (HPLC) method is available to verify the certified limits of arsanilic acid in the end-use product.

Currently there is no validated method for determining any of the residues of arsanilic acid in/on grapefruit. However, method development is partially complete for an analytical method to determine residues of (4-aminophenyl)arsonic acid, *per se*, the active ingredient of Pro-Gen(r), in or on whole grapefruit. In principle, a 50 gram sample of grapefruit is extracted by homogenization with water. The extract is centrifuged, filtered, concentrated by rotary evaporation, cleaned up on a florisil column, buffered to pH 4.5, then derivatized with methyl thioglycolate. The derivative is partitioned into toluene, which is analyzed by gas chromatography (GC) and an electron capture detector (ECD). The anticipated Limit of Quantitation (LOQ) is 0.05 ppm. Method development for the metabolite residues will ensue as the metabolites are identified.

3. *Magnitude of residues*. Field residue trials are currently in progress at several sites in Florida. Mature grapefruit samples have been harvested from trees treated with 6.25 lbs Pro-Gen(r) per acre and are being stored until residue analytical method development is complete. However, based on the data from the plant metabolism study, total residues of arsanilic acid in grapefruit are expected to be less than 0.5 ppm.

B. Toxicological Profile

1. *Acute toxicity*. Pro-Gen(r)/arsanilic acid is only moderately acutely toxic to mammals. The rat acute oral LD_{50} values were 1,411 mg/kg for males, 976 (646-2883) mg/kg for females and 1,461 mg/kg for males and females combined. A study with New Zealand white rabbits established acute dermal LD_{50} values of 922 mg/kg for males, 909 (445-1972) mg/kg for females and 921 (577-1402) mg/kg for males and females combined. Arsanilic acid has caused minimal signs of toxicity in rats following a 4 hour inhalation exposure to a measured atmospheric concentration of 5.35 mg/l. The acute inhalation LC_{50} is greater than 5.35 mg/l. Arsanilic acid is slightly irritant to rabbit eyes and is not irritant to rabbit skin.

Arsanilic acid is not considered a skin sensitizer. Arsanilic acid does not cause sensitization in guinea pigs. Additionally, arsanilic acid has been manufactured and used since the 1940's as a medicinal feed additive for poultry and swine with no reported incidents of hypersensitivity among workers.

2. *Genotoxicty*. Arsanilic acid is not mutagenic to five strains of *Salmonella typhimurium*. In the mouse micronucleus test, arsanilic acid (99.6% purity) was devoid of micronucleus inducing potential in the bone marrow of male and female CD-1 mice when tested to maximum tolerated doses. Arsanilic acid was determined to be weakly mutagenic in mouse lymphoma L51178Y cells in the presence of S9 mix, when tested at concentrations extending into the toxic range. However, evidence of mutagenicity in the absence of S9 mix was inconclusive.

3. *Reproductive and developmental toxicity*. A review of three studies detailing the effects of arsanilic acid on reproduction in swine found no adverse effects on the fertility, fecundity, or health and survival of swine dams and their offspring at an arsanilic acid feed concentration of 100 ppm. Furthermore, at the 100 ppm arsanilic acid feeding level, no gross abnormalities or adverse effects were found on organ weights or pathology. To the contrary, arsanilic acid in the diet improved the overall health, improved weight gain, and increased survival of swine.

No developmental effects were found in rats exposed *in utero* to arsanilic acid at levels up to and including that which produced overt maternal toxicity. Arsanilic acid was administered orally by gavage to pregnant rats at nominal dose levels of up to 60 mg/kg/day. Reduced body weight gains early in the treatment period, reduced food consumption, and the presence clinical signs (60 mg/kg/day group) were considered evidence of maternal toxicity. No developmental toxicity was apparent at any dose level. A no observable effect level (NOEL) for maternal effects (reduced food consumption) was considered to be less than 6 mg/kg/day (based on a 60.0% of target concentration analysis of the 10 mg/kg/day formulation used during the first 5 days of dose administration). The NOEL for maternal clinical signs was 30 mg/kg/day. The NOEL for developmental toxicity of rats was 60 mg/kg/day.

No developmental effects were noted in rabbits exposed *in utero* to arsanilic acid (100%) at levels up to and including that which produced overt maternal toxicity. Arsanilic acid (Pro-Gen(r)) was administered orally by gavage to pregnant rabbits at nominal dose levels up to 6 mg/kg/day. Maternal effects were observed only in the 6 mg/kg/day dosed dams and were limited to reductions in mean body weight gain and food consumption. No maternal effects were apparent at dose levels of 1 and 3 mg/kg/day. No developmental toxicity was expressed at any dose level. The NOEL for maternal effects was 3 mg/kg/day. The NOEL for developmental toxicity was 6 mg/kg/day.

4. *Subchronic toxicity*. No mortality occurred during a 91-day feeding study in which male and female rats were fed nominal concentrations of up to 750 ppm arsanilic acid in the diet. Some signs of toxicity (behavior, locomotion and excreta) were observed at feeding levels of 375 ppm and above. No definite treatment effects were observed in animals receiving 50 ppm arsanilic acid in the diet. The NOEL was determined to be 50 ppm (3.77 mg/kg/day for males and 4.76 mg/kg/day for females).

No mortality occurred during a 90-day feeding study in which male and female beagles were fed arsanilic acid at up to 200 ppm in diet. No ophthalmoscopic abnormalities were observed at any level. Clinical signs of toxicity were observed in some dogs receiving 200 ppm arsanilic acid in diet. While there was no observable indication of toxicity in animals receiving up to 100 ppm arsanilic acid in the diet, microscopic evaluation of the kidneys revealed dose-related abnormalities. The NOEL for female beagle dogs was 50 ppm (1.7 mg/kg/day). The NOEL for male beagle dogs was 25 ppm (0.7 mg/kg/day).

5. *Chronic toxicity*. Arsanilic acid is not carcinogenic to rats. Arsanilic acid is approved by the FDA for use as a medicinal feed supplement for swine and poultry at concentrations up to 0.01% of the ration and has been extensively used in commercial rations since the 1940's.

Arsanilic acid was fed to rats (two separate studies) at concentration levels of 100, 500 and 1,000 ppm in the diet for 106 to 116-weeks. In both studies, the presence of arsanilic acid in the diet was reported to have caused no gross abnormalities or adverse effects on organ weights, pathology, incidence of tumors or health of rats.

Long term feeding of 0.01% arsanilic acid in pig feed for up to 51 months during a multigeneration study resulted in increased survival and overall improved health of arsanilic acid-treated pigs.

6. *Animal metabolism*. Arsanilic acid uniformly labeled with ^{14}C in the benzene ring was used to determine the metabolic fate of arsanilic acid fed to pigs and chickens. Arsanilic acid was well absorbed by both species. Urine was the predominant route of excretion. The bile was a minor (<5% of the dose) route of excretion in pigs (was not measured in chickens). Arsanilic acid and two other metabolites, N-acetylarsanilic acid and (4-acetamidophenyl)dimethylarsine oxide, were identified in the pig urine. In pigs, somewhere between 17-39% of the urinary ^{14}C metabolites was excreted as arsanilic acid, 15-29% as N-acetylarsanilic acid and <5% as (4-acetamidophenyl)dimethylarsine oxide. Only 2-5% of the radio-labeled arsanilic acid dose remained in the carcass or liver of pigs while less than 1% remained in the chicken carcasses (liver included). There was no evidence of any biotransformation of arsanilic acid in chickens. The study authors also note that the results of this study corroborate earlier research showing that chickens rapidly excrete arsanilic acid with no biotransformation.

7. *Metabolite toxicology*. There is no known information about the toxicity of any of the currently identified metabolites of arsanilic acid.

8. *Endocrine disruption*. Arsanilic acid is not considered to be an endocrine disruptor. Several studies in which different species were administered high levels of arsanilic acid have shown no effect on the time-to-mating or on mating and fertility indices. Radiolabelled [^{14}C]-arsanilic acid fed to chickens (laying hens) had no effect on the ability of the hens to produce eggs. Multigeneration reproduction studies in swine, developmental toxicity studies in rats and rabbits, chronic studies in rats plus long term medicinal use in animal husbandry amply demonstrates that arsanilic acid does not affect the estrous cycle, mating behavior, male or female fertility, or male or female reproductive tracts.

C. Aggregate Exposure

1. *Dietary exposure—Food*— i. *From medicinal feed additive use*. Arsanilic acid has been utilized under FDA approval as a medicinal feed additive in pig, chicken and turkey feeds since the 1940's. However, the feed additive tolerances established by the FDA are expressed in terms of total residues of combined arsenic (calculated as As) instead of as arsanilic acid (21 CFR 558.62 and 556.60). Because arsanilic acid may be the sole dietary contributor that necessitates the feed additive tolerances for arsenic, these tolerances can be converted to total arsanilic acid equivalents by using a conversion factor of 2.9, the ratio of the molecular weight of arsanilic acid (217.04) to that of its arsenic content (74.92).

Total Residues as Arsenic (ppm)	Total Residues as Arsanilic Acid (ppm)	Commodity
0.5	1.45	eggs, chicken
0.5	1.45	muscle, chicken
2.0	5.8	edible by-products, chicken
0.5	1.45	eggs, turkey
0.5	1.45	muscle, turkey
2.0	5.8	edible by-products, turkey
2.0	5.8	liver, swine
2.0	5,8	kidney, swine
0.5	1.45	muscle, swine
0.5	1.45	by-products, swine

ii. *From proposed use on fresh market grapefruit grown only in Florida*. In the amended petition for a Saleable Experimental Use Permit, the following temporary tolerance is proposed for total residues of arsanilic acid expressed as arsanilic acid, *per se*, in or on fresh market grapefruit.

0.5 ppm in/on grapefruit (whole fruit)

Because the treated fruit are prohibited from being processed under the amended Experimental Use Permit, no dietary exposure is anticipated from the processed commodities nor are any temporary tolerances proposed for the processed commodities, grapefruit juice, dried grapefruit pulp or grapefruit citrus oil.

iii. *From livestock consumption of treated grapefruit and/or processed products*. Under the amended petition for Experimental Use Permits (EUP), treated fruit may not be fed to livestock. The amended EUP also restricts livestock grazing or consumption of forage or hay from Pro-Gen(r) treated orchards. Therefore, no dietary exposure to arsanilic acid is anticipated from livestock consumption of Pro-Gen(r) under the auspices of the proposed EUP.

2. *Drinking water*. No exposure to arsanilic acid is expected from consumption of drinking water. Arsanilic acid is not proposed for application to sources of drinking water. Additionally, hydrolysis, soil metabolism and soil adsorption/desorption studies have shown that arsanilic acid is stable to environmental degradation and binds tightly and irreversibly to the organic and mineral fractions of soils. Any arsanilic acid that

might be excreted by poultry or swine administered arsanilic acid for medicinal purposes will be tightly bound to soil if incorporated in to the soil as a fertilizer. Consequently, potential exposure of surface and/or ground water to arsanilic acid will be minimized.

3. *Non-dietary exposure*. There are no known sources of non-dietary exposure to arsanilic acid, outside of occupational exposure in the manufacturing and packaging of Pro-Gen(r)/arsanilic acid in its current usage in animal husbandry, or in its proposed use in Florida fresh market grapefruit production. There is little concern that children would be exposed to non-dietary sources of arsanilic acid.

D. Cumulative Effects

For cumulative exposure considerations, Fleming Laboratories believes it is appropriate to consider only the potential risks of arsanilic acid noted in the discussion of aggregate exposure (above), based on the current approaches used by the FDA and EPA for regulating organic arsenical compounds in animal husbandry and crop production.

Arsanilic acid is an organic arsenical compound. FDA regulations have established feed additive tolerances, expressed as ppm total combined arsenic, for the following medicinal organoarsenical compounds, arsanilic acid, arsanilate sodium, nitarsone, carbarsone, and roxarsone.

Although FDA has authorized the use of these compounds as medicinal feed additives, only one of these organoarsenicals may be used at a time as the sole source of organic arsenic in the feed. Therefore, there is no exposure from multiple organic arsenicals in animal feeds.

With regards to crop protection, the only known organic arsenicals registered in the U.S. are the herbicides: cacodylic acid, a cotton defoliant; and disodium or monosodium methanearsonic acid, contact herbicides used in cotton and citrus production. With regard to residue tolerances for these herbicides, residues of cacodylic acid are regulated discretely for that compound under 40 CFR 180.311. While, residues of disodium and monosodium methanearsonic acid are regulated simultaneously as methanearsonic acid under 40 CFR 180.289. Since these compounds are regulated discretely, it can be assumed that EPA considers them to have distinct metabolic pathways and modes of action.

Since arsanilic acid has a considerably different chemical structure (containing a phenyl ring) from these other straight-chained organic arsenical herbicides, it is reasonable to assume that arsanilic acid will have a unique mode of action compared to the straight chain herbicides. The proposed use of arsanilic acid as a plant growth regulator further illustrates the differences when comparing arsanilic acid to these herbicides.

Therefore, for cumulative exposure considerations, Fleming Laboratories believes it is appropriate to consider only the potential risks of arsanilic acid noted in the discussion of aggregate exposure (above).

E. Safety Determination

U.S. population. The Acceptable Daily Intake (ADI) is the amount of pesticide residue that can be ''safely'' ingested by humans and still be protective of the health of all segments of the population. An ADI must be established for any pesticide that results in a residue on crops used for human consumption. The ADI, sometimes referred to as the Reference Dose (RfD), is a mathematically derived figure based on the NOEL of a chronic or subchronic toxicity study and safety or uncertainty factors. Uncertainty factors are used to compensate for inter- and intra-species differences, type of study, etc. when extrapolating from toxicity data (animal or human) to human risk assessments.

For arsanilic acid, the ADI will be based on the results of the dog subchronic feeding study. The ADI is equal to the NOEL times a safety or uncertainty factor (UF). It is customary to use a UF of 100 fold (100x) to account for the species differences from dog to human, as well as for extrapolating from a subchronic study to chronic exposure of humans. Assuming that EPA concurs with an uncertainty factor of 100x, the ADI based on the most sensitive NOEL can be calculated as follows:

NOEL = 25 ppm arsanilic acid in diet of dogs = 0.75 mg/kg/day

Then the ADI or RfD = 0.75 mg/kg/day x (1/100) = 0.0075 mg/kg/day

Based on EPA's total diet survey, sensitive populations, such as infants, have little or no intake of grapefruit or grapefruit juice. Therefore the ADI is based on consumption of grapefruit and grapefruit juice by 70 kg adult humans. Therefore, if the ADI is 0.0075 mg/kg/day, a 70 kg adult could safely consume 0.525 mg arsanilic acid /day (0.0075 mg/kg/day x 70 kg).

F. Dietary Risk Assessment

The dietary risk assessment evaluates how much of the ADI would be ''used up'' when residue tolerances are proposed for pesticide-bearing crop or animal commodities that may be consumed by humans. To conduct the risk assessment for arsanilic acid under the tenets of the proposed amended Experimental Use Permit for Florida-grown, fresh market fruit only, one needs to know how much grapefruit would typically be consumed by humans and the amount of arsanilic acid residues in or on the fruit. Additionally, human exposure from consumption of swine and poultry products from medicinally treated animals must be considered.

For estimating grapefruit dietary consumption, EPA's Total Diet Study, which is used to calculate exposure and dietary risk for pesticides, reveals that 25-30 year-old men have the highest consumption of grapefruit compared to all other age and sex groupings. Consumption rates in this group are listed as 4.3 grams of grapefruit per day. Consumption of whole grapefruit (4.3 grams/day) contributes to less than 0.08% of the total diet in this age and sex category.

Dietary exposure from grapefruit consumption will be reduced by the limited use of Pro-Gen(r) to grapefruit grown in Florida. According to the Florida Citrus Summary 1993-94, Florida produced 816,800 tons of grapefruit in 1993-1994, which was 66.10% of the total U.S. production of grapefruit. This means that grapefruit grown in Florida would contribute to less than 0.053% (i.e. 0.08% of diet x 66.1% of grapefruit = 0.053%) of the total diet for the highest consumers of grapefruit, 25-30 year-old men.

For estimating the dietary consumption of swine and poultry products, EPA's Total Diet Study reveals that 25-30 year-old men have the highest consumption of pork (39.5 grams/day) and poultry (chicken plus turkey; 28.7 grams/day). (Gram servings of pork, chicken and turkey kidneys and livers were not included). While 60-65 year old men have the highest consumption of eggs, the 25-30 year-old men have the second highest consumption rate (31 grams/day). Total consumption of pork, poultry and eggs accounts for 3.23% of the diet of 25-20 year-old men. In comparison, the same commodities comprise 3.1% of the diet of 2 year-old children, 2.7 % for females 14-16 years-old, 2.9% for males 14-16 years-old and 2.8% for 25-30 year-old women.

For conducting a dietary risk assessment and to provide conservative estimates: (1) the total consumption of fruit has been adjusted up from an estimated 4.3 grams to 5 grams grapefruit consumed per day (2); total

residues of arsanilic acid in or on whole fruit are considered to be 0.5 ppm, based on the proposed temporary tolerance for total residues of Pro-Gen(r) in or on treated grapefruit (3); the total consumption of pork, poultry and eggs has been adjusted from the estimated 39.5 grams/day to 40 grams/day; and (4) total FDA allowed residues of arsanilic acid in pork or poultry products (with the exception of kidneys and liver) is 1.45 ppm. Since the estimated gram quantities of pork and poultry organ meats (kidneys and livers) were not provided using the estimated daily consumption of 2.8 g beef liver provides an extremely conservative estimate for pork and poultry livers with FDA allowed arsanilic acid residues of 5.8 ppm.

If it is assumed that all grapefruit in Florida are treated with Pro-Gen(r), which results in total arsanilic acid residue levels of 0.5 ppm in fruit, and a 70 kg adult consumes 5 grams of grapefruit per day of which 66.1% is from Florida, then the total dietary intake per day can be calculated as follows:

5 grams/day grapefruit consumed = 0.005 kg/day grapefruit consumed

0.005 kg/day grapefruit x 0.661 = 0.00331 kg/day Florida fresh market grapefruit consumed

Total residues of 0.5 ppm arsanilic acid = 0.5 mg total arsanilic acid residues /kg food

(Amount of Florida fruit consumed) x (residue level) = 0.00331 kg fruit/day x 0.5 mg total arsanilic acid residues /kg fruit = 0.00166 mg total arsanilic acid/ day in grapefruit

If it is assumed that all swine and poultry received arsanilic acid-treated, then the total dietary intake per day of arsanilic acid from pork and poultry products except organ meats, can be calculated as follows:

40 grams/day pork, poultry and eggs consumed = 0.04 kg/day animal products consumed

X total residues of 1.45 ppm arsanilic acid = 1.45 mg total arsanilic acid residues /kg food

(Amount of pork, poultry and eggs consumed) x (residue level) = 0.04 kg/ day x 1.45 mg total arsanilic acid residues /kg food = 0.058 mg total arsanilic acid/day in pork, poultry and eggs.

If it is assumed that all swine and poultry received arsanilic acid-treated, then the total dietary intake per day of arsanilic acid from pork and poultry kidneys and liver can be calculated as follows:

2.8 grams/day pork and poultry organs consumed = 0.0028 kg/day organs consumed

Total residues of 5.8 ppm arsanilic acid = 5.8 mg total arsanilic acid residues /kg food

(Amount of kidneys and liver consumed) x (residue level) = 0.0028 kg total arsanilic acid /day x 5.8 mg/kg = 0.016 mg total arsanilic acid/day in pork and poultry kidneys and liver.

Total dietary intake of total arsanilic acid = 0.00166 + 0.058 + 0.016 = 0.07566 mg total arsanilic acid residues per day

This estimate of total dietary intake represents only 14% of the allowable daily consumption of 0.525 mg arsanilic acid/day for a 70 kg adult, established by a NOEL of 25 ppm and an ADI of 0.0075 mg/kg/day. The estimated dietary intake of total arsanilic acid residues from Pro-Gen(r)-treated fresh market grapefruit is only 0.03% of the ADI of 0.0075 mg/kg/day.

Infants and children. Based on EPA's total diet survey, sensitive populations, such as infants, have little or no intake of grapefruit or grapefruit juice. Therefore, the proposed use of Pro-Gen(r) on Florida grapefruit will pose no additional risk of adverse effects to infants or children beyond that which already exists from consumption of poultry and swine products from animals medicinally treated with arsanilic acid. Even so, it is appropriate to consider the results of the developmental, reproductive, and chronic studies. The available data clearly show that there is no increased risk to neonates or young when arsanilic acid is ingested. Therefore, Fleming Laboratories concludes that

An additional safety factor for the protection of infants and children is not needed and

The ADI or RfD of 0.0075 mg/kg/day is appropriate for assessing arsanilic acid risks to infants and children.

G. International Tolerances

The Applicant is not aware of any international tolerances or Codes Maximum Residue Limits (MRLs) for arsanilic acid on any crop or livestock commodities. (Cynthia Giles-Parker)

2. ICI Surfactants

PP 8E4965

EPA has received a pesticide petition (PP 8E4965) from ICI Surfactants, 3411 Silverside Road, Wilmington, DE, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR 180.1001(c) and (e) to establish an exemption from the requirement of a tolerance for oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether (CAS Registry No. 85637-75-8) when used as an inert ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest or to animals. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

A. Residue Chemistry

Magnitude of residues. No residue chemistry data or environmental fate data are presented in the petition as the Agency does not generally require some or all of the listed studies to rule on the exemption from the requirement of a tolerance for an inert ingredient.

B. Toxicological Profile

1. *Acute toxicity*. ICI believes sufficient information was submitted in the petition to assess the hazards of oxirane, methyl-,polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether. No toxicology data were presented in the petition as the Agency does not generally require some or all of the listed studies to rule on the exemption from the requirement of a tolerance for an inert ingredient. Based on this polymer conforming to the definition of a polymer and meeting the criteria of a polymer under 40 CFR 723.250 ICI believes there are no concerns for risks associated with toxicity.

2. *Endocrine disruption*. ICI has no information to suggest that oxirane, methyl-, polymer with oxirane, mono[2-(2- butoxyethoxy)ethyl]ether will have an effect on the immune and endocrine systems. EPA is not requiring information on the endocrine effects of this substance at this time; Congress has allowed 3-years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

C. Cumulative Effects

ICI believes sufficient information was submitted in the petition to assess the hazards of oxirane, methyl-,polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether. Based on this polymer conforming to the definition of a polymer and meeting the criteria of a polymer under 40 CFR 723.250 ICI believes there are no concerns for risks associated with cumulative effects.

D. Safety Determination

1. *U.S. population*. ICI believes sufficient information was submitted in

the petition to assess the hazards of oxirane, methyl-,polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether. Based on this polymer conforming to the definition of a polymer and meeting the criteria of a polymer under 40 CFR 723.250 ICI believes there are no concerns for risks associated with any potential exposure to adults.

2. *Infants and children*. ICI believes sufficient information was submitted in the petition to assess the hazards of oxirane, methyl-,polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether. Based on this polymer conforming to the definition of a polymer and meeting the criteria of a polymer under 40 CFR 723.250 ICI believes there are no concerns for risks associated with any potential exposure to infants and children. (Bipin Gandhi)

3. KIM-C1, LLC

PP 7G4906

EPA has received a pesticide petition (PP 7G4906) from KIM-C1, LLC, 6333 East Liberty Avenue, Fresno, CA 93727 proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of N-(2-chloro-4-pyridinyl)-N-phenylurea in or on the raw agricultural commodities grape, kiwi, almond, apple, blueberries, cranberries, figs, plums, pears, and olives at 0.01 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

A. Residue Chemistry

1. *Plant metabolism*. The qualitative nature of the residues of CPPU in almonds, apples, blueberries, cranberries, figs, grapes, kiwis, olives, pears and plums are adequately understood. Three ^{14}C radiolabeled plant metabolism studies conducted in apples, grapes and kiwis shows CPPU leaves the same residue pattern in all three crops, representing three unrelated botanical species. These studies show that the residue is in the low parts per billion (ppb) range at harvest and that the residue is primarily associated with the skin. CPPU does not translocate any significant distance in the plant, not moving from the leaves to the fruit nor from the fruit to the leaves. The use level of 10 to 20 grams of CPPU *per acre* assures that only low residues will occur. Residue analysis on grapes and kiwis confirm the radiolabel findings. In grapes and kiwis the residue level was below the level of quantification (LOQ) in all cases and generally below the level of validated detection. The LOQ in whole grape was 0.01 ppm; the level of detection (LOD) was 0.003 ppm. In grape juice, the LOQ was 0.002 ppm and the LOD was 0.0007 ppm (0.7 ppb). In raisins the LOQ was 0.01 ppm and the LOD was 0.003 ppm.

2. *Analytical method*. The analytical method extracted the parent material and analyzed it using HPLC analysis with UV fluorescence at wavelength 265 nm.

3. *Magnitude of residues*. The magnitude of the residues in the crops are anticipated to be below the level of quantification which, based on whole fruit, will be 0.01 ppm.

B. Toxicological Profile

1. *Acute toxicity*. Based on EPA criteria, CPPU would be placed in EPA toxicity Category III generally, while the dermal irritation results would be placed in EPA Category IV.

Acute Oral	81-1	LD_{50} 4.9 gr/kg
Acute Dermal	81-2	LD_{50} >2000 mg/kg
Acute Inhalation	81-3	LC_{50} >3.0 mg/l (the higest conc achievable)
Eye Irritation	81-4	Mildly irritating; No corneal or iridial irritation noted
Dermal Irritation	81-5	Non-irritating
Skin Sensitization	81-6	Non-sensitizing

2. *Genotoxicity*. The results from a battery of three genetic toxicity tests with CPPU show that this compound is not mutagenic or genotoxic.

Gene mutation - Ames: Slightly Positive

In-vivo structural chromosomal aberration assay: Negative

In-vivo micronucleus aberration assay: Negative

3. *Reproductive and developmental toxicity*. Results of these studies indicate that CPPU is not a reproductive toxicant, developmental toxicant, or a teratogen.

Teratology in rats: NOAEL (maternal) = 100 mg/kg/day; no observed adverse effect level (NOAEL) (fetal/development) = 200 mg/kg/day

Teratology in rabbits: NOAEL (maternal) = 25 mg/kg/day; NOAEL (fetal/development) = 100 mg/kg/day

2-Generation reproduction in rats: NOAEL (parental) = 150 ppm; NOAEL (reproductive) = 2,000 ppm (115 mg/kg/day - males) (205 mg/kg/day - females).

4. *Subchronic toxicity*. No treatment-related adverse effects were noted in subchronic toxicity studies at the highest doses tested.

28 - Day dietary in rats: NOEL 1,000 ppm

13 - Week dietary in rats: NOEL 200 ppm

28 - Day dietary in dogs: NOEL 2,500 ppm

13 - Week Dietary in dogs: NOAEL 500 ppm 13 - Week dietary in mice: NOAEL 3,500 ppm.

5. Chronic toxicity 1-year chronic toxicity in dogs: not required for EUP; Test initiated.

18 -month chronic toxicity and carconogeniscity in mice: not required for EUP will be initiated section 3 reg.

24-month chronic toxicity and carcinogenicity in rats: NOAEL 150 ppm (8 mg/kg/day); NOAEL 7,500 ppm (435 mg/kg/day).

6. *Animal metabolism*. Study will be completed prior to section 3 registration requirement. (Not required for an Experiment Use Permit.)

7. *Metabolite toxicology*. Metabolites occur at levels below 0.1 ppm and therefore are below levels required to be assayed in animal testing. The ^{14}C radiolabel plant studies show metabolites to be glucosides of the parent material.

8. *Endocrine disruption*. Collective weights and histopathological findings from the 2-generation rat reproductive study, as well as from the subchronic

and chronic toxicity studies in two or more animal species, demonstrate no apparent effects on the endocrine system. There is no information available which suggests that CPPU would be associated with endocrine effects.

C. Aggregate Exposure

1. *Dietary exposure—Food.* A reference dose (RfD) was calculated using the most sensitive species data available from the toxicological testing. This RfD 0.08 mg/kg/day/based on a temporary tolerance of 0.01 ppm, was used to calculate the impact of the estimated residue levels with results from treatment of the indicated crops. The table below shows the Theoretical Maximum Residue Concentrations (TMRC) of CPPU on or in the listed crops requested in this EUP request.

Theoretical Maximum Residue Concentrations for CPPU for the crops listed in the EUP request.

	All-Apples	All+Apples	Total Exposure	
			mg/kg body wt/ day	Percent of RfD
General U.S. Populations, all seasons	0.000005	0.000011	0.000016	0.02
Non-nursing infants	0.000029	0.000064	0.000093	0.12
Children 1 to 6-years of age	0.000010	0.000048	0.000058	0.07
Children 7 to 12-years of age	0.000005	0.000017	0.000022	0.03

The anticipated use rate of 17 grams of CPPU per acre applied once per year yielding residue levels in the very low ppb range indicates that less than 1% of the reference dose would be consumed in aggregate with all of these crops. The crop contributing greatest to the percent of the reference dose related to the most sensitive of the population i.e. all nursing infants (less than 1-year old), non-nursing infants (less than 1-year old), children (1 to 6 years old) would represent 1/10th of 1% of the reference dose. Making the same risk exposure calculations, it is shown that no significant impact on reducing the RfD by using blueberries, cranberries, cranberry juice, grapes-raisins, pears, pears dried, cherries, cherries dried, cherry juice, plums (Damsons), plums as prunes (dried), plum/prune juice, figs, kiwifruit, grapes-wine and sherry, cranberry juice concentrate, pear nectar in aggregate. Combining the RfD consumption from the large group of crops with that of the apples would exceed 1% of the reference dose only slightly if the total acreage of all of these crops were treated. The intention of this experimental use permit is not to treat all of the various crops listed; the table below shows the requested acreage of each crop.

Crop	Acreage Requested	% Total Acreage
Grape	3,500	0.53
Kiwi	1,000	14.08
Almond	50	0.01
Apple	50	0.14
Blueberries	50	
Cranberries	50	
Figs	50	0.40
Plums	50	0.03
Pears	50	0.15
Olives	50	0.05

This program would permit development of requisite data to assure safe and efficacious use and, yet, not subject any segment of the public to a health risk.

2. *Dietary exposure - drinking water.* The very low use rate of CPPU i.e. 17 grams or less per acre, if used constantly for 20-years, would apply only 3/4 of a pound of CPPU per acre during that 20-year period. Computer modeling, using the conservative pesticide root zone model (PRZM) means of analysis has shown that no CPPU would reach ground water, even in sandy loam soils. The results of this risk analysis supported an unambiguous conclusion of ''essentially zero risk to ground water'' even under reasonable worst case assumptions. Concentrations are not predicted to exceed 15 to 20 ppb of CPPU in the soil in the upper soil horizons, even following yearly applications for as long as 30 years. No secondary exposure is anticipated as a result of contamination of drinking water.

3. *Non-dietary exposure.* No non-dietary exposure is expected since CPPU is not anticipated to be found in the drinking water. It does not translocate in plants and thus secondary exposure through plants growing in soil receiving CPPU is not anticipated. The extremely low application rates will not result in significant buildup in the environment.

D. Cumulative Effects

There are no cumulative effects expected since CPPU is not taken up by plants from the soil. It slowly degrades to mineral end points. Its low use rate is not conducive to buildup in the environment.

E. Safety Determination

1. *U.S. population.* As pointed out above in dietary exposure-food the percentage of the reference dose consumed by treating the subject crops represents only slightly more than 1% of the estimated safe level for the most sensitive segment of the population, non-nursing infants.

2. *Infants and children.* No developmental, reproductive or fetotoxic effects have been associated with CPPU. The calculation of safety margins with respect to these segments of the population were taken into consideration in the TMRC estimates with respect to the risk associated with the percentage of the reference dose being consumed.

F. International Tolerances

There is no Codex maximum residue level established for CPPU. However, CPPU is registered for use on grapes and other crops in Japan, Chile, Mexico, and South Africa. (Cynthia Giles-Parker)

[FR Doc. 98–20145 Filed 7–27–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6131–5]

Notice of Proposed NPDES General Permit for Discharges From Ready-Mixed Concrete Plants, Concrete Products Plants and Their Associated Facilities in Texas (TXG110000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft NPDES general permit.

SUMMARY: EPA Region 6 is proposing to issue a general NPDES permit authorizing discharges of facility waste water and contact storm water from ready-mixed concrete plants, concrete products plants and their associated facilities in Texas. This permit covers facilities having Standard Industrial Classification (SIC) Codes 3273

(manufacture of ready-mixed concrete), 3272 (manufacture of concrete products, except block and brick) and 3271 (manufacture of concrete block and brick).

As proposed, the permit has the following requirements: Daily maximum limits of 15 mg/l Oil and Grease and 65 mg/l Total Suspended Solids, and a pH limit of 6.0 to 9.0 Standard Units. There is also a requirement of no acute toxicity as determined by requiring greater than 50% survival in 100% effluent using a 24 hour acute test. In addition, the permit has limits on arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver and zinc as contained in Texas Natural Resource Conservation Commission (TNRCC) Regulations for Hazardous Metals (30 TAC 319, Subchapter B), as well as requirements for no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil. There is also the requirement to develop and implement a pollution prevention plan for the storm water discharges authorized by this permit.

DATES: Comments on this proposed permit must be submitted by September 28, 1998.

ADDRESSES: Comments on this proposed permit should be sent to the Regional Administrator, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7516. Copies of the complete fact sheet and proposed permit may be obtained from Ms. Turner. The fact sheet and proposed permit can also be found on the Internet at http://www.epa.gov/earth1r6/6wq/6wq.htm. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Turner 24 hours advanced notice.

SUPPLEMENTARY INFORMATION: Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Operators of ready-mixed concrete plants and concrete products plants.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your (facility, company, business, organization, etc.) is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of this permit. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges: (1) meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370.

Two types of technology-based effluent limitations must be included in the permit proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301 (b)(1)(E) requires effluent limitations based on ''best conventional pollution control technology'' (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2)(A), (C), and (D) require effluent limitations based on ''best available pollution control technology economically achievable'' (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

National guidelines establishing BPT, BCT and BAT standards have not been promulgated for discharges from ready-mixed concrete plants and concrete products plants. The BCT and BAT requirements for these discharges have, therefore, been established using best professional judgement, as required by CWA section 402(a)(1). All of the limitations in this proposed permit, except for the requirement to develop and implement a storm water pollution prevention plan, are also current requirements, contained either directly or by reference, in TNRCC Regulations 30 TAC 321, Subchapter J, for discharges from ready-mixed concrete plants, concrete products plants, and their associated facilities. The storm water pollution prevention plan requirements are those currently required by the NPDES Storm Water Multi-Sector General Permit for storm water discharges associated with ready-mixed concrete and concrete products plants. All of the discharges authorized by this permit are also those authorized by 30 TAC 321, Subchapter J.

Although the TNRCC Rule contains, by reference, the metals and toxicity limits listed below, that Rule does not contain monitoring requirements for those limits. 40 CFR 122.44(i) requires monitoring for each pollutant limited in an NPDES permit to assure compliance with the permit limits. The frequency of this monitoring shall be established on a case by case basis, but shall in no case be less than once per year.

In addition to requiring the development and implementation of a storm water pollution prevention plan, the following limits are proposed:

	Daily maximum (mg/l)
Oil and Grease	15
Total Suspended Solids	65
pH 6.0–9.0 Std. Units.	

	Monthly average (mg/l)	Daily max (mg/l)	Single grab (mg/l)
Arsenic	.1	.2	.3

	Monthly average (mg/l)	Daily max (mg/l)	Single grab (mg/l)
Barium	1.0	2.0	4.0
Cadmium (Inland Waters)	.05	.1	.2
Cadmium (Tidal Waters)	.1	.2	.3
Chromium	.5	1.0	5.0
Copper	.5	1.0	2.0
Lead	.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	.005	.005	.01
Nickel	1.0	2.0	3.0
Selenium (Inland Waters)	.05	.1	.2
Selenium (Tidal Waters)	.1	.2	.3
Silver	.05	.1	.2
Zinc	1.0	2.0	6.0

The minimum monitoring requirements proposed, all using grab samples, are once per month for Oil and Grease, Total Suspended Solids and pH, and once per year for the metals.

There shall be No Acute Toxicity as determined by requiring greater than 50% survival in 100% effluent using a 24 hour acute test. Monitoring shall be a minimum of once per 6 months using grab samples.

In addition to proposing the NPDES general permit for these facilities, the Region is also soliciting effluent data for the above listed metals and whole effluent toxicity for the types of facilities to be covered by this proposed permit. Because of the lack of effluent data from these facilities for these metals and toxicity, the Region must include limits and, therefore, monitoring requirements for these pollutants to assure that State water quality standards will be met and to comply with 40 CFR 122.44(d), which requires inclusion of any more stringent limits established under State law or regulations in accordance with section 301(b)(1)(C) of the Clean Water Act.

Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions that ensure compliance with applicable state water quality standards or limitations. The proposed permit contains limitations intended to ensure compliance with state water quality standards and has been determined by EPA Region 6 to be consistent with the Texas water quality standards and the corresponding implementation plan. The Region has solicited certification from the Texas Natural Resources Conservation Commission.

B. Endangered Species Act

The proposed limits are sufficiently stringent to assure state water quality standards, both for aquatic life protection and human health protection, will be met. The effluent limitations established in this permit ensure protection of aquatic life and maintenance of the receiving water as an aquatic habitat. The Region finds that adoption of the proposed permit is unlikely to adversely affect any threatened or endangered species or its critical habitat. EPA is seeking written concurrence from the United States Fish and Wildlife Service on this determination.

C. Historic Preservation Act

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historical Places are not authorized to discharge under this permit.

D. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12866.

E. Paperwork Reduction Act

The information collection required by this permit has been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports).

F. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires Federal agencies to assess the effects of their ''regulatory actions'' on State, local, and tribal governments and the private sector. UMRA uses the term ''regulatory actions'' to refer to regulations. (*See,* e.g., UMRA section 201, ''Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law)'' (emphasis added)). UMRA section 102 defines ''regulation'' by reference to section 658 of Title 2 of the U.S. Code, which in turn defines ''regulation'' and ''rule'' by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines ''rule'' as ''any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of (the Administrative Procedure Act (APA)), or any other law * * *''

NPDES general permits are not ''rules'' under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide ''an opportunity for a hearing.'' Thus, NPDES general permits are not ''rules'' for RFA or UMRA purposes.

EPA thinks it is unlikely that this proposed permit issuance would contain a Federal requirement that might result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year.

The Agency also believes that the proposed permit issuance would not significantly nor uniquely affect small governments. For UMRA purposes, ''small governments'' is defined by reference to the definition of ''small governmental jurisdiction'' under the RFA. (See UMRA section 102(1), referencing 2 U.S.C. 658, which references section 601(5) of the RFA.) ''Small governmental jurisdiction''

means governments of cities, counties, towns, etc., with a population of less than 50,000, unless the agency establishes an alternative definition.

The proposed permit issuance also would not uniquely affect small governments because compliance with the proposed permit conditions affects small governments in the same manner as any other entities seeking coverage under the permit.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. Compliance with the permit requirements will not result in a significant impact on dischargers, including small businesses, covered by these permits. EPA Region 6 therefore concludes that the permits proposed today will not have a significant impact on a substantial number of small entities.

Oscar Ramirez, Jr.,

Deputy Director, Water Quality Protection Division, Region 6.

[FR Doc. 98–20146 Filed 7–27–98; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farmer Mac Risk-Based Capital

Notice of Availability of Study and Request for Comment

SUMMARY: The Farm Credit Administration (FCA or Agency), acting through the Office of Secondary Market Oversight (OSMO), is required, under section 8.32 of the Farm Credit Act of 1971, as amended (Act), to establish a risk-based capital regulation for the Federal Agricultural Mortgage Corporation (Farmer Mac). The FCA is in the process of developing this regulation and will publish a proposed regulation for comment no sooner than February 1999.

The credit risk portion of the prescribed risk-based capital test must take into account agricultural mortgage losses in an area containing not less than 5 percent of the U.S. population during a 2-year historic period in which the highest rates of losses occurred.

After an extensive search for applicable data on agricultural mortgage loan losses, the FCA was able to obtain useful data from the Farm Credit Bank of Texas. FCA contracted with the firm of Barry and Associates to study these data, to make extrapolations of loss data for other states in order to identify the geographic area meeting the criteria of the Act, and to determine the applicable credit risk component.

The FCA is making the results of this study available for public comment and suggestions that could possibly lead to improved input for the credit risk component of the proposed regulation.

DATES: Written comments should be received on or before September 15, 1998.

ADDRESSES: You may obtain a copy of the study by downloading from the FCA web page at www.fca.gov; by submitting an electronic mail request for a copy to info-line@fca.gov; or by contacting George D. Irwin, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4280.

Submit your comments via electronic mail to ''reg-comm@fca.gov'' or in hard copy to George D. Irwin, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090. Copies of all comments received will be available for review by interested parties at the Farm Credit Administration offices in McLean, Virginia.

FOR FURTHER INFORMATION CONTACT: George D. Irwin, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4280, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: Section 8.32 of the Act specifies that the FCA, through the Office of Secondary Market Oversight, shall establish, by regulation, a risk-based capital test for Farmer Mac. The statute further provides that:

''* * * the risk-based capital test shall determine the amount of regulatory capital for the Corporation [Farmer Mac] that is sufficient for the Corporation to maintain positive capital during a 10-year period in which both of the following circumstances occur:

(1) CREDIT RISK * * * losses on the underlying qualified loans occur throughout the United States at a rate of default and severity (based on any measurements of default reasonably related to prevailing industry practice in determining capital adequacy) reasonably related to the rate and severity that occurred in contiguous areas of the United States containing an aggregate of not less than 5 percent of the total population of the United States that, for a period of not less than 2 years (as established by the Director [of OSMO]), experienced the highest rates of default and severity of agricultural mortgage losses, in comparison with such rates of default and severity of agricultural mortgage losses in other such areas for any period of such duration, as determined by the Director.

(2) INTEREST RATE RISK * * *''

Section 8.32 also states that the FCA may not publish the risk-based capital regulations for comment until after February 10, 1999.

The FCA conducted an extensive search and found usable historic databases on loan performance during the severe loss period of the 1980s in the Farm Credit Bank of Texas. It then became necessary to find a method to extrapolate the loan loss experience in Texas to other geographic areas of the U.S., which had different experience and different loss rates. The contractors evaluated several approaches to extrapolation in developing these estimates of loss experience and identifying the geographic areas of most severe loss.

The FCA wishes to make this study available for public comment and suggestions. We welcome responses that may offer: (1) Information that leads to additional relevant data sources; (2) suggestions that might improve use of the study in developing risk-based capital regulations; and (3) any other ideas that might lead to an improved credit risk component in the risk-based capital regulation being developed for Farmer Mac.

The FCA cautions commenters that this study is based on currently available data, which we have found to be very limited. The FCA is making the study available at this time solely for informational purposes and to seek additional input. FCA may elect to use alternative approaches in developing the credit risk component of the risk-based capital regulations.

Dated: July 23, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–20131 Filed 7–27–98; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension; Comments Requested

July 22, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it

displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments September 28, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commissions, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0262.

Title: Section 90.179, Shared Use of Radio Stations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, non-profit institutions, state and local governments.

Number of Respondents: 1650.

Estimated Time Per Response: .75 hours.

Cost to Respondent: 0.

Total Annual Burden: 1,238 hours.

Needs and Uses: The requirement contained in this rule section is necessary to identify users of a shared land mobile radio station. The information is used by Commission personnel to investigate interference complaints.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–20036 Filed 7–27–98; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

July 22, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 27, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at 202–418–0217 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0425.

Title: Section 74.913 Selection Procedure for Mutually Exclusive ITFS Applications.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions.

Number of Respondents: 150.

Estimated Time Per Response: 53 hours (3 hours/respondent, 30 hours/contract attorney, 20/consulting engineer); and 1 hour (student population statements).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 250 hours.

Cost to Respondents: $425,000 (attorney and consulting engineering fees).

Needs and Uses: Section 74.913 (c) requires qualified ITFS applicants, with the same point accumulation, to submit any agreement to divide the use of the channels within thirty days from the date of the Commission's decision. If no agreement is reached and submitted to the Commission within thirty days, the selectee will be determined through the tie-breaker mechanism of Section 74.913 (d).

Section 74.913 (d) requires each applicant tied in a comparative selection proceeding to submit a statement of the number of students at its proposed receive locations who are formally enrolled in classes for credit toward an academic degree or diploma, or a legally required certification or license. This claim of students, who would benefit from the proposed system, must correlate to and be supported by the educational programs proposed in its application. This statement must be served on the other tied competing applicant(s). Applicants will not be required to submit their agreements or statements unless and until it is determined that they are tied in a comparative selection proceeding.

The data will be used by FCC staff to determine the most qualified applicant to provide ITFS service to the public. The statement served on other tied competing applicant(s) will provide an opportunity for competing applicants to respond to any aspect of the enrollment submissions.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–20087 Filed 7–27–98; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and

approval under the Paperwork Reduction act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Real Estate Lending Standards.

OMB Number: 3064–0112.

Annual Burden: Estimated annual number of respondents—6,100; Estimated time per response—25 hours; Average annual burden hours—152,500 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Institutions will use real estate lending policies to guide their lending operations in a manner that is consistent with safe and sound banking practices and appropriate to their size, nature and scope of their operations. These policies should address certain lending considerations, including loan-to-value limits, loan administration policies, portfolio diversification standards, and documentation, approval and reporting requirements.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20055 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Notice of Branch Closure.

OMB Number: 3064–0109.

Annual Burden: Estimated annual number of respondents—892; Estimated time per response—2.4 hours; Average annual burden hours—2,140 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Section 42 of the Federal Deposit Insurance Act mandates that an institution that proposes to close a branch notify its primary Federal regulator no later than 90 days prior to the closing. The statute also provides that a notice be posted on the premises of the branch for the 30-day period immediately prior to the closing and that the customers be notified in a mailing at least 90 days prior to the closing. Each insured depository institution is required to adopt policies for branch closing.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20056 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Application for Waiver of Prohibition on Acceptance of Brokered Deposits by Adequately Capitalized Insured Depository Institutions/ Notification of Deposit Brokerage Activity.

OMB Number: 3064–0099.

Annual Burden: Estimated annual number of respondents—149; Estimated time per response—2.41 hours; Average annual burden hours—359 hours.

Expiration Date of OMB Clearance: August 31, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Section 29 of the Federal Deposit Insurance Act prohibits undercapitalized insured

depository institutions from accepting, renewing, or rolling over any brokered deposits. Adequately capitalized institutions may do so with a waiver from the FDIC, while well-capitalized institutions may accept, renew, or roll over brokered deposits without restriction. Section 29A requires notification by deposit brokers of their activity and authorizes the imposition of certain recordkeeping and reporting requirements.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20057 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Procedures and Monitoring Bank Secrecy Act Compliance.

OMB Number: 3064–0087.

Annual Burden: Estimated annual number of respondents:—8,400; Estimated time per response—.5 hours; Average annual burden hours—4,200 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: 12 CFR 326 requires all insured nonmember banks to establish and maintain procedures designed to assure and monitor their compliance with the requirements of the Bank Secrecy Act (31 U.S.C. 5311 et seq.) and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR 103.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20058 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Recordkeeping and disclosure requirements in connection with Regulation B (Equal Credit Opportunity).

OMB Number: 3064–0085.

Annual Burden: Estimated annual number of respondents: 6,100; Estimated time per response: 43 hours; Average annual burden hours: 262,300 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Regulation B (12 CFR 202) prohibits creditors from discriminating against applicants on any of the bases specified by the Equal Credit Opportunity Act, establishes guidelines for gathering and evaluating credit information, and requires creditors to give applicants a written notification of rejection of an application. Regulation B is issued by the Board of Governors of the Federal Reserve System (''FRB'') under the authority of Title VII of the Consumer Credit Protect Act (15 U.S.C. 1691 *et seq.*). Section 703 of the Act (15 U.S.C. 1691b) designates the FRB as the issuer of the implementing regulations, and section 704(a) of the Act (15 U.S.C. 1691c) designates the FDIC as having the enforcement responsibilities in the case of insured nonmember banks.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20059 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Recordkeeping and Disclosure Requirements in Connection With Regulation E (Electronic Fund Transfers).

OMB Number: 3064–0084.

Annual Burden: Estimated annual number of respondents—6,100; Estimated time per response—120.4 hours; Average annual burden hours—734,440 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Regulation E (12 CFR 205) establishes the rights, liabilities and responsibilities of parties in electronic fund transfers (''EFT'') and protects consumers using EFT systems. Regulation E is issued by the Board of Governors of the Federal Reserve System (''FRB'') under the authority of Title IX of the Consumer Credit Protection Act (15 U.S.C. 1693 *et seq.*). Section 904 of the Act (15 U.S.C. 1693b) designates the FRB as the issuer of the implementing regulations, and section 917(a) of the Act (15 U.S.C. 1693o) designates the FDIC as having the enforcement responsibilities in the case of insured nonmember banks.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20060 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Recordkeeping and Disclosure Requirements in Connection with Regulation M (Consumer Leasing).

OMB Number: 3064–0083.

Annual Burden: Estimated annual number of respondents—6,100; Estimated time per response—4 hours; Average annual burden hours—24,400 hours.

Expiration Date of OMB Clearance: September 39, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Regulation M (12 CFR 2123) implements the consumer leasing provisions of the Truth in Lending Act. Regulation M is issued by the Board of Governors of the Federal Reserve System (''FRB'') under the authority of the Title I of the Consumer Credit Protection Act (15 U.S.C. 1601 *et eq.*). Section 105 of the Act (15 U.S.C. 1604) designates the FRB as the issuer of the implementing regulations and section 108(a) of the Act (15 U.S.C. 1607) designates the FDIC as having the enforcement responsibilities in the case of insured nonmember banks.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20061 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Recordkeeping and disclosure requirements in connection with regulation Z (Truth in Lending).

OMB Number: 3064–0082.

Annual Burden: Estimated annual number of respondents—6,100; Estimated time per response—787 hours; Average annual burden hours—4,800,700 hours.

Expiration Date of OMB Clearance: September 30, 1998.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 27, 1998 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Regulation Z (12 CFR 226) prescribes uniform methods of computing the cost of credit, disclosure of credit terms, and procedures for resolving billing errors

on certain credit accounts. Regulation Z is issued by the Board of Governors of the Federal Reserve System (''FRB'') under the authority of Title I of the Consumer Credit Protection Act (15 U.S.C. 1601 *et seq.*). Section 105 of the Act (15 U.S.C. 1604) designates the FRB as the issuer of the implementing regulations and section 108(a) of the Act (15 U.S.C. 1607) designates the FDIC as having the enforcement responsibilities in the case of insured nonmember banks.

Dated: July 22, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–20062 Filed 7–27–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Washington World Trading Corp. d/b/a, Washington World International Freight, Forwarders, 1380 Golfview Drive East, Pembroke Pines, FL 33026, Officers; Lucia Novoa, President, Laura W. Novoa, Exec. Vice President

Dated: July 22, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–20090 Filed 7–27–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Performance Review Board

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Harriette H. Charbonneau, Director of Personnel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Harold J. Creel, Jr.,

Chairman.

The Members of the Performance Review Board

1. Ming Chen Hsu, Commissioner
2. Delmond J.H. Won, Commissioner
3. Joe Scroggins, Jr., Commissioner
4. Norman D. Kline, Chief Administrative Law Judge
5. Frederick M. Dolan, Jr., Administrative Law Judge
6. Thomas Panebianco, General Counsel
7. Joseph C. Polking, Secretary
8. Edward P. Walsh, Managing Director
9. Bruce A. Dombrowski, Deputy Managing Director
10. Vern W. Hill, Director, Bureau of Enforcement
11. Sandra L. Kusumoto, Director, Bureau of Administration
12. Austin L. Schmitt, Director, Bureau of Economics and Agreement Analysis
13. Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing

[FR Doc. 98–20089 Filed 7–27–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, August 3, 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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. 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: July 24, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–20301 Filed 7–24–98; 3:46 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 932–3275]

Gateway 2000, 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 September 28, 1998.

ADDRESSES: Comments 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: Michael Rose or Brenda Doubrava, Federal Trade Commission, Cleveland Regional Office, 1111 Superior Ave., Eaton Center, Suite 200, Cleveland, OH 44114. (216) 263–3455.

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 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 July 22, 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 by 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 an agreement to a proposed consent order from Gateway 2000, Inc. (''Gateway''), a manufacturer and direct marketer of personal computers.

The proposed consent order has been placed on the public record for sixty (60) days for the 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 again review the agreement and will decide whether it should withdraw from the agreement or make final the agreement's propose order.

The Commission's complaint charges that the proposed respondent violated Section 5 of the FTC Act by deceptively advertising its provision of on-site warranty service and its refund policy, and by its use of deceptive language in its written warranties. Additionally, the complaint alleges that Gateway has violated the Magnuson-Moss Warranty Act (''Warranty Act'') [1] and two Rules promulgated thereunder: the Rule concerning the Disclosure of Written Consumer Product Warranty Terms and Conditions (''Disclosure Rule''),[2] and the Rule concerning the Pre-Sale Availability of Written Warranty Terms (''Pre-Sale Rule'').[3] Under Section 110(b) of the Warranty Act, U.S.C. 2310(b), violations of the Act or its Rules are also violations of Section 5 of the FTC Act.

The draft Complaint charges that Gateway violated section 5 of the FTC Act in three ways. First, that the respondent falsely advertised its policy of ''money-back'' guarantees by deducting a shipping charge from a full refund to the consumer. Second, that the respondent falsely advertised that consumers would be provided with free ''on-site service'' upon request. Third, the draft Complaint charges the respondent with falsely representing, in its written warranties, the remedies available to a consumer seeking incidental or consequential damages.

The draft Complaint also alleges: that the respondent violated the Pre-Sale Rule by failing to make the text of the written warranty readily available to prospective buyers prior to sale through one or more of the means specified by the Rule; that Gateway failed to comply with requirements of the Disclosure Rule that certain language be included in written warranties pertaining to the exclusion or limitation of consequential or incidental damages, and a notice that the rights of the purchaser with respect to the warranty may vary from state to state such that the exclusion or limitation may not apply to a particular consumer; and, that Gateway's warranties disclaimed all implied warranties and, therefore, failed to comply with the Warranty Act's prohibition against the disclaimer of implied warranties, 15 U.S.C. 2308.

Gateway has agreed to a one-time payment to the U.S. Treasury of $289,429.05 to settle allegations that it falsely and deceptively advertised that a consumer's shipping charges would be refunded if they exercised their 30-day money-back guarantee option. The draft Order prohibits the respondent from failing to make a full refund of the purchase price unless it has disclosed, in close proximity to the guarantee, that deductions will be made. The draft Order prohibits the respondent from misrepresenting its provision of ''on-site service.'' The draft Order prohibits the respondent from failing to make the text of the written warranty readily available to prospective buyers prior to sale through one or more of the means specified in 16 CFR 702.3(c). The draft Order prohibits the respondent from failing to comply with the provisions of the Disclosure rule, 16 CFR Part 701.3 and from failing to comply with the provisions of U.S.C. 2308.

The proposed Consent order contains provisions designed to remedy the violations charged and to prevent the proposed respondent from engaging in similar acts and practices in the future. The remainder of the proposed order consists of a five year record keeping provision and other standard compliance provisions.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order, or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–20105 Filed 7–27–98; 8:45 am]

BILLING CODE 6750–01–M

[1] 15 U.S.C. 2301 *et seq.*

[2] 16 CFR 701.

[3] 16 CFR 702.

GENERAL ACCOUNTING OFFICE

Extension of Terms of Members of the Medicare Payment Advisory Commission

AGENCY: General Accounting Office.

ACTION: Notice of extension of terms.

SUMMARY: In accordance with the Balanced Budget Act of 1997, the Comptroller General appointed the 15 members of the Medicare Payment Advisory Commission. This notice announces the extension of the terms of all current members for an additional 7 months.

EFFECTIVE DATE: July 28, 1998.

ADDRESSES: The General Accounting Office is at 441 G St. NW., Washington, DC 20548. The Office of the Chairman of the Medicare Payment Advisory Commission is at Suite 800, 1730 K St., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: General Accounting Office: Walter S. Ochinko, 202–512–7157. Medicare Payment Advisory Commission: Murray N. Ross, 202–653–7220.

SUPPLEMENTARY INFORMATION: Section 1805 of the Social Security Act, as added by section 4022 of the Balanced Budget Act of 1997 (Pub. L. 105–33, 111 Stat. 251, 350) provided for creation of the Medicare Payment Advisory Commission, comprising 15 members appointed by the Comptroller General. Appointments generally are to be for 3 years, except that the Comptroller General was authorized to designate staggered terms for the initial members.

Pursuant to that authority, all appointments were effective October 1, 1997, but were staggered so that five were to end on September 30, 1998, five on September 30, 1999, and five on September 30, 2000. These appointments were announced in an earlier notice. 62 FR 52131, October 6, 1997.

In consultation with the Commission, GAO has concluded members' terms should be changed to match more closely the Commission's business cycle. The present October 1 to September 30 terms are out of phase with that cycle; the Commission begins planning future work during the

summer and generally produces reports in the spring, while members now begin and end their service in the fall. Terms that begin May 1 and end April 30 would coincide more closely with the Commission's work schedule and thus make Commission operations more efficient and effective.

In order to achieve this, the terms of all current members are hereby extended for 7 months. The following members' terms will expire on April 30, 1999: P. William Curreri, Anne B. Jackson, Spencer Johnson, Donald T. Lewers, and Janet G. Newport. The following members' terms will expire on April 30, 2000: Peter Kemper, Judith R. Lave, Hugh W. Long, William A. MacBain, and Gerald M. Shea. The following members' terms will expire on April 30, 2001: Gail R. Wilensky, Joseph P. Newhouse, Woodrow A. Myers, Alice F. Rosenblatt, and John W. Rowe.

Subsequent appointments will be for 3 years.

James F. Hinchman,

Acting Comptroller General of the United States.

[FR Doc. 98–20101 Filed 7–27–98; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities: Submission for OMB Review; Comment Request

SUBJECT: Public Information Collection Requirement Submitted to the Office of Management and Budget for Clearance.

AGENCY: Administration on Aging.

The Administration on Aging, Department of Health and Human Services, is submitting the following proposal for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96–511): Certification of Maintenance of Effort Form Title III of the Older Americans Act, Grants for State and Community Programs on Aging.

Type of Request: ''Reinstatement, without change''.

Use: To continue an existing information collection, Supplemental Form to the Financial Status Report, from Title III grantees to use in reporting information on programs funded by Title III as required under Section 309(c) of the Older Americans Act, as amended;

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Title: Certification of Maintenance of Effort.

Description: The Certification of Maintenance of Effort form will be used by the Administration on Aging to verify the amount of State expenditures and make comparisons with the three previous years' expenditures to assure that the States are in compliance with 45 CFR 1321.49. This information will be used for federal oversight of the Title III Program.

Respondents: State Agencies on Aging.

Number of Respondents: 57.

Average Number of Responses per Respondent: 1.

Average Burden Hours: ½ hour per State Agency.

Additional Information: Written comments and recommendations for the proposed information collection should be sent to the following address within 30 days of the publication of this notice: Office of Regulatory Affairs, ATTN: Allison Herron Eydt, OMB Desk Officer, Room 10325 Washington, DC.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 98–20074 Filed 7–27–98; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–18–98]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. An Epidemiologic Study of the Relation Between Maternal and Paternal Preconception Exposure to Ionizing Radiation and Childhood Leukemia (0920–0364), Revision.

The National Center for Environmental Health proposes an extension of a case-control study of the relation between maternal and paternal preconception exposure to ionizing radiation and childhood leukemia. The study is designed to determine whether preconception gonadal doses from ionizing radiation are higher in the parents of children with leukemia than in parents of healthy children. This hypothesis is based on previous study findings that, compared with control groups, children with leukemia were more likely to have fathers who worked at the Sellafield nuclear facility in Great Britain and to have received higher doses of ionizing radiation prior to the conception of the child. Funding for the study is being provided to the University of Colorado Health Sciences Center by the National Center for Environmental Health of the Centers for Disease Control and Prevention.

The study is designed as a multi center case-control study. Cases will be children with leukemia and controls will be children without leukemia selected at random from the same population as the cases. In addition, the next older sibling will be used in a second control group. The main exposure of interest, paternal and maternal gonadal absorbed doses from ionizing radiation during the six-month time period before conception, will be quantified by taking detailed histories from the parents about medical, occupational, and environmental exposures that they had during the time period of interest. Gonadal doses will be estimated from the documentation of each exposure. By calculating the doses of ionizing radiation each parent received, we can compute odds ratios and confidence intervals for paternal and maternal doses separately and combined. These findings will clarify whether the previously determined risks can be detected in other populations with similar exposures. Consistency in the results of this study with those of a similar study in Great Britain would have a major impact on current medical practice and occupational exposure standards. If this study does not detect an elevated risk for leukemia, it will be unlikely that preconception gonadal doses from ionizing radiation that are received by the general public are related to childhood leukemia. Total annual burden hours are 1,125.

Form name or activity	Number of respondents	Number of responses/ respondents	Average burden/response (in hours)	Total burden (in hours)*
Pediatric Oncologist Introduction of Study to Parent(s) (99%)	5	122	0.083	51
Request for Patient Information from Other Physicians (1%) (Atch 3)	6	1	0.166	1
Request for Participation (parents) (Atch 5)	2,508	1	0.166	418
Record Gathering in Home (parents)	1,968	1	0.5	984
Exposure Questionnaire (parents)(Atch 11, 12, and 13)	1,968	1	1.666	3,280
Re-interview 10% (parents)	197	1	1.666	328

*5,062 ÷ 4.5 yrs = 1,125 annual burden hrs.

2. Evaluation of NCIPC Recommendations on Bicycle Helmet Use; New

The National Center for Injury Prevention and Control's (NCIPC) Division of Unintentional Injury Prevention (DUIP) intends to conduct a survey of 1,300 persons from its mailing lists and lists of recipients of recommendations on the use of bicycle helmets in preventing head injuries that was published in the Morbidity and Mortality Weekly Report of February 17, 1995.

The purpose of this survey is to determine:

I. The penetration of the recommendation's distribution,

II. The usefulness of the bicycle helmet recommendations,

III. How to improve the recommendation's content and format,

IV. Potential future DUIP bicycle helmet promotional activities,

V. Information needs and access points of DUIP's ''customers.''

Results from this research will be used to: (1) Assist DUIP in producing an updated version of the helmet recommendations; (2) identify new helmet promotion programmatic directions; and (3) develop future materials that meet the needs of DUIP ''customers.''

The study will be done by telephone. The total annual burden hours are 441.

Form name	Number of respondents	Number of responses/ respondent	Average burden/response (in hours)	Total burden (in hours)
Section A	1,500	1	0.0166	25
Sections B, C	500	1	.1666	83
Sections D, E, F	500	1	.1666	83
Sections G, H, I	1,500	1	.1666	250

3. Multistate Case-Control Study of Childhood Brain Cancers; New

The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA), and its 1986 Amendments, The Superfund Amendments and Reauthorization Act (SARA), to prevent or mitigate adverse human health effects and diminished quality of life resulting from exposure to hazardous substances in the environment. Scientific knowledge is lacking concerning the reasons for the apparent rise in childhood brain cancer incidence during the last two decades in the U.S. and for explanations of childhood brain cancer in general. To date, most epidemiologic studies exploring the causes of childhood brain cancer have suffered from lack of statistical power due to the small numbers of cases available for the study. By combining recent childhood brain cancer data from multiple states, this study will help to better understand what environmental factors may be associated with childhood brain cancer, and therefore, to possibly develop well-focused prevention measures.

This study will examine the association between environmental exposures and risk of childhood brain cancers by employing a population based case-control study of childhood brain cancer. Information to be collected includes proximity of parental residence to hazardous waste sites and other known or suspected risk factors. Other known or purported risk factors identified from the literature, will include both environmental and host factors during the prenatal as well as postnatal periods: parental occupation, parents' and child's dietary habits, parental history of smoking and drinking, mother's and child's exposure to radiation through medical care, residential use of pesticides or herbicides, mother's and child's history of viral infection, and family history of cancer and neurological disorders. This request is for a three-year OMB approval. Total annual burden hours are 603.

Respondents	Number of respondents	Number of responses/ respondent	Average burden/response (in hours)	Total burden (in hours)*
Screener for controls	16,000	1	.05	800
Mothers of children with childhood brain cancers and controls (interview)	1,200	1	.75	900
Mothers of children with early childhood brain cancers and controls (biological testing)	100	1	1.083	108

*1,808 ÷ 3 years = 603 annualized burden hours.

4. Exposure to Volatile Organic Compounds and Childhood Leukemia Incidence at United States Marine Corps Base, Camp Lejeune, North Carolina; New

The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA), and its 1986 Amendments, The Superfund Amendments and Reauthorization Act (SARA), to prevent or mitigate adverse human health effects and diminished quality of life resulting from exposure to hazardous substances in the environment. There is limited evidence that in utero exposure to volatile organic compounds (VOCs) such as trichloroethylene and tetrachloroethylene (PCE) in drinking water may be strongly associated with childhood leukemia (CL). In 1982, VOC contamination was identified in certain groundwater supply wells which supplied drinking water to housing units at U.S. Marine Corps Base Camp Lejeune in Jacksonville, North Carolina. During this phase of the proposed study, an attempt will be made to locate as many of the children born to base residents between 1968 and 1985 as well as offspring from pregnancies that occurred during this time period but were not delivered at Camp Lejeune.

The purpose of the proposed nested case-control study is to investigate the potential relationship between exposure to VOCs in drinking water and incidence of CL at Camp Lejeune. A secondary objective of the proposed study is to investigate the potential relationship between VOCs in drinking water and birth defects in this population. A brief screening questionnaire will be interviewer-administered to identify potential cancer and birth defect cases. Some of the data to be collected by the questionnaire includes: confirmation of the name(s) of children and date(s) of birth; dates and location of residence on base during the pregnancy and/or at the time of delivery; current vital status of each child; the determination of diagnosis with cancer or birth defects before age 20. This request is for a 3-year OMB approval. Total annual burden hours are 1,750.

Respondents	Number of respondents	Number of responses/ respondent	Average. burden/response (in hours)	Total burden (in hours)
Parent/Child born at Camp Lejeune; 1968–1985	9,650	1	.15	1,447.50
Pregnancy at Camp Lejeune, delivery elsewhere; 1968–1985	3,350	1	.15	502.50

5. A Survey of Influenza A Outbreak Control Measured in U.S. Nursing Homes; New

The Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention—Outbreaks of influenza A in nursing homes (NH) may result in the hospitalization of up to 25% of ill residents and the death of up to 30% of those who are hospitalized. The rapid diagnosis of influenza A and the timely administration of currently available antiviral medications, amantadine and rimantadine, can lessen the impact of these outbreaks. However, it is unknown how often laboratory tests for the rapid diagnosis of influenza A are utilized and how frequently antivirals are used to control nursing home outbreaks of influenza A.

The purpose of this survey is to determine how often rapid testing and antivirals are used to control influenza A outbreaks in NH's. A sample of NH's will be selected randomly from one state within each of nine influenza surveillance regions. The survey will be mailed to infection control personnel in the randomly selected NH's. The results will be used to identify where educational efforts should be directed to lessen the impact of influenza A on elderly institutionalized persons. Total annual burden hours are 170.

Respondents	Number of respondents	Number of responses/ respondent	Average burden/responses (in hours)	Total burden (in hours)
NH Medical Director	1017	1	0.16	170

6. Case Control Study of Tuberculosis Infection in Young Children, San Diego and New York City Tuberculosis Statistics and Program Evaluation; (0920–0400) Extension;

National Center for HIV, STP, and TB Prevention (NCHSTP)—As a result of the rise of tuberculosis among children, CDC sponsored a Workshop on TB in Children a few years ago. Recommendations from the workshop included the need for further research concerning the epidemiology of TB in children, including children co-infected with HIV, improved diagnostic technologies, and the infectiousness of TB in children in health care settings. A contract with Columbia University (to study children in New York City) and with the University of California, San Diego, (to study children in San Diego) was approved in December, 1996. The contract consisted of three Modules. Module II, Studies of the Diagnosis of TB in Children, was canceled in December, 1997, due to a lack of participant response. Module III, Reducing the Risk of Nosocomial Transmission of Tuberculosis in Pediatric Settings, has completed data collection and the results are being analyzed. Data collection for Module I, Epidemiology, Magnitude and Risk Factors for TB in children, including HIV-infected children, was not completed within the original OMB time frame. This is mainly due to the recent decline in TB incidence in children experienced in the last year in the two study areas.

Data collection will need to be completed for Module I. The data collected to date is not useful, because the numbers are too small to be statistically significant to meet the study objectives.

Clinicians will interview parents of pediatric TB cases and controls. Total annual burden hours are 49.

Respondents (form name)	Number of respondents	Number of responses/ respondent	Average burden/response (in hours)	Total burden (in hours)
Positive Tuberculin Skin Tests (TST's) Form	15	1	0.333	3
Negative TST's Form	46	1	0.333	46

Dated: July 22, 1998

Charles Gollmar,

Acting, Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–20082 Filed 7–27–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 98102]

Asthma Surveillance With an Emphasis on Children; Notice of Availability of Funds for Fiscal Year 1998

A. Purpose

The Centers for Disease Control and Prevention (CDC) and the National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health (NIH) announce the availability of fiscal year (FY) 1998 funds for cooperative agreements for asthma surveillance activities.

The purpose of this project is to build a model framework for asthma surveillance with a particular focus on asthma in children. The specific objectives are:

1. To further develop, refine, and document asthma surveillance activities focused on (but not exclusive to) children;

2. To document and evaluate surveillance activities as to the source of data, effort needed to access the data, accuracy, cost, use of the data, and value of the data to contribute to development of a model asthma surveillance plan; and

3. To prepare reports, visuals, and examples of use of previously collected data to be used within the State and as models for other health agencies.

This announcement is related to the priority area of Environmental Health.

B. Eligible Applicants

Eligible applicants are State health agencies or major local health agencies with a population base greater than 1,000,000 persons with asthma surveillance and multiple data sources analyzed that address the population of the entire State or jurisdiction. This eligibility includes health agencies or other official organizational authority (agency or instrumentality) of the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Eligible applicants may enter into contracts and consortia agreements and understandings as necessary to meet the requirements of the program and strengthen the overall application. The intent to use the above mechanisms must be stated in the application and the nature and scope of work of these mechanisms requires the approval of CDC and NHLBI.

C. Availability of Funds

Approximately $400,000 will be available in FY 1998 to support this program with an average award of $65,000. It is expected that up to 6 awards will begin on or about September 30, 1998, and will be made for a 12-month budget and project period. Funding estimates may change.

D. Cooperative Activities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. Recipient Activities, and CDC and NHLBI will be responsible for the activities under 2. CDC and NHLBI Activities.

1. Recipient Activities:

a. Using existing data from previously analyzed data sources, prepare presentations of the asthma-related data (e.g. as reports, visuals, press releases) focusing primarily on children with asthma for use within the State and as examples for all States;

b. Demonstrate the usefulness of data collected for the purpose of planning and evaluating intervention program activities and for educating persons affected by asthma, the media, and the general public;

c. Document the source, effort, cost, use, sensitivity and other measures of data accuracy, representativeness, timeliness of the data; and the contribution of the data source to the State's total asthma surveillance effort;

d. Document lessons learned in the conduct of asthma surveillance activities; and

e. Participate through workshops, conference calls, and correspondence with other grantees in the development of (1) a model asthma surveillance strategy for States and (2) an asthma prevalence questionnaire.

2. CDC and NHLBI Activities:

a. Collaborate with the recipient in all stages of the project and coordinate joint activities among all grantees;

b. Provide programmatic technical assistance as appropriate;

c. Convene meetings of all grantees and facilitate documentation of an asthma surveillance model and an asthma prevalence questionnaire; and

d. Work with participants to prepare reports summarizing the project.

E. Application Content

Use the information in the Cooperative Activities, Other Requirements, and Evaluation Criteria sections to develop the application content. Applications will be evaluated on the criteria listed, so it is important to follow them in laying out the program plan. The narrative should be no more than 20 double-spaced pages, printed on one side, with one inch margins, and unreduced 12 point or 12 pitch font.

All graphics, maps overlays, etc., should be in black and white and meet the above criteria. Include each of the following sections:

1. Description of Problem

Describe what is known of the asthma problem in the State or jurisdiction, focusing primarily, but not exclusively, on children; the challenges experienced to date, specific to asthma surveillance in your State, experiences with similar problems related to surveillance of other diseases/conditions, and a brief description of success in addressing them.

2. Program Purpose

For each of the elements cited in the program purpose, provide specific objectives that are realistic, time-phased, measurable.

3. Program Plan

Submit a plan that describes how the project objectives will be achieved. The plan must address the following topics:

a. Briefly describe what state-wide data are currently available; what have already been analyzed, and how those

data have been presented and used to date (note: Examples might be included as appendices.);

b. Describe plans for new presentation of the data;

c. Describe your ability to evaluate a surveillance system as presented in ''Guidelines for Evaluating Surveillance Systems'', Morbidity and Mortality Weekly Report (MMWR) supplement S–5, Vol. 37, May 6, 1998; and

d. Document assurance of ability to travel to Atlanta and to participate in surveillance model building activities.

4. Management and Staffing Plan

Identify the principal investigator, e.g., an epidemiologist, who will oversee project activities and participate in model-building activities and a health educator/program specialist for data use activities.

5. Evaluation

Describe how progress made toward meeting objectives will be evaluated and documented.

6. Budget

Grant funds should be used to supplement asthma surveillance resources in the State and can include items such as personnel, equipment, printing, etc.

F. Application Submission and Deadline

1. Applications

The original and 2 copies of the application PHS Form 5161–1 (revised 5/96) must be submitted to David Elswick, 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, Mailstop E–13, Atlanta, GA 30305, on or before August 31, 1998.

2. Deadlines: Applications shall be considered as meeting the deadline above if they are either: (1) Received on or before the deadline date; or (2) sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should 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.)

G. Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. Quantity and quality of existing asthma surveillance efforts (maximum 40 points).

The extent to which existing asthma surveillance data and data sources covering the entire State or jurisdiction have been documented; the quantity and quality of data sources; the understanding of the data, and experience in the use of the data.

2. Measurable Objectives and Plan (maximum 20 points).

The consistency of the measurable objectives, which should include a particular focus on asthma in children, with the stated purpose of the cooperative agreement; the anticipated ability to meet the objectives according to the specified time table, and the adequacy of the applicants plan to carry out the proposed activities.

3. Management and Staffing Plan (maximum 20 points).

The extent to which the proposal has described the qualifications and commitment of the applicant, and the qualifications and level of effort of the key project staff.

4. Understanding the Problem (maximum 10 points).

Evidence of the applicant's understanding of the problem (asthma and asthma surveillance) and the purpose of the cooperative agreement.

5. Proposed Evaluation Plan (maximum 10 points).

The adequacy of the applicant's plan to monitor progress toward meeting the objectives of the project.

6. Budget (not scored).

The extent to which the budget is reasonable, adequately justified, and consistent with the intended use of the cooperative agreement funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original and two copies of:

1. Semi-annual progress reports including the following for each goal or activity involved in the study: (a) A comparison of actual accomplishments to the objectives established for the period; (b) the reasons for slippage if objectives were not met; (c) other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance; and

2. Final financial status report and a final progress report are due no more than 90 days after the end of the project period.

Send all reports to: David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Room 300, Mailstop E–13, 255 East Paces Ferry Road, NE., Atlanta, GA 30305.

The following additional requirements are applicable to this program. For a complete description of each, see Addendum 1 in the application kit.

AR98–9 Paperwork Reduction Act Requirements
AR98–8 Public Health System Reporting Requirements
AR98–10 Smoke-Free Workplace Requirements
AR98–11 Healthy People 2000
AR98–12 Lobbying Restrictions
AR98–7 Executive Order 12372

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under the Public Health Service Act, sections 301 and 317 (42 U.S.C. 241 and 246). The Catalog of Federal Domestic Assistance number assigned to this project is 93.283.

J. Where to Obtain Additional Information

To receive additional written information call 1–888-GRANTS4. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 98102. You will receive a complete program description, information on application procedures, and application forms. CDC will not send application kits by facsimile or express mail. Please refer to announcement number 98102 when requesting information and submitting an application.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained by contacting: David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 98102, Centers for Disease Control and Prevention (CDC), Room 300, 255 East Paces Ferry Road, NE., MS E–13, Atlanta, GA 30305–2209, telephone (404)842–6803.

See also the CDC home page on the Internet: http://www.cdc.gov

A copy of the ''Guidelines for Evaluating Surveillance Systems'' may be obtained from the Internet at http://www.cdc.gov/epo/mmwr/preview/mmwrhtml/ 00001769.htm. Programmatic technical assistance can be obtained from Leslie Boss, Air Pollution and Respiratory Health Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention, Mailstop F–39, 4770 Buford Highway, NE., Atlanta, Georgia, 30341–3724, telephone (770) 488–7329.

Dated: July 22, 1998.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–20097 Filed 7–27–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 98092]

The Epidemiology of Opportunistic Infections in Bone Marrow Transplant Recipients; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1998 funds for a cooperative agreement program for The Epidemiology of Opportunistic Infections in Bone Marrow Transplant Recipients. This program addresses the ''Healthy People 2000'' priority area of Immunization and Infectious Diseases. The purpose of the program is to provide assistance for a study to assess the epidemiology of opportunistic infections (OIs) in bone marrow transplant (BMT) recipients in the mid-1990s. For this study, a BMT is defined as any hematopoietic cell transplant of any type (autologous, syngeneic, or allogeneic), with transplanted cells collected from either the donor's bone marrow or peripheral blood. An OI is defined as any infection which occurs with increased frequency or severity in BMT recipients. The goals of this study are: (a) to identify the important OIs in inpatients and outpatients, both pediatric and adult, and autologous and allogeneic BMT recipients who have received stem cells harvested from donor bone marrow or blood, and (b) to describe recent trends in BMT OI epidemiology to help set priorities for BMT OI prevention strategies.

B. Eligible Applicants

Maximum Competition

Applications may be submitted by public and private nonprofit organizations whose functions include collecting and disseminating national BMT data and coordinating information about OIs in BMT recipients. Eligible applicants must perform or collect OI data on ≤ 100 new BMTs per year in order to maximize the number of BMT recipients under surveillance, and therefore increase the power of the study.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $140,000 is available in FY 1998 to fund approximately 1–2 awards. It is expected that the average award will be $70,000 ranging from $50,000–140,000. It is expected that the awards will begin on or about September 30, 1998 and will be made for a 12-month budget period within a project period of one (1) year. Funding estimates may change.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Develop a plan to identify the important OIs, including new and emerging ones, which have occurred during the mid-1990s in a retrospective cohort of BMT recipients. Previously, important BMT OIs have included cytomegalovirus, influenza A and B, respiratory syncytial virus, *S. pneumoniae, Haemophilus influenzae* type b, *Toxoplasma gondii, Pneumocystis carinii,* and invasive *Candida spp.* and *Aspergillus spp.* Important OIs in the mid-1990s may include some or all of these agents.

b. Develop case definitions for specific BMT OIs.

c. Design a study to determine the epidemiology of OIs in BMT recipients in the mid-1990s. This should include methods to determine risk factors and incidence rates of important Ois.

d. Develop a plan for quality assurance to ensure completeness and accuracy of data.

e. Interpret, publish, and disseminate findings.

2. CDC Activities

a. Collaborate on planning and designing the study. Assist with the development of OI case definitions.

b. Provide assistance as requested by recipient(s).

c. Collaborate in data management, and in quality assurance.

d. Perform Statistical analysis as requested.

e. In collaboration with recipient(s), assist with interpretation of data.

f. Facilitate dissemination of findings.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 15 double-spaced pages, printed on one side, with one inch margins, and unreduced font.

F. Submission and Deadline

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001)(adhere to the instructions on the Errata Instruction Sheet for PHS398). Forms are in the application kit. On or before August 30, 1998, submit the application to: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 98092, Centers for Disease Control and Prevention, Room 300, 255 East Paces Ferry Road, NE., M/S E18, Atlanta, Georgia 30305–2209.

If your application does not arrive in time for submission to the independent review group, it will not be considered in the current competition unless you can provide proof that you mailed it on or before the deadline (i.e., receipt from U.S. Postal Service or a commercial carrier; private metered postmarks are not acceptable).

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

Plan (10 points)

Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities.

Objectives (15 points)

Extent to which applicant describes specific objectives of the proposed project which are consistent with the purpose and goals of this cooperative agreement program and which are measurable and time-phased.

Methods (30 points)

Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. The extent the proposed plan includes the inclusion of women,

ethnic, and racial groups in the proposed research to include (1) the inclusion of both sexes and racial and ethnic minority populations for appropriate representation, (2) the proposed justification when representation is limited or absent, (3) a statement as to whether the design of the study is adequate to measure differences when warranted, and (4) a statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with the community and recognition of mutual benefits will be documented.

Extent to which applicant clearly identifies specific assigned responsibilities for all key professional personnel.

Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and to accomplish the study objectives.

Extent to which the applicant evaluates completeness and accuracy of reported data.

Capacity (35 Points)

Extent to which applicant documents past experience and achievement in successfully completing the types of activities outlined in the Recipient Activities section of this announcement.

Extent to which the applicant has collected OI data on a large number of BMT recipients, including >100 new BMTs performed/year in the mid-1990s.

Extent to which the applicant demonstrates its expertise in infectious diseases, bone marrow transplantation, epidemiology and laboratory practice to diagnose all important OIs, including new and emerging ones in BMT recipients in the mid-1990s.

Extent to which the applicant demonstrates it has collected data on the likely important OIs, as well as possible new and emerging OIs such as *Streptococcus variationist* spp., coagulase-negative *Staphylococcus* spp., etc. Extent to which the applicant demonstrates the ability to determine whether previously reported OIs, such as cytomegalovirus, influenza A and B, respiratory syncytial virus, *S. pneumoniae, Haemophilus influenzae* type b, *Toxoplasma gondii, Pneumocystis carinii,* invasive *Candida* spp. and *Aspergillus* spp. cytomegalovirus, are still important OIs in the 1990s.

Evaluation (10 Points)

Extent to which applicant provides a detailed and adequate plan for evaluating study results and for evaluating progress toward achieving project objectives.

Budget (Reviewed, but not Scored)

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of cooperative agreement funds.

Does the application adequately address the requirements of 45 CAR Part 46 for the protection of human subjects?

____YES ____No
Comments: _____

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Progress reports (quarterly). Progress results should address progress toward overall objectives as represented in the Purpose and Recipient Activities sections of this announcement and include summaries of research results.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 300, 255 East Paces Ferry Road., NE, M/S [E18], Atlanta, GA 30305–2209

The following additional requirements are applicable to this program. For a complete description of each, see Attachment 1 in the application kit.

AR98–1 Human Subjects Requirements
AR98–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR98–9 Paperwork Reduction Act Requirements
AR98–10 Smoke-Free Workplace Requirements
AR98–11 Healthy People 2000
AR98–12 Lobbying Restrictions
AR98–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a) and 317(k)(2) of the Public Health Service Act [42 U.S.C. section 241(a) and 247b(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

To receive additional written information call 1–888-GRANTS4. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 98092. You will receive a complete program description, information on application procedures, and application forms. CDC will not send application kits by facsimile or express mail. Please refer to Announcement Number 98092 when requesting information and submitting an application.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained by contacting: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 98092, Centers for Disease Control and Prevention (CDC), Room 300, 255 East Paces Ferry Road, NE., M/S E18, Atlanta, GA 30305–2209 telephone (404) 842–6872, Email address vxm7@cdc.gov.

See also the CDC home page on the Internet: *http://www.cdc.gov.*

For program technical assistance contact: Clare A. Decocts, M.D., M.P.H., CDC, Mailstop A12, 600 Clifton Rd., NE, Atlanta, GA 30333, Telephone (404) 639–4932, FAX (404) 639–4664, Email address: cad3@cdc.gov.

Dated: July 22, 1998.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–20079 Filed 7–27–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Plan for States and Territories (Supplement).

OMB No.: 0970–0114.

Description: The Child Care and Development Block Grant (CCDBG) Act of 1990 requires the States and Territories to submit a biennial Plan (ACF–118) in order to receive Federal funds. The statutorily required Plan provides the public and ACF with a description of, and assurances about, the State's Child Care Program. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) provided additional fiscal resources for child care but required that the funds be spent in accordance

with the provisions of the CCDBG Act. This supplement to the existing Plan reflects the changes made by PRWORA, and provides information to determine if State programs are administered in accordance with the applicable statutes and regulations. The Tribal Plan (ACF–118A) is not effected by this notice.

Respondents: State and Local Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	1	4	112

Estimated Total Annual Burden Hours: 112

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 22, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–20075 Filed 7–27–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: National Outcomes Survey for People with Developmental Disabilities.

OMB No.: New Collection.

Description: In October 1997 the Administration on Developmental Disabilities entered into a Cooperative Agreement with the Council on Quality and Leadership in Supports for People with Disabilities by which the National Center on Outcomes Research was established. The Cooperative Agreement included the development of a prototypical survey to determine the extent to which persons with developmental disabilities and their family members believe that they are able to make choices and exercise self-determination. The survey has been developed and ADD hopes to field test it during the first quarter of FY 1999. The survey will address both consumer satisfaction issues and measurable outcomes regarding health, housing, education, and employment.

The information from this survey will be used to measure performance and report the degree to which goals were met as required in the Government Performance and Results Act.

It is also anticipated that the results of this survey will be used to assess current public and private programs and to determine areas in which human services programs should be developed, modified, or terminated.

Respondents: Individuals or Households.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey	1,300	1	.5	650

Estimated Total Annual Burden Hours: 650

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 22, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–20076 Filed 7–27–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0567]

The Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the expanded safe use of copolymers of ethylene and octene-1 as articles or components of articles contacting food.

DATES: Written comments on the petitioner's environmental assessment by August 27, 1998.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3091.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8B4601) has been filed by The Dow Chemical Co., 2030 Dow Center, Midland, MI 48674. The petition proposes to amend the food additive regulations in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to expand the safe use of ethylene-octene-1 copolymers as articles or components of articles contacting food by lowering the required level of polymer units derived from ethylene to not less than 50 weight percent.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before August 27, 1998, submit to the Dockets Management Branch (address above) written comments. 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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 6, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–20038 Filed 7–27–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, called the ''National Provider System (NPS),'' HHS/HCFA/OIS No. 09–70–0008. We have provided background information about the proposed system in the ''Supplementary Information'' section below. Both institutional (e.g., hospitals, skilled nursing facilities) and individually identifiable (e.g., physicians and other practitioners) providers are included in the NPS database. The institutional providers' data are covered by section 1106 of the Social Security Act and the Freedom of Information Act, while the individually identifiable providers' data are also covered by the Privacy Act of 1974. Although the Privacy Act requires only that the ''routine uses'' portion of the system be published for comment, HCFA invites comments on all portions of this notice. See ''Effective Dates'' for comment period.

EFFECTIVE DATES: HCFA filed a new system report with the Chairman of the Committee on Government Reform and Oversight of the House of Representatives, the Chairman of the Committee on Governmental Affairs of the Senate, and the Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on July 8, 1998. The new system of records, including routine uses, will become effective 40 days from the date submitted to OMB and the Congress, unless HCFA receives comments which require alteration to this notice. HCFA will also consider revisions to this notice based upon comments received on the National Provider Identifier (NPI) notice of proposed rulemaking (FR/Vol. 63, No. 88/May 7, 1998). The NPS will not become operational until sometime after the NPI final rule is published and the system is in full compliance with the requirements of the final rule.

ADDRESSES: The public should address comments to the HCFA Privacy Act Officer, Division of Freedom of Information & Privacy, Office of Information Services, Health Care Financing Administration, 7500 Security Boulevard, C2–01–11, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location by appointment during regular business hours, Monday through Friday 9 a.m.—3 p.m. Eastern Time Zone.

FOR FURTHER INFORMATION CONTACT: Patricia Peyton, Office of Information Services, Health Care Financing Administration, 7500 Security Boulevard, N3–09–16, Baltimore, Maryland 21244–1850. The telephone number is (410) 786–1812.

SUPPLEMENTARY INFORMATION: This system will allow better administration of all health care programs. Currently, there is no standard health care provider identifier in use in the health care industry. Health care providers are assigned multiple identifiers by the health plans in which they participate; such assignments are made routinely and independently of each other. The identifiers are frequently not standardized within a single health plan or across plans. A single health care provider may have different identification numbers for each health program, and often multiple billing numbers issued within the same program.

Nonstandard enumeration of health care providers significantly complicates health care providers' claims submission processes. It also contributes to the unintentional issuance of the same identification number to different health care providers.

Most health plans have to be able to coordinate benefits with other health plans to ensure appropriate payment. The lack of a single, unique identifier for each health care provider within each health plan and across health plans, based on the same core data, makes exchanging data both expensive and difficult.

These factors, which indicate the complexities of exchanging information on health care providers within and among organizations, result in increasing numbers of claims-related problems and increasing costs of data processing. The need for a standard health care provider identifier becomes more and more evident as we become more dependent on data automation and proceed in planning for health care in the future.

In addition to overcoming communication and coordination difficulties, use of a standard, unique health care provider identifier would enhance our ability to eliminate fraud and abuse in health care programs.

This system will issue the standard health care provider identifiers—called National Provider Identifiers (NPIs)—which will be used by Medicare, Medicaid, other Federal programs named as health plans, non-Government health plans, health care providers, and health care clearinghouses.

This initiative was mandated by the administrative simplification provisions of Pub. L. 104–191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA mandates the adoption of a standard health care provider identifier and its assignment to every health care provider that transacts electronically any of the transactions specified in that law. Creation of a standard health care provider identifier and its assignment to Medicare and Medicaid providers also supports HCFA's Strategic Plan goal of data standardization.

It is important to clarify that NPS responsibilities are limited to unique health care provider identification, enumeration of those health care providers, and updating the health care provider enumeration data. Responsibility for determining whether a provider is qualified for any particular program remains the responsibility of that program. Furthermore, the creation of a national health care provider identifier should not alter the current relationship between health care providers and health plans in any fundamental way; health care providers will still be governed by each health plan's rules for program enrollment, credentialing and claims submission. The NPS will provide the means to uniquely identify and enumerate a health care provider at the national level.

The Department of Health and Human Services is proposing, in a notice of proposed rulemaking, that the information needed to enumerate health care providers that participate in Federal health plans (e.g., Medicare, Tricare/CHAMPUS) and Medicaid be obtained from the pre-existing health care provider enrollment databases of those plans. Approximately 85 percent of health care providers requiring NPIs exist in those databases. Enumerating information about the remaining health care providers requiring NPIs will be obtained from an application form. Information in the Federal health plan and Medicaid enrollment databases will be validated and reformatted into the NPS Standard Record Format so it can be loaded into the National Provider System.

The Privacy Act permits us to disclose information without the consent of individuals for ''routine uses'—that is, disclosures that are compatible with the purpose for which we collected the information. The proposed routine uses in the new system meet the compatibility criterion of the statute. We anticipate the disclosures under the routine uses will not result in any unwarranted adverse effects on personal privacy.

Dated: July 8, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

09–70–0008

SYSTEM NAME:

NATIONAL PROVIDER SYSTEM (NPS), HHS/HCFA/OIS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Office of Information Services, HCFA Data Center, North Building, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

As defined by section 1171(3) of the Social Security Act (the Act), a health care provider is a provider of services as defined in section 1861(u) of the Act, a provider of medical or other health services as defined in section 1861(s) of the Social Security Act, and any other person who furnishes health care services or supplies. For purposes of the NPS in assigning NPIs, the definition of health care provider is limited to those entities that furnish, or bill and are paid for, health care services in the normal course of business. The statutory definition of a health care provider is broad, with section 1861(u) containing the Medicare definition of an institutional provider (such as hospitals, home health agencies, etc.), and section 1861(s) containing the Medicare definition of other facilities and practitioners (such as assorted clinics, physicians, clinical laboratories, suppliers of durable medical equipment, other licensed/certified health care practitioners). This System of Records applies only to appropriately licensed or certified individual practitioners.

While the National Provider System will also include health care providers that are organizations (e.g., hospitals, pharmacies) and groups (entities composed of one or more individuals, as described earlier), these health care providers will not be addressed further in this systems notice because they are not covered under the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains a unique identifier for each health care provider (the NPI, which is assigned by the NPS) along with other information about the provider. This information includes other identifiers, name(s), demographic, educational/professional data, and business address data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1173 and 1175 of the Act, as amended by Pub. L. 104–191, authorize the assignment of a unique identifier to all health care providers and the maintenance of a database on such health care providers. Sections 1874, 1816, 1842, 1876, 1880, 1881(c)(7), 1124, and 1124A of the Social Security Act authorize the assignment of a unique number to each Medicare provider and the maintenance of a database on such providers. Sections 1902(a)(4)(A), 1902(a)(6), 1902(a)(25), 1902(a)(27), 1902(a)(49), 1902(a)(59), 1903(r)(6)(H), and 1124 of the Act authorizes the assignment of a unique number to each Medicaid provider and the maintenance of a database on such providers. With respect to physicians who furnish services for which Medicare payment may be made, section 1842(r) of the Act mandates such a system. Similarly, section 1834(j) of the Act requires durable medical

equipment suppliers to obtain and renew a supplier number and limits the conditions under which HCFA may issue more than one number to a supplier (see section 131(a) of the 1994 Social Security Amendments). The Economy Act of 1932 as amended (31 U.S.C. 1535 and 1536) is the authority with respect to other Federal agencies.

PURPOSE(S):

The purpose of the system is to collect the information needed to uniquely identify an individual health care provider, to assign an NPI to that health care provider, to maintain and update the information about the health care provider, and to disseminate health care provider information in accordance with the provisions of the Privacy Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Section 552a(b) of the Privacy Act specifies a number of permitted releases for information held in systems of records. Section 552a(b)(3) permits an agency to identify additional routine uses, compatible with the purpose for which the information was collected, under which the information may be released without the consent of the individual to whom the information pertains. HCFA is identifying the following routine uses for information held in the National Provider System. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including, but not limited to, ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. Also, HCFA will require each prospective recipient of such information to agree in writing to certain conditions to ensure the continuing confidentiality of the information. More specifically, as a condition of each disclosure under these routine uses, HCFA will, as necessary and appropriate:

(a) Determine that no other Federal statute specifically prohibits disclosure of the information;

(b) Determine that the use or disclosure does not violate legal limitations under which the information was provided, collected, or obtained;

(c) Determine that the purpose for which the disclosure is to be made;

(1) Cannot reasonably be accomplished unless the information is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect on, or the risk to, the privacy of the individual(s) that additional exposure of the record(s) might bring, and

(3) There is a reasonable probability that the purpose of the disclosure will be accomplished.

(d) Require the recipient of the information to;

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized access, use or disclosure of the record or any part thereof. The physical safeguards shall provide a level of security that is at least the equivalent of the level of security contemplated in OMB Circular No. A–130 (revised), Appendix III, *Security of Federal Automated Information Systems* which sets forth guidelines for security plans for automated information systems in Federal agencies,

(2) Remove or destroy the information that allows subject individual(s) to be identified at the earliest time at which removal or destruction can be accomplished, consistent with the purpose of the request,

(3) Refrain from using or disclosing the information for any purpose other than the stated purpose under which the information was disclosed, and

(4) Make no further uses or disclosure of the information, except:

(i) To prevent or address an emergency directly affecting the health or safety of an individual;

(ii) For use on another project under the same conditions, provided HCFA has authorized the additional use(s) in writing; or

(iii) When required by law;

(e) Secure a written statement or agreement from the prospective recipient of the information whereby the prospective recipient attests to an understanding of, and willingness to abide by, the foregoing provisions and any additional provisions that HCFA deems appropriate in the particular circumstances; and

(f) Determine whether the disclosure constitutes a computer ''matching program'' as defined in 5 U.S.C. 552a(a)(8). If the disclosure is determined to be a computer ''matching program,'' the procedures for matching agreements as contained in 5 U.S.C. 552a(o) must be followed.

Disclosure may be made:

1. To Federal and Medicaid health plans that are enumerators, their agents, and the NPS registry for the purpose of uniquely identifying and assigning NPIs to providers.

2. To entities implementing or maintaining systems and data files necessary for compliance with standards promulgated to comply with title XI, part C, of the Social Security Act.

3. To a congressional office, from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

4. To another Federal agency for use in processing research and statistical data directly related to the administration of its programs.

5. To the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when

(a) HHS, or any component thereof, or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity, where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party or interest, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

6. To an individual or organization for a research, demonstration, evaluation, or epidemiological project related to the prevention of disease or disability, the restoration or maintenance of health, or for the purposes of determining, evaluating and/or assessing cost, effectiveness, and/or the quality of health care services provided.

7. To an agency contractor for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system, or for developing, modifying and/or manipulating automated information systems (ADP) software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

8. To an agency of a state Government, or established by state law, for purposes of determining, evaluating and/or assessing cost, effectiveness, and/or quality of health care services provided in the state.

9. To another Federal or state agency:

(a) As necessary to enable such agency to fulfill a requirement of a

Federal statute or regulation, or a state statute or regulation that implements a program funded in whole or in part with Federal funds.

(b) For the purpose of identifying health care providers for debt collection under the provisions of the Debt Collection Information Act of 1996 and the Balanced Budget Act of 1997.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on paper or magnetic media.

RETRIEVABILITY:

The records are retrieved by the NPI, employer identification number, other provider number, or as defined by query or report.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Institute of Standards and Technology guidelines (e.g., security codes) will be used, limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resources Management (IRM) Circular #10, Automated Information Systems Security Program; and HCFA Automated Information System (AIS) Guide, Systems Security Policies; and OMB Circular No. A–130 (revised), Appendix III.

RETENTION AND DISPOSAL:

The records are retained indefinitely, except in the instance of an individual provider's death, in which case HCFA would retain such records for a 10-year period following the provider's death.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Services, Health Care Financing Administration, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

NOTIFICATION PROCEDURE:

For purpose of notification, the subject individual should write the system manager, who will require the system name, provider name, and, for verification purposes, date of birth, and medical school (if applicable), to ascertain whether or not the individual's record is in the system. (These notification procedures are in accordance with Department regulation 45 CFR part 5b.)

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department regulation 45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Information from Federal health plan and Medicaid provider enrollment forms or applications that identify health care providers and give supporting information on same.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 98–20093 Filed 7–27–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Small Business Innovation Research Grant Applications Phase I and Phase II and Small Business Technology Transfer Grant Applications Phase I and Phase II

SUMMARY: Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), Office of the Director (OD) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register**, 12/23/97, page 67087 and allowed 60 days for public comment. No public comments were received. The purpose of this notice to allow an additional 30 days for public comment. The NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Small Business Innovation Research Grant Applications Phase I and Phase II, Small Business Technology Transfer Grant Applications Phase I and Phase II. *Type of Information Collection Request:* Revision of OMB No. 0925–0195, expiration 07/31/98. *Need and Use of Information Collection:* This study will assess the PHS Small Business Innovation Research and NIH Small Business Technology Transfer Research Program Application Forms. *Frequency of Response:* Annually. *Affected Public:* Business or other for profit organizations. The annual reporting burden is as follows: *Estimated Number of Respondents:* 3,400. *Estimated Number of Responses per Respondent:* 1. *Average Burden per Response:* 32. *Estimated Total Annual Burden Hours Requested:* 108,000. The annualized cost to respondents is estimated at: 0. There are no Capital Costs, Operating Costs, or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points. (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collection; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automate, electronic, mechanical or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the items(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instrument, contact: Mr. Sonny Kreitman, SBIR/STTR Program Coordinator, Rockledge II, 6701 Rockledge Drive, Room 6186, Bethesda Maryland 20892–7910 or call non-toll free number 301–435–2770 or Fax 301–480–0146 or e-mail your request to sk13n@nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: July 21, 1998.

Diana Jaeger,

Acting Director, Office of Policy for Extramural Research Administration.

[FR Doc. 98–20039 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: September 3–4, 1998.

Open: September 3, 1998, 8:30 a.m. to 2:00 p.m.

Agenda: For discussion of program policies and issues.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Closed: September 3, 1998, 2:00 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Ronald G. Geller, PHD, Director, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, PHS, DHHS, Bethesda, MD 20892. (301) 435–0260.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 21, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–20046 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, August 3, 1998, 10:00 AM to August 3, 1998, 1:00 PM, Natcher Bldg., 45 Center Drive, Room 5AS25N, Bethesda, MD, 20892 which was published in the **Federal Register** on July 10, 1998, 63 FR 37404.

The date was changed from 8/3/98 to 8/13/98. The meeting is closed to the public.

Dated: July 21, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–20042 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, July 30, 1998, 12:00 p.m. to July 30, 1998, 1:00 p.m., Parklawn Building, Room 9–101, Russell Martenson, 5600 Fishers Lane, Rockville, MD 20857 which was published in the **Federal Register** on June 18, 1998, 63 FR 33382.

The meeting will be held July 27, 1998, at 12:00 p.m. at the same location. The meeting is closed to the public.

Dated: July 21, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–20043 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, July 31, 1998, 12:00 PM to July 31, 1998, 1:00 PM, Parklawn Building, Room 9–101, Russell Martenson, 5600 Fishers Lane, Rockville, MD 20857 which was published in the **Federal Register** on June 18, 1998, 63 FR 33382.

The meeting will be held July 29, 1998, at 1:00 PM at the same location. The meeting is closed to the public.

Dated: July 21, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–20044 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel.

Date: August 4, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD 20814.

Contact Person: SHAREE PEPPER, PHD, SCIENTIFIC REVIEW ADMINISTRATOR,

HEALTH SCIENTIST ADMINISTRATOR, OFFICE OF EXTRAMURAL PROGRAMS, NATIONAL LIBRARY OF MEDICINE, 6705 ROCKLEDGE DRIVE, SUITE 301, BETHESDA, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: July 21, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–20045 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Meeting of the Advisory Committee on Alternative Toxicological Methods

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Advisory Committee on Alternative Toxicological Methods, U.S. Public Health Service. The meeting will be held from 8:45 a.m. to 4:00 p.m. on September 25, 1998 in the Conference Center, Building 101, South Campus, NIEHS, 111 Alexander Drive, Research Triangle Park, North Carolina, 27709. The meeting will be open to the public from 8:45 a.m. to adjournment with attendance limited only by space available.

Background

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services has established an Advisory Committee on Alternative Toxicological Methods. The Committee functions to provide advice on the activities and priorities of the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (Center) and the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), and to provide advice on ways to foster partnership activities and productive interactions among all stakeholders. The Advisory Committee is composed of knowledgeable representatives drawn from academia, industry, public interest organizations, other state and Federal agencies, and the international community.

The National Toxicology Program established the Center and ICCVAM to fulfill specific mandates provided to the National Institute of Environmental Health Sciences by P.L. 103–43, Section 1301. The NIEHS was directed to (1) develop and validate toxicological testing methods, including alternative methods than can reduce or eliminate the use of animals in acute or chronic toxicity testing, (2) establish criteria for the validation and regulatory acceptance of alternative testing methods, and (3) recommend a process through which scientifically validated alternative methods can be accepted for regulatory use. Criteria and processes for validation and regulatory acceptance were developed in conjunction with 14 other Federal agencies and programs with broad input from the public. These are described in the document ''Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the Ad Hoc Intragency Coordination Committee on the Validation of Alternative Methods'' NIH publication 97–3981, March 1997, which is available on the internet at http://ntp-server.niehs.nih.gov/htdocs/ICCVAM/ICCVAM htm, or by request to the Center at the address provided below.

A standing Intragency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) was subsequently established as a collaborative effort by NIEHS and 13 other Federal regulatory and research agencies and programs. The ICCVAM facilities cross-agency communication and coordination on issues relating to validation, acceptance, and national/international harmonization of toxicological test methods. The ICCVAM works with the Center to carry out the scientific review of proposed methods of multi-agency interest, and provides recommendations regarding their usefulness to appropriate agencies. The ICCVAM also provides a mechanism for interagency communication with stakeholders throughout the process of test method development and validation. The following Federal regulatory and research agencies and organizations are participating in this effort:

Consumer Product Safety Commission
Department of Defense
Department of Energy
Department of Health and Human Services
  Agency for Toxic Substances and Disease Registry
  Food and Drug Administration
  National Institute for Occupational Safety and Health/CDC
  National Institutes of Health
    National Cancer Institute
    National Institute of Environmental Health Sciences
    National Library of Medicine
Department of the Interior
Department of Labor
  Occupational Safety and Health Administration
Department of Transportation
  Research and Special Programs Administration
Environmental Protection Agency

The Center was established to provide operational support for the ICCVAM and to assist Federal Agencies by coordinating and facilitating (1) the interagency review and adoption of toxicological test methods of multi-agency interest and (2) the participation and communication with other stakeholders throughout the process of test methods development and validation. The Center organizes, in collaboration with ICCVAM, independent scientific peer reviews and workshops for test methods of interest to Federal agencies. Peer review panels are convened to develop scientific consensus on the usefulness of test methods to generate information for specific human health and/or ecological risk assessment purposes. Expert workshops are convened to evaluate the adequacy of current test methods for assessing specific toxicities, to identity areas in need of improved or new methods, to evaluate proposed validation studies, and to evaluate the validation status of methods. The Center provides an opportunity for partnerships with other agencies and organizations to facilitate the development, validation, and review of alternative testing methods. The Center and ICCVAM seek to promote the scientific validation and regulatory acceptance of toxicological test methods that will enhance agencies' ability to assess risks and make decisions, and that will refine, reduce, and replace animal use whenever possible. The Center Office is located at NIEHS and can be contacted by telephone at 919–541–3398, fax 919–541–0947, or e-mail, iccvam@niehs.nih.gov.

Agenda

The primary agenda topics are concerned with presentations and discussions relating to processes, priorities, and recent and proposed activities of the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods and the Interagency Coordinating Committee on the Validation of Alternative Methods.

The Executive Secretary, Dr. Larry Hart, Environmental Toxicology Program, P.O. Box 12233, NIEHS,

Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FAX (919) 541–0295, will have available an agenda with times and a roster of Committee members prior to the meeting and summary minutes subsequent to the meeting.

Dated: June 17, 1998.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 98–20041 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences; National Toxicology Program; Request for Comments on Test Methods Undergoing Review by the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and the National Toxicology Program Interagency Center for the Evaluation of Alternative Methods

Background

The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), with participation by 14 Federal regulatory and research agencies and programs, was established in 1997 to facilitate cross-agency communication and coordination on issues relating to validation, acceptance, and national/international harmonization of toxicological test methods. The Committee seeks to promote the scientific validation and regulatory acceptance of toxicological test methods that will enhance agencies's ability to assess risks and make decision, and that will refine, reduce, and replace animal use whenever possible. The National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (Center), in collaboration with ICCVAM, carries out related activities such as independent peer reviews and workshops for test methods of interest to Federal agencies. Peer review panels are convened to develop scientific consensus on the usefulness of test methods to generate information for specific human heath and/or ecological risk assessment purposes. Expert workshops are convened as needed to evaluate the adequacy of current methods for assessing specific toxicities, to identify areas in need of improved or new methods, to evaluate proposed validation studies, and to evaluate the validation status of methods. Following the peer review of proposed test methods, the ICCVAM forwards recommendations regarding their usefulness to appropriate agencies for their consideration. Federal agencies then determine the regulatory acceptability of a method according to their mandates.

Additional information on the activities and functions of the ICCVAM can be found in the publication: Validation on Regulatory Acceptance of Toxicological Test Methods, a Report of the ad hoc Interagency Coordinating Committee on the Validation of Alternative Methods (NIH Publication 97–3981, March 1997). This report was prepared in response to the National Institutes of Health (NIH) Revitalization Act of 1993 (Pub. L. 103–43), which required the NIEHS to develop criteria and recommended processes for the validation and regulatory acceptance of alternative toxicological test methods. The report is available on the internet at http://ntp-server.niehs.nih.gov/htdocs/ICCVAM/ICCVAM html, or may be requested from the NTP Center address listed below.

Request for Comments

Interested parties are encouraged to submit information and data that would be helpful in evaluating the usefulness of two test methods for which upcoming independent scientific peer review meetings are being planned. The methods are: (1) *Corrositex®*, an in vitro method proposed for assessing the dermal corrosivity potential of chemicals and products; and (2) the Frog Embryo Teratogeneisis Assay in Xenopus (FETAX), a method for demonstrating developmental toxicity. Potential regulatory applications of FETAX to human health developmental toxicity assessments include screening and prioritizing compounds for further testing, evaluating complex mixtures in environmental samples, and as supplemental information in a weight-of-evidence evaluation of human developmental toxicity hazards.

The Center would welcome receiving information and data from completed, ongoing, or planned studies using or evaluating these test methods. Data and information submitted should address one or more of the criteria for validation and regulatory acceptance as provided in NIH publication 97–3981, ''Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the AD Hoc Interagency Coordinating Committee on the Validation of Alternative Methods''. Where possible, data and information should adhere to the guidance provided in the document ''Evaluation of the Validation Status of Toxicological Methods: General Guidelines for Submissions to ICCVAM'', which is available on request from the NTP Center at the address provided below. Relevant information submitted in response to this request will be used to prepare test methods background review documents for use by peer review and expert panels. Peer review meetings and/or workshops for these methods will be announced in future notices as they are scheduled.

Information on these test methods should sent by mail, fax, or e-mail to the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods within 45 days of the appearance of this notice. The NTP Center mailing address, phone, fax, and e-mail are as follows: MD EC–17, P.O. Box 12233, Research Triangle Park, NC 27709; 919–541–3398 (phone); 919–541–0947 (FAX); ICCVAM@niehs.nih.gov (e-mail). Additional information can be obtained from: Dr. William S. Stokes, NTP Interagency Center for the Evaluation of Alternative Toxicological Methods, Environmental Toxicology Program, NIEHS/NTP, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3398, FAX (919) 541–0947, emailstokes@niehs.nih.gov.

Dated: July 17, 1998.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 98–20040 Filed 7–27–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Renewal To be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comments.

SUMMARY: The collection of information listed below has been submitted to the Office of Management and Budget (OMB) for renewal under the provisions of the Paperwork Reduction Act. Copies of the specific information collection requirements, related forms, and explanatory material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: Consideration will be given to all comments received on or before August 27, 1998. OMB has up to 60 days to approve or disapprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration OMB should receive public comments by August 27, 1998.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin at (703) 358–2287, or electronically to rmullin@fws.gov.

ADDRESSES: Comments and suggestions on the requirement should be sent to the Office of Management and Budget, Attention: Department of the Interior Desk Officer, 725 17th Street, NW Washington, DC 20503, and to Rebecca Mullin, Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, ms 224–ARLSQ, 1849 C Street NW., Washington, DC 20240.

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)). The U.S. Fish and Wildlife Service (Service) has submitted a request to OMB to renew its approval of the collection of information for the Migratory Bird Harvest Surveys (16 U.S.C. 703–711) and Fish and Wildlife Act of 1956 (16 U.S.C. 742d). The Service is requesting a 3-year term of approval for this information collection activity. A previous 60 day notice on this information collection requirement was published in the March 19, 1998 (63 FR 13421) **Federal Register** inviting public comment. No comments on the previous notice were received as of July 1, 1998. This notice provides an additional 30 days in which to comment on the following information.

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 number for this collection of information is listed in 5 CFR 1320.8(d) and 16 U.S.C. 742d, which is 1018–0015.

The Migratory Bird Treaty Act (16 U.S.C. 703–711) and Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designate the Department of the Interior as the key agency responsible for the wise management of migratory bird populations frequenting the United States and for the setting of hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well being. These responsibilities dictate the gathering of accurate data on various characteristics of migratory bird harvest of a geographic and temporal nature. Knowledge attained by determining harvests and harvest rates of migratory game birds is used to regulate populations (by promulgating hunting regulations) and to encourage hunting opportunity, especially where crop depredations are chronic and/or lightly harvested populations occur. Based on information from harvest surveys, hunting regulations can be adjusted as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

This information collection approval request combines three sets of surveys (the Waterfowl Hunter Survey, the Migratory Bird Hunter Survey, OMB Approval 1018–0015, and the Parts Collection Survey, OMB Approval 1018–0009) and associated forms because they are interrelated and/or dependent upon each other.

The Waterfowl Hunter Survey, which estimates the harvest of ducks and geese, is based on Federal Duck Stamp sales. This survey asks people who purchase Federal Duck Stamps from randomly sampled Post Offices and other stamp vendors to complete and return a postcard (form 3–1823A) with their name and address. Hunters who complete and return the postcard are sent a postcard questionnaire (form 3–2056G) at the end of the hunting season, asking them to report their harvest of ducks and geese. Their responses provide estimates of the average harvest per hunter, which, combined with total Federal Duck Stamp sales, enables the Service to estimate the total harvest of ducks and geese.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program, under which each State annually provides a list of all licensed migratory bird hunters in the State. Randomly selected migratory bird hunters are sent either a waterfowl questionnaire (form 3–2056J), a dove and band-tailed pigeon questionnaire (form 3–2056K), a woodcock questionnaire (form 3–2056L), or a snipe, rail, gallinule, and coot questionnaire (form 3–2056M) and are asked to report their harvest of those species. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest of those species. This survey will replace the Waterfowl Hunter Survey after it has been fully implemented in all States and comparisons of results with Waterfowl Hunter Survey results have been completed.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Waterfowl Hunter Survey or the Migratory Bird Hunter Survey the previous year are asked to complete and return a postcard (forms 3–165A and C) if they are willing to participate in the Parts Collection Survey. Respondents are provided postage-paid envelopes before the hunting season and asked to send in a wing or the tail feathers from each duck, goose, or coot (form 3–165) they harvest, or a wing from each woodcock, band-tailed pigeon, snipe, rail, or gallinule (form 3–165B) they harvest. The wings and tail feathers are used to identify the species, age, and sex of the harvested sample. Respondents are also asked to report on the envelope the date and location (state and county) of harvest for each bird. Results of this survey are combined with harvest estimates from the Waterfowl Hunter Survey and the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable the Service to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help determine appropriate hunting regulations.

Title: Migratory Bird Harvest Surveys.

Approval Number: 1018–0015.

Service Form Number(s): 3–1823A, 3–2056G, 3–165, 3–165A–C, 3–2056J–M.

Frequency of Collection: Annually.

Description of Respondents: Individuals and households.

Total Annual Burden Hours: The reporting burden is estimated to average 2 minutes per respondent for the Migratory Bird Harvest Information Program, 8 minutes per respondent for the Waterfowl Hunter Survey, 4 minutes per respondent for the Migratory Bird Hunter Survey, and 50 minutes per respondent for the Parts Collection Survey. The Total Annual Burden hours is 131,992 hours.

Total Annual Responses: About 3,300,000 individuals are expected to participate in the Migratory Bird Harvest Information Program. Recent Service experience indicates that about 34,000 hunters will respond to the Waterfowl Hunter Survey each year, and about 12,000 hunters will respond to the Parts Collection Survey annually. The Service anticipates that about 105,000

hunters will respond to the Migratory Bird Hunter Survey annually when that survey is conducted nationwide, beginning in 1998.

Pursuant to this renewal, comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the 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. The information collections in this program will not be part of a system of record covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: July 17, 1998.

Paul R. Schmidt,

Acting Assistant Director for Refuges and Wildlife.

[FR Doc. 98–20054 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Endangered Species Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

PRT–844812

Applicant: Paul M. Richards, University of Miami, Coral Gables, Florida

The applicant requests authorization to take (capture, radio-tag, and track) the endangered American crocodile, Crocodylus acutus, throughout the species range in Florida, for the purpose of enhancement of survival of the species.

PRT–844786

Applicant: Kenneth H. Jones, Dyersburg State Community College, Dyersburg, Tennessee

The applicant requests authorization to take (harass by observation and placement of instruments at nests) the endangered least tern, *Sterna antillarum*, throughout the species range in Tennessee, for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Biologist, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received by August 27, 1998.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: June 21, 1998.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 98–20077 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W0220–120–24–1A]

Notice of Proposed Information Collection, OMB Approval Number 1004–0041

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paper Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request approval to collect certain information from individuals requesting changes from previous approved grazing permits or leases. It is used to verify and show recognized grazing performance and approved grazing use schedules as a reminder and allows the preference applicant to show requested changes for the coming grazing season. The information contained on the form, or the modifications requested by the preference livestock operator, provides essential information for computing the grazing fee bill. The bill transmittal also provides the annual use authorizations, upon payment of fees due, including grazing use schedules for rangeland areas, numbers of livestock, kind of or class of livestock, periods of use, animal unit months of forage and applicable terms and conditions for grazing use on each particular grazing allotment.

DATES: Comments on the proposed information collection must be received by September 28, 1998 to be considered.

ADDRESSES: Comments may be mailed to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C Street NW., Room 401 LS Bldg., Washington, DC 20240.

Comments may be sent via Internet to: gramey@wo.blm.gov. Please include ''Attn: 1004–0041'' 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, L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (8:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: George Ramey, (202) 452–7747.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d), the BLM is required to provide 60-day notice in the **Federal Register** concerning a proposed collection of information 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, 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.

The Taylor Grazing Act (TGA) of 1934 (43 U.S.C. 315 *et seq.*) and the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.*) provide the authority for the Bureau of Land Management to administer the livestock grazing program consistent with land-use plans, multiple-use objectives, sustained yield, environmental values, economic considerations, and other factors. Authorizing livestock use on the public lands is an important and integral part of program administration. Regulation in 43 CFR 4130.1 provide for the timely filing of applications for grazing permits or leases, free-use grazing permits, and other grazing authorizations with the appropriate BLM office.

The information provided by the permittees and lessees is used by the BLM to authorize livestock grazing use on the public lands, and to amend annual authorizations levels. The information requested includes the name and number of the grazing allotment to verify the authorized location, the number of livestock and periods of use for billing purposes, recorded brands to verify ownership, and reasons for any nonuse. The information on the form is used by the BLM authorized officer to: determine if the applied for use is within the permittees' or lessees' preference (authorized level of use), determine if the applied for use would be consistent with multiple-use objectives, and establish the terms and conditions which should be attached to a permit or lease. A permit or lease remains in effect for up to 10 years, or until the permit or lease is canceled by the authorized office. Without this information, the BLM would not be able to assure proper administration of the use of the public lands as required by law and would result in unauthorized use, improper billings, and nonpayment of fees due the Federal Government.

After the permit is issued, the form is then computer generated (Form No. 4130–3a) with the applicant's name, address, stated qualifications, and mailed annually to each grazing permittee or lessee of record. Using information technology enables the applicant to review the grazing use that is scheduled for the coming grazing season request a change in the scheduled use if needed, show the livestock identification, and sign the form.

The form is returned to the authorized officer who, if changes are indicated, either approves the change by issuing a bill listing the grazing use requested, or denies the request for a change by issuing a decision which includes a right of protest and administrative appeal.

The information required by law is only available from the applicants and uses information already available for the purpose identified. Since grazing on the unreserved public lands is administered only by the BLM, there is no duplication of information collections.

The form was designed to request only basic information required to administer the permitting process. The majority of the information is contained in the applicant's ownership documents, and previously approved grazing permit, or lease, and by using previously automated information, the burden is minimized for all respondents.

The information requested by the form is subject to change from 1 grazing year to another and is necessary for annual collection of grazing fees. There is no opportunity to conduct the collection less frequently and collect user fees as required by law.

This information collection is consistent with guidelines in 5 CFR 1320.6 without which the BLM would not be able to administer the Public Land Laws. There are no assurances of confidentiality but the Privacy Act Notice is provided to inform the applicants of the uses to be made.

On March 25, 1994 the BLM published in the **Federal Register** a notice of proposed rulemaking to amend the regulations for livestock grazing. A comment period of 120 days was allowed. Included in the notice was a request for comments on the information collections involved including, this collection (1004–0041). Several comments were received on this section addressing information resources and questions of timeliness relating to compliance. (**Federal Register** 2/22/95, page 9925) Copies of the comments are on file at the Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153, and may be reviewed by contacting Jim Gegan at that Office.

The annual cost to the Government is estimated to be $170,300 based on $11,000 for forms and processing and $159,300 to review returned applications at $20 per hour. Annual costs to the respondents is estimated at $35,900 based on $20 per hour to prepare the forms.

Approximately 23,000 forms are computer printed and mailed annually. From records available from the automated data processing (ADP) system, about one-third or 7,665 are returned as requests for moderate changes with an average of 14 minutes (0.234 hours) required for each respondent to review, check records, change if necessary and sign, resulting in 1,794 burden hours. Response time has been estimated from those respondents who have brought in the form and completed it in the presence of BLM employees.

Any interested member of the public may result and obtain, without charge, a copy of BLM Form 4130.3a from the person identified under **FOR FURTHER INFORMATION CONTACT.**

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: July 23, 1998.

Carole J. Smith,

Bureau of Land Management Information Clearance Officer.

[FR Doc. 98–20158 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P; AA–10517]

Alaska Native Claims Selection; Publication

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(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation for approximately 9.87 acres. The lands involved are in the vicinity of Sanford Cove, Alaska.

Copper River Meridian, Alaska

T. 48 S., R. 74 E.,
Secs. 29 to 32, inclusive.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. 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 August 27, 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.

Patricia K. Underwood,

Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.

[FR Doc. 98–20078 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–JA–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability of Finding of No Significant Impact (FONSI) and Proposed Phoenix Resource Management Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management in response to a land exchange proposal, has prepared a FONSI and a Proposed Plan Amendment/Final Environmental Assessment (Proposed Plan) to amend the Phoenix Resource Management Plan in compliance with the Federal Land Policy and Management Act of 1976, as amended, and Section 102(2)(c) of the National Environmental Policy Act of 1969. An analysis of potential environmental impacts found that impacts would not be significant leading to a FONSI. Because of the FONSI, an environmental impact statement is not required to support the Proposed Plan Amendment.

DATES: Protests on the Proposed Plan must be postmarked on or before August 26, 1998.

ADDRESSES: Protests must be sent to the Director, Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator, WO–210/LS–1075, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: William Gibson, Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027, or telephone (602) 580–5500.

SUPPLEMENTARY INFORMATION:

Description of the Proposed Action

Proposed Plan Amendment/Final Environmental Assessment will make 320 acres of federal surface/mineral estate acres available for considering an exchange proposal by E Z Ranch. The selected parcel would be reclassified from retention land to disposal by exchange. The Environmental Assessment also analyzes the impacts of the proposed exchange.

Alternatives Analyzed

Two alternatives, including the No Action alternative were analyzed. The Proposed Action would authorize the Proposed Plan Amendment and proposed exchange. Under the No Action alternative, the selected federal parcel would not be made available for disposal, and no land exchange would be consummated.

The Proposed Plan has a 30 day protest period as required by Bureau of Land Management (BLM) planning regulations (43 CFR 1610.5–2). Any person who participated in the process and has an interest that may be adversely affected by the proposed decision may submit a protest. Following the protest resolution and the Governor's consistency review, the Proposed Plan will be approved and implemented. A decision record which documents BLM's decision will become available.

Public Reading copies may be reviewed at the following BLM locations:

Phoenix Field Office, Public Room, 2015 West Deer Valley Road, Phoenix, AZ 85027

Arizona State Office, Public Room, 222 North Central Avenue, Phoenix, AZ 85004.

Dated: July 22, 1998.

Michael A. Taylor,

Field Manager.

[FR Doc. 98–20081 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(NV–931–1430–01; N–60594)

Public Land Order No. 7348; Withdrawal of Public Lands in Carson City; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 18,594.68 acres of public lands from surface entry and mining, but not from exchanges, recreation and public purposes, or mineral material sales, for 20 years to protect open space, visual, recreation, watershed, and wildlife values in the Carson City area. In addition, 15,089 acres of non-Federal lands, if acquired by the United States, would also be withdrawn by this order.

EFFECTIVE DATE: July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Dennis Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–861–6532.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from exchanges under Section 206 of Federal Land Policy and Management Act, as amended, conveyances under the Recreation and Public Purposes Act, as amended, or mineral sales under the Materials Act of 1947, for the protection of public lands in Carson City:

Mount Diablo Meridian

T. 14 N., R. 20 E.,
- Sec. 1, lots 5 to 8, inclusive, and N½S½;
- Sec. 2, W½ lot 2 in NW½, NE¼SW¼, S½SW¼, and SE¼;
- Sec. 3, lots 1 and 2 in NE¼, lots 1 and 2 in NW¼, N½SW¼, and NW¼SE¼;
- Sec. 4, E½ lot 1 in NE¼, E½ lot 2 in NE¼, and NE¼SE¼;
- Sec. 9, SE¼SE¼;
- Sec. 10, E½NE¼, SW¼NE¼, SE¼NW¼, and S½;
- Sec. 11;
- Sec. 12.

T. 14 N., R. 21 E.,
- Sec. 7.

T. 15 N., R. 20 E.,
- Sec. 1, lots 1 and 2 in NE¼, lot 2 in NW¼, E½ lot 1 in NW¼, N½W½ lot 1 in NW¼, SE¼W½ lot 1 in NW¼, and SE¼;
- Sec. 4, W½ lot 2 in NW¼;
- Sec. 5, E½ lot 2 in NE¼;
- Sec. 8, (3 metes and bounds parcels within SW¼SE¼);
- Sec. 11, SE¼;
- Sec. 12, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼NW¼, W½SW¼, and NE¼SE¼;
- Sec. 13, NW¼NE¼, S½NE¼, W½, and SE¼;
- Sec. 14, NE¼, E½NE¼SE¼, W½SE¼, and SE¼SE¼;
- Sec. 15, lots 1 and 2;
- Sec. 21, SE¼NE¼ and E½SE¼;
- Sec. 22, lots 1 and 2, SW¼NW¼, W½SW¼, W½SW¼, SE¼SW¼, and SE¼SE¼;
- Sec. 23, NE¼NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼, SE¼NE¼NE¼, SW¼NE¼NW¼NE¼, S½NW¼NW¼NE¼, NE¼NE¼SE¼NE¼, E½NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, N½SE¼SE¼NE¼, E½SE¼, E½E½NW¼SE¼, E½SE¼SW¼SE¼, and SW¼SE¼SW¼SE¼;
- Sec. 24;
- Sec. 25;
- Sec. 26, E½E½, SW¼NE¼, W½, and W½SE¼, excepting therefrom that portion of NE¼NW¼ conveyed to Carson City by Quitclaim Deed and excepting therefrom that portion thereof, lying below the ordinary high water line of the Carson River;
- Sec. 27;
- Sec. 28, lots 26, 27, 32 to 37, inclusive, lots 41 to 43, inclusive, E½E½, SW¼NE¼, NE¼SW¼, and NE¼SE¼SE¼;
- Sec. 32, W½NW¼NE¼SW¼, NE¼NW¼SW¼, and E½NW¼NW¼SW¼;

Sec. 33, lots 20, 33 to 36, inclusive, lots 45, 46, 49 to 52, inclusive, lots 55, 56, 61, 62, 67, 68, 78, 107, E½E½, E½SW¼NW¼, and E½SW¼;
Sec. 34;
Sec. 35, E½NE¼, NW¼NE¼, and W½W½, excepting therefrom that portion thereof, lying below the ordinary high water line of the Carson River;
Sec. 36.
T. 15 N., R. 21 E.,
Sec. 6, lots 1 and 2 in NE¼, lots 1 and 2 in NW¼, lots 1 and 2 in SW¼, and W½SE¼;
Sec. 7, N½ lot 1 in NW¼, S½S½½N½ lot 2 in NW¼, S½ lot 2 in NW¼, and SE¼;
Sec. 18, S½ lot 1 in NW¼, S½ lot 2 in NW¼, lots 1 and 2 in SW¼, and E½;
Sec. 19;
Sec. 30;
Sec. 31.
T. 16 N., R. 20 E.,
Sec. 14, the irregular Carson City portion within SW¼;
Sec. 22, E½, NE¼NE¼NW¼, SE¼SE¼NW¼, and SW¼;
Sec. 25, the irregular Carson City portion within SW¼;
Sec. 26, the irregular Carson City portion;
Sec. 27, S½;
Sec. 28, N½, N½S½, and SE¼SW¼;
Sec. 29, S½NE¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 31, E½E½, SW¼NE¼, SE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, S½SW¼NE¼SW¼, SW¼SE¼NE¼SW¼, NW¼SW¼, NW¼SE¼, and NE¼NW¼SE¼ (portion north of Highway 395, protracted);
Sec. 32, N½, N½SW¼, and NW¼SE¼;
Sec. 33, E½NE¼ and N½NW¼;
Sec. 34, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 35, N½ and E½SE¼;
Sec. 36, W½NW¼NE¼, W½, and SE¼SE¼ (Carson City portion, protracted).
T. 16 N., R. 21 E.,
Sec. 31, the irregular Carson City portion within S½ (protracted).
The areas described aggregate 18,594.68 acres in Carson City.

2. The non-Federal lands within the areas described below will be subject to the terms and conditions of this withdrawal if acquired by the United States:

T. 16 N., R. 19 E.,
Sec. 36.
T. 14 N., R. 20 E.,
Secs. 1 to 5, inclusive, and Secs. 9 to 12, inclusive.
T. 15 N., R. 20 E.,
Secs. 1 to 6, inclusive, secs. 8 to 17, inclusive, secs. 20 to 25, inclusive, secs. 28, 29, and secs. 31 to 36, inclusive.
T. 16 N., R. 20 E.,
Sec. 14, secs. 21 to 23, inclusive, secs. 25 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 14 N., R. 21 E.,
Secs. 6 and 7.
T. 15 N., R. 21 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 16 N., R. 21 E.,
Sec. 31.
The areas described aggregate 15,089 acres in Carson City.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: July 22, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–20091 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a new information collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (Act), the Department of the Interior has submitted the new collection of information discussed below to the Office of Management and Budget (OMB) for approval. The Act provides that 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.

DATES: Submit written comments by August 27, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-NEW), 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: Survey—Testing and Calibrating the Measurement of Nonmarket Values for Natural Resources via the Contingent Valuation Methods.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended, directs the Secretary of the Interior to prepare a ''5-Year Program'' that specifies the schedule of offshore natural gas and oil lease sales for the 5-year period covered by the document. The MMS prepares the 5-Year Program for the Secretary. The key analytical support for the Secretary's decision is a cost-benefit analysis of all size, timing, and location alternatives for all lease sales being considered. The MMS's 5-year cost-benefit analysis is an almost complete accounting of all the costs and benefits attributable to the offshore natural gas and oil leasing and development process. However, the cost-benefit analysis has one major exclusion. MMS does not account fully for the existence values (also called passive enjoyment values) of resources that might be damaged or lost through offshore activities. Existence values include the values people might place on a resource just by knowing it exists, or by having the option of using it at some future date, or by being able to bequeath it to future generations.

The only way currently available to measure existence values is through the use of the contingent valuation method (CVA). CVA consists of carefully constructed questionnaires which are used in interviews that elicit from people their estimate of what they would be willing to pay to avoid the loss or damage. The MMS has two major reasons why it has not funded CVA studies to provide estimates of existence values to complete its cost-benefit analysis: First, the methodology for CVA studies is stillsomewhat controversial in the economics profession. Second, CVA studies for a program covering as vast an array of environmental resources across the entire outer continental shelf would be prohibitively expensive.

The proposed survey is part of a research plan designed to come to grips with both of these problems. This project focuses on improving the methodology of CVA and its acceptance by the economics profession. A follow-on project would build on the results of this project to test a less expensive way of gathering estimates of peoples'

willingness to pay for environmental resource protection. This new approach is expected to cut the cost of CVA studies to one-third the present cost. With these improvements, MMS should be able to complete its 5-year cost-benefit analysis using methodology acceptable to a majority of the economics profession.

Frequency: This is a one-time voluntary survey.

Estimated number and description of respondents and reporting and recordkeeping ''hour'' burden: Approximately 1,200 American adults will be asked four questions, averaging about 5 minutes per respondent. There is no recordkeeping burden.

Estimated reporting and recordkeeping ''cost'' burden: This is a one time survey with no cost burden on the respondents to provide this collection of information.

Comments: Section 3506 (c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice and otherwise consult with members of the public and affected agencies concerning each proposed collection of information.* * *'' Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful, (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, (c) enhance the quality, usefulness, and clarity of the information to be collected, and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 27, 1998.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 17, 1998.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 98–20047 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a new information collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (Act), the Department of the Interior has submitted the new collection of information discussed below to the Office of Management and Budget (OMB) for approval. The Act provides that 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.

DATES: Submit written comments by August 27, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-NEW), 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: Survey—Recreational Usage of Oil and Gas Rigs by Fishermen and Divers.

Abstract: The Outer Continental Shelf (OCS) Lands Act (at U.S.C. 1346, Environmental Studies), instructs the Secretary of the Interior, subsequent to the leasing and developing of any area or region, to conduct additional studies to establish environmental information as he deems necessary and to monitor the human, marine, and coastal environments of such area or region in a manner designed to provide time-series and data trend information which can be used for comparison with previously collected data for the purpose of identifying any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such changes.

Biological studies have shown that there are between 20 and 50 times more fish found under and near oil platforms than in nearby soft bottom areas of the Gulf of Mexico. Therefore, in order to make decisions regarding the conversion of existing rigs to artificial reefs, MMS needs statistically accurate information on the extent to which oil and gas structures are used by recreational fishers and divers and the economic impact of the continued availability of these structures on local communities.

A data collection survey is being proposed to obtain statistically reliable estimates of the level of fishing and diving activity at oil and gas structures in the Gulf of Mexico from Alabama through Texas and to determine the levels of economic activity associated with this fishing and diving.

Frequency: This is a one time survey. Data collection will occur over a one year period (January 1, 1999—December 31, 1999).

Estimated number and description of respondents and reporting and recordkeeping ''hour'' burden: The estimated reporting hour burden is shown in parenthesis for each type of respondent in the following list. There is no recordkeeping burden.

Dockside field interviews with 6,513 private boat fishermen (individuals who are fishing either from a boat that they own or rent) from Alabama through Texas (10 mins.).

Dockside field interviews with 1,331 charter boat fishermen from Alabama through Texas, including fishermen who ''lease'' an entire boat for usually a ½-day or a full-day fishing trip. The charter boat is normally licensed to carry 6 or less people (10 minutes).

Dockside field interviews with 400 party boat fishermen from Alabama through Texas. Party boats usually take out more than six people for a fee and the group consists of individual fishermen buying a single spot, not leasing the entire boat (10 minutes).

Dockside field interviews with 200 divers from Alabama through Texas, including snorkelers as well as individuals wearing self contained breathing apparatus who may be spear fishing or swimming (10 minutes).

Telephone follow-up interviews with 3,255 private boat anglers (20.6 minutes), 920 charter boat anglers and 280 party boat anglers (12.3 minutes), and 200 divers (20.2 minutes).

Telephone survey of 200 charter boat operators from Alabama through Texas.

Boat operators are the individuals captaining the vessel (6.2 minutes).

Telephone interviews with 50 party boat operators from Alabama through Texas (6.2 minutes).

Telephone interviews with 50 dive shop or diving guide service providers from Alabama through Texas (2 minutes).

Estimated reporting and recordkeeping ''cost'' burden: This is a one time survey with no cost burden on the respondents to provide this collection of information.

Comments: Section 3506 (c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful, (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, (c) enhance the quality, usefulness, and clarity of the information to be collected, and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 27, 1998.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 17, 1998.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 98–20048 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0018).

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Department of the Interior has submitted the collection of information discussed below to the Office of Management and Budget (OMB) for approval. The Act provides that 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.

DATES: Submit written comments by August 27, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0018), 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title and Form Number: Form MMS–127, Request for Maximum Efficient Rate (MER).

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. To carry out these responsibilities, MMS has issued regulations at 30 CFR part 250. Subpart K, Oil and Gas Production Rates, requires respondents to complete Form MMS–127 to submit reservoir data on production.

The MMS uses the information collected by Form MMS–127 to analyze and evaluate reservoir characteristics and parameters and to classify the reservoir as sensitive. The MMS also uses the information for reservoir development studies, well production reviews, production allocation checks, and reserves calculations for bonding and leasing activities. The MMS will protect proprietary information submitted on Form MMS–127 under 30 CFR 250.118, Data and information to be made available to the public. No items of a sensitive nature are collected. The requirement to respond is mandatory.

Estimated Number and Description of Respondents: There are approximately 130 Federal OCS oil and gas or sulphur lessees.

Frequency: Annual or on occasion.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: There are 900 burden hours currently approved for this collection. The reporting burden is estimated to average 1 hour per response, including the time for reviewing the instructions, gathering and maintaining the data, and completing and reviewing the form. There are no recordkeeping requirements.

Estimated Annual Reporting and Recordkeeping ''Cost'' Burden: None.

Comments: Section 3506 (c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful, (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, (c) enhance the quality, usefulness, and clarity of the information to be collected, and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 27, 1998.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: July 1, 1998.

Williams S. Cook,

Acting Chief, Engineering and Operations Division.

[FR Doc. 98–20140 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0086).

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to extend the currently approved collection of information discussed below. The Paperwork Reduction Act of 1995 (PRA) provides that 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 Office of Management and Budget (OMB) control number.

DATE: Submit written comments by August 27, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0086), 725 17th Street, N.W., Washington, D.C. 20503. Send a copy of your comments to the Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. To carry out these responsibilities, MMS has issued regulations at 30 CFR part 250, subpart P, Sulphur Operations, of that part contains requirements and procedures for sulphur drilling, well-completion, and well-workover operations and production in the OCS.

The MMS uses the information collected under subpart P to ensure that sulphur operations and production in the OCS are carried out in a manner that is safe and pollution free. If respondents submit proprietary information, it will be protected under 30 CFR 250.118, Data and information to be made available to the public. No items of a sensitive nature are collected. The requirement to respond is mandatory.

Estimated Number and Description of Respondents: Currently there is only one active Federal OCS sulphur lease operator.

Frequency: On occasion, varies by section (see charts below).

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 978 burden hours (see charts below).

Estimated Annual Reporting and Recordkeeping ''Cost'' Burden: None.

Citation 30 CFR 250 subpart P	Reporting requirement	Average number per year	Burden per reqmnt.	Annual burden hours
1600	Submit exploration or development and production plan	Burden in collection for 30 CFR 250, subpart B (1010–0049)		0
1603(a)	Request determination whether sulphur deposit can produce in paying quantities.	1 request	1 hour	1
1605(b)(3)	Submit data and information on fitness of drilling unit	4 submissions	4 hours	16
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request.	It has not been necessary to request these data		0
1605(d)	Submit results of additional surveys and soil borings upon request.	It has not been necessary to request these data		
1605(e)(5)	Request copy of directional survey (by holder of adjoining lease)	It has not been necessary to request these data		0
1605(f)	Submit application for installation of fixed drilling platforms or structures.	Burden in collection for 30 CFR 250, subpart I (1010–0058)		0
1607	Request establishment, amendment, or cancellation of field rules for drilling, well completion, or well workover.	2 requests	8 hours	16
1608	Submit well casing and cementing plan or modification	2 plans	5 hours	10
1610(d)(8)	Request exception to ram-type blowout preventer (BOP) system components rated working pressure.	No requests in recent years		0
1611(b); 1625(b)	Request exception to water-rated working pressure to test ram-type and annular BOPs and choke manifold.	50 requests	½ hour	25
1611(f); 1625(f)	Request exception to recording pressure conditions during BOP tests on pressure charts.	No requests in recent years		0
1612	Request exception to § 250.408 requirements for well-control drills.	No requests in recent years		0
1615	Request exception to blind-shear ram or pipe rams and inside BOP to secure wells.	1 request	1 hour	1
1617; 1618; 1619(b); 1622.	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Sundry Notices and Reports on Wells), Form MMS–125 (Well Summary Report).	Burden in collection for forms: MMS–123 (1010–0044), MMS–124 (1010–0045), and MMS–125 (1010–0046)		0
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request.	8 submissions	1 hour	8
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	1 application	4 hours	4

Citation 30 CFR 250 subpart P	Reporting requirement	Average number per year	Burden per reqmnt.	Annual burden hours
1629(b)(3)	Request approval of firefighting systems	10 requests	4 hours	40
1630(a)(5)	Notify MMS of preproduction test and inspection of safety system and commencement of production.	4 notifications	½ hour	2
1633(b)	Submit application for method of production measurement	2 applications	2 hours	4
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1 report	1 hour	1
Total reporting.		86 Responses		128
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	1 lessee × 52 weeks × 2 rigs = 104.	¼ hour	26
1605(g)	Retain records of crane operation inspection, testing, maintenance, and operator qualifications for 2 years.	1 lessee	3 hours	3
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log.	1 lessee × 60 tests/ records = 60.	2 hours	120
1611(d)(3); 1625(c)(3).	Record in driller's report the date, time, and reason for postponing pressure testings.	1 lessee × 6 recordings = 6	10 minutes	1
1611(f), (g); 1625(f), (g).	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	1 lessee × 52 weeks = 52	6 hours	312
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	On occasion (daily/weekly during drilling) 2 rigs × 52 weeks = 104.	2 hours	208
1616(c)	Retain training records for lessee and drilling contractor personnel.	Burden in collection for 30 CFR 250, subpart O (1010–0078)		0
1619(a)	Retain records for each well and all well operations for 2 years	1 lessee	12 hours	12
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date and time.	1 lessee × 50 meetings/ records = 50.	1 hour	50
1628(d)	Maintain information concerning approved design and installation features for the life of the facility.	1 lessee	1 hour	1
1629(b)(1)(ii) and (iii).	Retain pressure-recording charts used to determine operating pressure ranges for 2 years; post firefighting system diagram.	1 lessee	12 hours	12
1630(b)	Maintain records for each safety device installed for 2 years	1 lessee	1 hour	1
1631	Conduct safety device training prior to production operations and periodically thereafter; record date and time.	1 lessee × 52 trainings/ records × 2 rigs = 104.	1 hour	104
Total recordkeeping.				850

Comments: Section 3506(c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 27, 1998.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 30, 1998.

William S. Cook,

Acting Chief Engineering and Operations Division.

[FR Doc. 98–20141 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0043).

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to extend the currently approved collection of information discussed below. The Paperwork Reduction Act of 1995 (PRA) provides that 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 Office of Management and Budget (OMB) control number.

DATES: Submit written comments by August 27, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0043), 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, subpart F, Oil and Gas Well-Workover Operations.

OMB Control Number: 1010–0043.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. To carry out these responsibilities, MMS has issued regulations at 30 CFR part 250. This collection of information pertains to subpart F, Well-Workover Operations.

The MMS District Supervisors use the information collected under subpart F to analyze and evaluate planned well-workover operations to ensure that operations result in personnel safety and protection of the environment. This evaluation is used in the decision whether to approve, disapprove, or to require modification to the proposed well-workover operations. Proprietary information will be protected under 30 CFR 250.118, Data and information to be made available to the public. No items of a sensitive nature are collected. The requirement to respond is mandatory.

Estimated Number and Description of Respondents: Approximately 130 Federal oil and gas or sulphur lessees.

Frequency: On occasion, varies by section (see charts below).

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 660 reporting and 7,260 recordkeeping burden hours (see charts below).

Estimated Annual Reporting and Recordkeeping ''Cost'' Burden: None.

BURDEN BREAKDOWN

Citation 30 CFR 250 subpart F	Reporting requirement	Frequency	Number	Burden (hour)	Annual Burden hours
602	Request exceptions prior to moving well-workover equipment.	On occasion	330	.25	83 (rounded).
605; 613; 615(a)	Request approval to begin subsea well-workover operations; submit forms MMS–124 and MMS–125.	Burden included in 1010–0045 and 1010–0046			0.
612	Request field well-workover rules be established, amended, or canceled.	MMS has received no requests for several years; however, the option for respondents is available; burden would be minimal if a request was submitted			0.
614	Post number of stands of drill pipe or workover string and drill collars that may be pulled prior to filling the hole and equivalent well-control fluid volume.	On occasion	562 postings	.25	141 (rounded).
616(a)	Request exception to rated working pressure of the BOP equipment; request exception to annular-type BOP testing.	On occasion	226 requests	1	226.
616(d)	Request exception to recording pressure conditions during BOP tests on pressure charts.	On occasion	50 requests	.5	25.
617(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results.	Every 30 days during prolonged operations.	30 reports	4	120.
617(c)	Notify MMS if sustained casing pressure is observed on a well.	On occasion	260 notifications	.25	65.
Total reporting			1,458		660.

Citation 30 CFR 250 subpart F	Recordkeeping requirement	Frequency	Number	Burden (hour)	Annual burden hours
606	Instruct crew members in safety requirements of operations to be performed; document meeting.	Weekly for 2 crews × 2 weeks per workover = 4.	460 workovers × 4 = 1,840.	5	920.
611	Perform operational check of traveling-block safety device; document results.	Weekly × 2 weeks per workover = 2.	430 workovers × 2 = 860.	.25	215.
616(a), (b), (d), (e)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of workover activities.	When installed; at a minimum every 7 days × 2 weeks per workover = 2.	430 workovers × 2 = 860.	6	5,160.

Citation 30 CFR 250 subpart F	Recordkeeping requirement	Frequency	Number	Burden (hour)	Annual burden hours
616(b)(2)	Test blind or blind-shear rams; document results (Note: this is part of BOP test when BOP test is conducted).	Every 30 days during operations.	400 workovers	.25	100.
616(b)(2)	Record reason for postponing BOP system tests.	On occasion	53 postponed tests	.1	5 (rounded).
616(c)	Perform crew drills; record results	Weekly for 2 crews × 2 weeks per workover = 4.	430 workovers × 4 = 1,720.	.5	860.
Total recordkeeping.					7,260.

Comments

Section 3506 (c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information* * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 27, 1998.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 30, 1998.

William S. Cook,

Acting Chief, Engineering and Operations Division.

[FR Doc. 98–20142 Filed 7–27–98; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 751–TA–21–27]

Ferrosilicon From Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela

AGENCY: United States International Trade Commission.

ACTION: Institution of review investigations concerning the Commission's affirmative determinations in countervailing duty investigation No. 303–TA–23 (Final) concerning ferrosilicon from Venezuela, and antidumping investigations Nos. 731–TA–566–570 and 731–TA–641 (Final) concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela.

SUMMARY: The Commission hereby gives notice that it has instituted investigations pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the Act) to review its determinations in the above-cited investigations. The purpose of the investigations is to determine whether revocation of the subject orders is likely to lead to continuation or recurrence of material injury to an industry in the United States. Ferrosilicon is provided for in subheadings 7202.21.10, 7202.21.50, 7202.21.75, 7202.21.90, and 7202.29.00 of the *Harmonized Tariff Schedule of the United States.*

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, C, D, and E (19 CFR part 207).

EFFECTIVE DATE: July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Background:

On April 24, 1998, the Commission received a request to review its affirmative determination as it applied to imports of ferrosilicon from Brazil (the request)[1] in light of changed circumstances, pursuant to section 751(b) of the Act. The request was filed by counsel on behalf of Associação Brasileira dos Productores de Ferroligas e de Silicio Metalico (ABRAFE), Companhia Brasileira Carbureto de Calcio (CBCC), Companhia de Ferroligas de Bahia (FERBASA), Nova Era Silicon S/A, Italmagnesio S/A-Industria e Comercio, Rima Industrial S/A, and Companhia Ferroligas Minas Gerais (Minasligas).

Pursuant to section 207.45(b) of the Commission's Rules of Practice and Procedure (19 CFR § 207.45(b)), the Commission published a notice in the **Federal Register** on May 20, 1998 (63 FR 27747), requesting comments as to whether the alleged changed circumstances warranted the institution of review investigations. The Commission received comments in support of the request from C.V.G. Venezolana de Ferrosilicio C.A. (Fesilven), a Venezuelan producer of ferrosilicon, General Motors Corp., a purchaser of ferrosilicon, and the governments of Brazil and Kazakhstan. Comments received in opposition to the request were received from counsel on behalf of AIMCOR, American Alloys, Inc., Elkem Metals Co., and SKW Metals & Alloys, Inc., U.S. producers of ferrosilicon. After reviewing these comments, the Commission determines that certain of the alleged changed circumstances are sufficient to warrant review investigations.

[1] The request concerned only imports from Brazil. However, as the alleged changed circumstances predominantly relate to the domestic industry, the Commission solicited comments on the possibility of self-initiating reviews of the outstanding orders on imports from China, Kazakhstan, Russia, Ukraine, and Venezuela.

The Commission is also currently evaluating a request for 751(b) review investigations on silicon metal from Argentina, Brazil, and China, and will make its determination concerning institution by September 21, 1998. Because somewhat similar issues have been raised in both the ferrosilicon and silicon metal requests, and because there is considerable overlap in market participants, the Commission hereby waives rule 207.45(c) and will not issue a schedule for the conduct of the ferrosilicon investigations until it has made its institution decision in the silicon metal request. If reviews on silicon metal are instituted, they will be conducted concurrently with the reviews on ferrosilicon.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.45 of the Commission's rules.

Issued: July 21, 1998

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–20050 Filed 7–27–98; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–768 (Final)]

Fresh Atlantic Salmon From Chile

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured or threatened with material injury [3] by reason of imports from Chile of fresh Atlantic salmon,[4] provided for in subheadings 0302.12.00 and 0304.10.40 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective June 12, 1997, following receipt of a petition filed with the Commission and the Department of Commerce by the Coalition for Fair Atlantic Salmon Trade.[5] The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by the Department of Commerce that imports of fresh Atlantic salmon from Chile were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 5, 1998 (63 FR 5965). The hearing was held in Washington, DC, on June 3, 1998, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 22, 1998. The views of the Commission are contained in USITC Publication 3116 (July 1998), entitled ''Fresh Atlantic Salmon from Chile: Investigation No. 731–TA–768 (Final).''

By order of the Commission.

Issued: July 22, 1998.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–20051 Filed 7–27–98; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Carol T. Crawford dissenting.

[3] Chairman Lynn M. Bragg determines that an industry in the United States is threatened with material injury by reason of the subject imports from Chile. Chairman Bragg further determines, pursuant to 19 U.S.C. 1673d(b)(4)(B), that she would not have found material injury but for the suspension of liquidation of entries of the merchandise under investigation. Vice Chairman Marcia E. Miller determines that an industry in the United States is materially injured by reason of the subject imports from Chile.

[4] For purposes of this investigation, Commerce has defined the subject merchandise as fresh, farmed Atlantic salmon, whether ''dressed'' or cut. Atlantic salmon is the species *Salmo salar*, in the genus Salmo of the family Salmoninae. ''Dressed'' Atlantic salmon refers to salmon that has been bled, gutted, and cleaned. It may be imported with the head on or off, with the tail on or off, and with the gills in or out. All cuts of fresh Atlantic salmon are included in the scope of the investigations. Examples of cuts include, but are not limited to: crosswise cuts (steaks), lengthwise cuts (fillets), lengthwise cuts attached by skin (butterfly cuts), combinations of crosswise and lengthwise cuts (combination packages), and Atlantic salmon that is minced, shredded, or ground. Cuts may be subjected to various degrees of trimming, and imported with the skin on or off and with the ''pin bones'' in or out.

Excluded from the scope are (1) fresh Atlantic salmon that is ''not farmed'' (*i.e.*, wild Atlantic salmon); (2) live Atlantic salmon; and (3) Atlantic salmon that has been subject to further processing, such as frozen, canned, dried, and smoked Atlantic salmon, or processed into forms such as sausages, hot dogs, and burgers.

[5] The individual members of FAST on whose behalf the petition was filed are as follows: Atlantic Salmon of Maine (Fairfield, ME); Cooke Aquaculture US, Inc. (Calais, ME); DE Salmon, Inc. (Calais, ME); Global Aqua USA, LLC (Seattle, WA); Island Aquaculture Corp. (Swans' Island, ME); Maine Coast Nordic, Inc. (Calais, ME); Scan Am Fish Farms (Anacortes, WA); and Treats Island Fisheries (Lubec, ME). On Mar. 9, 1998, the petition was amended to include as an additional petitioner Trumpet Island Salmon Farm, Inc. (Mount Desert, ME).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Extension of a currently approved collection: Controlled Substances Import/Export Declaration—DEA Form 236.

This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until September 28, 1998. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information.

Your comments should address one or more of the following four points:

1. evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. enhance the quality, utility, and clarity of the information to be collected; and

4. minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have comments, suggestions or need a copy of the proposed information collection instrument with instructions, if applicable, or additional information, please contact Patricia Good, 202–307–7197, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Overview of This Information

(1) Type of information collection: Extension of a currently approved collection.

(2) The title of the form/collection: Controlled Substances Import/Export Declaration—DEA Form 236.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form No.: DEA Form 236.

Applicable component of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Business or other for-profit.

Other: None.

Abstract: DEA–236 provides the DEA with control measures over the importation and exportation of controlled substances as required by both domestic and international drug control laws. Affected public consists of businesses or other for-profit organizations.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: 230 respondents. 12 responses per year × 15 minutes per response = 3 hrs.

(6) An estimate of the total public burden (in hours) associated with the collection: 690 annual burden hours. 230 respondents × 3 hrs. per respondent per year.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20032 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Application for Removal.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 28, 1998.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/collection:* Application for Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–243. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information provided on this form allows the Immigration and Naturalization service to determine eligibility for an applicant's request for removal from the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 41 responses at 10 minutes (.166) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 7 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20132 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request.

AGENCY: Notice of Information Collection Under Review; Application for Advance Permission to Enter as Nonimmigrant (Pursuant to 212(d)(3) of the Immigration and Nationality Act).

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995, The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 28, 1998.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Advance Permission to Enter as Nonimmigrant (Pursuant to 212(d)(3) of the Immigration and Nationality Act).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–192. Adjudications Divisions, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information furnished on Form I–192 will be used by the Immigration and Naturalization Service to determine if the applicant is eligible to enter the U.S. temporarily under the provisions of section 212(d)(3) of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,000 responses at 15 minutes (.250) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20133 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Certificate of Eligibility for Nonimmigrant Student (F–1) Status—For Academic and Language Students.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 28, 1998.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection:* Certificate of Eligibility for Nonimmigrant Student (F–1) Status—For Academic and Language Students.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–20AB/ID. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form will be used to collect information from nonimmigrant students attending schools in the United States in order that INS can monitor the students' immigration status and ensure that the students do not violate the condition imposed by their nonimmigrant status while attending school.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 210,000 responses at 30 minutes (.5) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 105,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20134 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Canadian Border Boat Landing Permit.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 28, 1998.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection: Canadian Border Boat Landing Permit.*

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–68. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Section 235 of the I & N Act provides for the inspection of persons entering the United States by allowing certain persons entering the U.S. from Canada by small craft to be inspected only once during the navigational season, rather than each time they enter.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 68,000 responses at 10 minutes (.166) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 11,288 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20135 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Aircraft/Vessel Report.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 28, 1998.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Aircraft/Vessel Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–95, Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. This form is part of the manifest requirements of Sections 231 and 251 of the I & N Act and is used by the INS and other agencies for data collection and statistical analysis.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 720,000 responses at 11 minutes (.183) per response.

(6) *An estimate of the total public burden (in hour) associated with the collection:* 129,600 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice,

especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

In additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: July 22, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–20136 Filed 7–27–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Veterans' Employment and Training Service; Agency Information Collection Activities: Proposed Collection; Comment Request; Eligibility Data Form; Uniformed Services Employment and Reemployment Rights Act (USERRA)

ACTION: Notice.

SUMMARY: On May 6, 1998, the Veterans' Employment and Training Service published a **Federal Register** notice (63 FR 25097) requesting public comment on the proposed extension of the USERRA. The May 6, notice allowed a thirty day comment period which closed June 5, 1998. As the Paperwork Reduction Act requires a sixty day public comment period, this notice provides the public with an additional thirty day comment period.

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 VETS is soliciting comments concerning the proposed extension of the information collection request for the Eligibility Data Form, USERRA 38 U.S.C., Chapter 43. The Department of Labor is particularly interested in comments which:.

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's 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.

DATES: Written comments must be submitted by August 27, 1998.

ADDRESSES: Coments are to be submitted to Hary Puente-Duany, Director, Office of Agency Management and Budget, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1320A, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 219–6350. Written comments limited to 10 pages or fewer may also be transmitted by facsimile to (202) 219–7341.

FOR FURTHER INFORMATION CONTACT: Robert Wilson, Chief, Compliance Programs, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Avenue NW, Washington, DC 20210, telephone (202) 219–8611. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Robert Wilson at (202) 219–8611.

SUPPLEMENTARY INFORMATION:

I. Background

The purposes of the Uniformed Services Employment and Reemployment Rights Act and this information collection requirement include: protect and facilitate the reemployment and prompt reemployment of members of the uniformed services (to include National Guard and Reserves); to minimize disruption to the lives of persons who perform service in the uniformed services and their civilian employers; and to encourage individuals to participate in non-career uniformed service. Also, to prohibit discrimination in employment and acts of reprisal against persons because of their obligation in the uniformed services, prior services, filing a USERRA claim, seeking assistance concerning an alleged violation, testifying in a proceeding, or otherwise participating in an investigation.

II. Current Actions

This notice request an extension of the current Office of Management and Budget approval of the paperwork requirements in the Uniformed Services Employment and Reemployment Rights Act. Extension is necessary to fulfill the statutory requirements for this program.

Type of Review: Extension.

Agency: Veterans' Employment and Training Service.

Title: Uniformed Services Employment and Reemployment Rights Act.

OMB Number: 1293–0002.

Affected Public: Individuals or households.

Total Respondents: 4,215.

Frequency: On occasion.

Total Responses: 4,215.

Average Time per Response: .30 hour.

Estimated Total Burden Hours: 632.

Total Annualized Capital/Startup Costs: 0.

Total Initial Annual Costs: 0.

Comments submitted in response to this notice will be summarized and included in the request for the Office of Management and Budget approval of the information collection request. The comments will become a matter of public record.

Dated: July 21, 1998.

Hary Puente-Duany,

Director, Office of Agency Management and Budget.

[FR Doc. 98–20138 Filed 7–27–98; 8:45 am]

BILLING CODE 4510–79–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–98–33]

Accident Prevention Tags; Information Collection Requirements

ACTION: Notice; Opportunity for Public Comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burdens, conducts a preclearance consultation program to provide the 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 (PRA–95) (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 impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in the standard on Accident Prevention Tags (29 CFR 1910.145). The Agency 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; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted on or before September 28, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–98–33, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 219–8061. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219–8061, extension 100, or Barbara Bielaski at (202) 219–8076, extension 142. For electronic copies of the Information Collection Request on Accident Prevention Tags, contact OSHA's WebPage on the Internet at http://www.osha.gov and click on ''Regulations and Compliance.''

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

In the standard on Accident Prevention Tags, information concerning the degree of hazard associated with a workplace condition is used by the employer to select the type of accident prevention tag (sign) to be used on a workplace hazard. The tag (sign) selected will identify the workplace hazard and convey the severity of hazard and any accident prevention instruction to the employee.

II. Current Actions

This notice requests public comment on OSHA's burden hour estimates prior to OSHA seeking Office of Management and Budget (OMB) approval of the information collection requirements contained in the standard on Accident Prevention Tags (29 CFR 1910.145).

Type of Review: Extension of a Currently Approved Collection.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Accident Prevention Tags (29 CFR 1910.145).

OMB Number: 1218–0132.

Agency Number: Docket Number ICR–98–33.

Affected Public: Business or other for-profit; Not for profit institutions; Federal Government; State, local or tribal Government.

Number of Respondents: 112,000.

Frequency: On Occasion.

Average Time Per Response: 3 minutes (.05 hr.).

Estimated Total Burden Hours: 5,600.

Total Annualized Capital/Startup Costs: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval of the information collection request. The comments will become a matter of public record.

Signed at Washington, DC, this 21st day of July 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–20137 Filed 7–27–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, July 30, 1998.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests from Two (2) Federal Credit Unions to Convert to Community Charters.
2. Request from a Federal Credit Union to Convert to a State Chartered, Non-federally Insured Credit Union.
3. Request from a Credit Union to Convert Insurance.
4. NCUA's FY–98 Mid-Session Budget Review.
5. Proposed Amendment: Section 701.21(g), NCUA's Rules and Regulations, Real Estate Lending.
6. Proposed Amendment: Section 701.23(b), NCUA's Rules and Regulations, Purchase of Eligible Obligations.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m, Thursday, July 30, 1998.

PLACE: Board Room, 7th Floor, Room, 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Sections 205 and 206 of the Federal Credit Union Act and Part 708 of NCUA's Rules & Regulations. Closed pursuant to exemption (8).
2. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (4), (7), (8), (9)(A)(ii) and (9)(B).
3. Administrative Action under Section 206 of the FCU Act. Closed pursuant to exemptions (2) and (8).
4. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
5. Corporate Examiner Review Task Force Recommendations. Closed pursuant to exemption (2).
6. Appeal from a Federal Credit Union of the Regional Director's Denial of a Community Charter. Closed pursuant to exemption (8).

7. Three (3) Administrative Actions under Part 745 of NCUA's Rules and Regulations. Closed pursuant to exemption (6).

8. Seven (7) Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 98–20208 Filed 7–23–98; 4:47 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

Northern States Power Company; Notice of Issuance of Amendment to Facility Operating License No. DPR–22 Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

[Docket No. 50–263]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–22 issued to Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant located in Wright County, Minnesota.

The proposed amendment would revise Section 3.6.C, Coolant Chemistry, and 3/4.17.B, Control Room Emergency Filtration System, of the Technical Specifications (TS), Appendix A of the Operating License for the Monticello Nuclear Generating Plant. The changes were proposed to establish TS requirements consistent with modified analysis inputs used for the evaluation of the radiological consequences of the main steam line break accident. This amendment request was originally noticed in the **Federal Register** on May 6, 1998 (63 FR 25115). On June 19, 1998, supplemented July 1, 1998, the licensee submitted an application that superseded in its entirety the licensee's previous submittal dated April 11, 1997.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

A limit is established in the plant Technical Specifications for steady state radioiodine concentration in the reactor coolant to ensure that in the event of a release of radioactive material to the environment due to a postulated high energy line break up to and including a design basis Main Steam Line Break Accident, radiation doses are maintained well within the regulatory guidelines. The steady state radioiodine concentration in the reactor coolant is an input for analysis of the radiological consequences of an accident due to a Main Steam Line Break outside of containment and postulated high energy line breaks. In addition, requirements are established in the Technical Specifications for control room habitability. During an accident, the control room emergency filtration system provides filtered air to pressurize the Control Room to minimize the activity, and therefore the radiological dose, inside the control room.

A change is proposed for the steady state radioiodine concentration. This value is conservative with respect to the value used in the Main Steam Line Break dose consequences analysis and is consistent with the dose consequences evaluation of a postulated Reactor Water Cleanup (RWCU) line break. Changes are proposed to the limiting conditions for operation and surveillance requirements for the Control Room Emergency Filtration Train iodine removal efficiency. These changes are consistent with the inputs used in the analysis of the radiological consequences of the postulated RWCU line break and the Main Steam Line Break Accident. Changes to testing requirements are more restrictive and in accordance with the applicable regulatory guidance. These proposed requirements maintain operating restrictions for analytical inputs used in the analysis of the Main Steam Line Break Accident. Evaluation of these events has demonstrated that the postulated radiological consequences will also remain within the licensing basis established in the AEC [Atomic Energy Commission] Provisional Operating License Safety Evaluation Report, dated March 18, 1970, thus the proposed changes do not result in an increase in the consequences of previously evaluated accidents.

The analysis of the Main Steam Line Break Accident performed using a reactor coolant radioiodine concentration of 2 [micro]Ci/gm dose equivalent Iodine-131 and a control room ventilation filter efficiency consistent with the proposed Technical Specifications changes demonstrated that radiological consequences of the Main Steam Line Break are not changed significantly. The radiological consequences of the Main Steam Line Break Accident remain within the exposure guidelines of 10 CFR 100 and 10 CFR 50 Appendix A, General Design Criterion 19. The offsite dose consequences remain bounded by the original licensing basis provided in the AEC Provisional Operating License Safety Evaluation Report, dated March 18, 1970. The control room doses calculated for the hot standby Main Steam Line Break Accident using the TID–14844 dose conversion factors remain bounded by the dose consequences of the comparable design basis loss of coolant accident.

The evaluation of the postulated RWCU line break, performed using a reactor coolant radioiodine concentration of 0.25 [micro]Ci/gm dose equivalent Iodine-131 and a control room ventilation filter efficiency consistent with the proposed Technical Specifications changes, demonstrated that the radiological consequences of this event remain within the exposure guidelines of 10 CFR 100 and 10 CFR 50 Appendix A, General Design Criterion 19. The offsite dose consequences remain bounded by the Main Steam Line Break as established in the licensing basis provided in the AEC Provisional Operating License Safety Evaluation Report, dated March 18, 1970.

The proposed Technical Specification changes do not introduce new equipment operating modes, nor do the proposed changes alter existing system relationships. The proposed changes do not introduce new failure modes. The system improvements to reduce bypass leakage during postulated accidents do not have an adverse effect on control room habitability. Therefore, this amendment will not cause a significant increase in the probability of an accident previously evaluated for the Monticello plant.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed Technical Specification changes do not introduce new equipment operating modes, nor do the proposed changes alter existing system relationships. Operator action to mitigate the consequences of the postulated RWCU line break is conservative based on the simple action required by the operator to close the containment isolation valves within 10 minutes. Isolation at 10 minutes is very conservative since a safety related RWCU containment isolation system that was installed during the 1998 refueling outage would effect an automatic isolation within one minute of the RWCU break.

The proposed change to the specification for reactor coolant dose equivalent radioiodine is conservative with respect to the re-evaluation of the Main Steam Line Break Accident for the more conservative hot standby initial condition for the postulated accident. The proposed change to the specification for reactor coolant dose equivalent radioiodine is consistent with the postulated high energy line break of a Reactor

Water Cleanup line. The proposed changes to the limiting conditions for operation and surveillance requirements for the control room emergency filtration train iodine removal efficiency are consistent with the inputs used in the evaluation of the radiological consequences of the postulated RWCU line break and the Main Steam Line Break Accident. The system improvements to reduce bypass leakage during postulated accidents do not have an adverse effect on control room habitability. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

Surveillance data has demonstrated the proposed requirements are within the current capability of the facility. The proposed changes maintain margins of safety. These proposed requirements maintain operating restrictions for analytical inputs used in the analysis of the bounding postulated high energy line break of a Reactor Water Cleanup line and the Main Steam Line Break Accident. The proposed change to the specification for reactor coolant dose equivalent radioiodine is conservative with respect to the re-evaluation of the Main Steam Line Break Accident for the more conservative hot standby initial condition for the postulated accident. The proposed change to the specification for reactor coolant dose equivalent radioiodine is consistent with the postulated high energy line break of a Reactor Water Cleanup line. The evaluation of these postulated events determined that the radiological consequences remain within the exposure guidelines of 10CFR100 and of 10CFR50 Appendix A, General Design Criterion 19 and within the original licensing basis contained in the Provisional Operating License. The proposed changes to the limiting conditions for operation and surveillance requirements for the control room emergency filtration train iodine removal efficiency provide assurance that the system will perform at the filter efficiency as used in the evaluation of the radiological consequences of the postulated events. Therefore, the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by close of business within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 27, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 19, 1998, as supplemented July 1, 1998, and the licensee's letter dated May 5, 1997, 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 Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 22nd day of July 1998.

For the Nuclear Regulatory Commission.

Tae Kim,

Senior Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20110 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–260 and 50–296]

Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–52 and DPR–68 issued to the Tennessee Valley Authority (TVA or the licensee) for operation of the Browns Ferry Nuclear Plant (BFN), Units 2 and 3, located in Limestone County, Alabama.

Presently, the BFN Units 2 and 3 are licensed to operate at a maximum rated thermal power of 3293 Mwt. By letter dated October 1, 1997, as supplemented October 14, 1997, March 16, April 1 and 28, May 1 and 20, 1998, the licensee proposed changes to the BFN Units 2 and 3 Technical Specifications (TS) to allow operation of the Units at the uprated power level of 3458 Mwt which represents a proposed power level increase of 5 percent. The licensee proposed several TS changes to revise the rated thermal power value, flow, pressure and temperature values for various systems and structures, relief valve setpoints and associated surveillance requirements to reflect operation of the BFN Units 2 and 3 at the increased power level. The licensee's request was noticed in the **Federal Register** on June 9, 1998 (63 FR 31533).

By letter dated June 26, 1998, as supplemented July 17, 1998, the licensee proposed additional TS changes to its original power uprate application. The licensee proposed to add a new Limiting Condition for Operation (LCO) 3.4.10, and associated TS Bases changes. These changes are related to operating limit for reactor steam dome pressure. Accordingly, this notice supplements the previous notice 63 FR 31533. For further details with respect to this action, see the application for amendments dated June 26, and July 17, 1998.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 27, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Athens Public Library, 405 E. South Street, Athens, Alabama. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the

proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to General Counsel, Tennessee Valley Authority, 400 West Summit Drive, ET 10H, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92. For further details with respect to this action, see the application for amendments dated June 26, and July 17, 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 Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 22nd day of July 1998.

For the Nuclear Regulatory Commission.

L. Raghavan,

Senior Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20108 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by Wolf Creek Nuclear Operating Corporation (the licensee) to withdraw part of its March 24, 1995, application for an amendment to Facility Operating License No. NPF–42, issued to the licensee for operation of the Wolf Creek Nuclear Generating Station, Unit No. 1, located in Coffey County, Kansas. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on April 12, 1995 (60 FR 18632).

The portion of the licensee's amendment request which is being withdrawn is the revision of the Technical Specifications (TS) that would change the allowed outage time (AOT) for other reasons of accumulator inoperability from 1 hour to 24 hours.

Subsequently the licensee informed the staff that this portion of the amendment will be resubmitted at a later time. Thus, this portion of the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated March 24, 1995, as supplemented by letters dated July 26, 1995 and September 5, 1996, and (2) the staff's letter dated July 21, 1998.

These 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 Emporia State University, Wiliam Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 21st day of July 1998.

For the Nuclear Regulatory Commission.

Kristine M. Thomas,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20109 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Company, North Anna Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations with respect to Facility Operating License No. NPF–4 and Facility Operating License No. NPF–7, issued to Virginia Electric and Power Company (VEPCO, the licensee) for operation of the North Anna Power Station, Units 1 and 2 (NAPS1&2), located in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated March 3, 1998, as supplemented May 5, 1998, concerning the use of respiratory protection equipment which has not been tested by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA). Pursuant to 10 CFR 20.2301, the licensee has requested exemptions from the following:

1. 10 CFR 20.1703(a)(1) which requires that "* * * the licensee shall

use only respiratory protection equipment that is tested and certified or had certification extended by NIOSH/MSHA;'

2. 10 CFR 20.1703(c) which requires that ''the licensee shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA;'' and

3. 10 CFR Part 20 Appendix A, Protection Factors for Respirators, Footnote d.2.(d), which states, in part, that ''* * * the protection factors apply for atmosphere-supplying respirators only when supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with NIOSH/MSHA certification (described in 30 CFR Part 11). Oxygen and air shall not be used in the same apparatus.''

The Need for the Proposed Action

Subpart H to 10 CFR Part 20, ''Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas' states in 10 CFR 20.1702, ''When it is not practical * * * to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by * * * (c) Use of respiratory protection equipment* * *.''

It is necessary for station personnel to periodically enter containments while the units are operating in order to perform inspection or maintenance. The NAPS1&2 containments are designed to be maintained at subatmospheric pressure during power operations. The containment pressure can range from 9.0 to 11.0 pounds per square inch, absolute (psia). This containment environment could potentially impact the safety of personnel donning respiratory protection equipment, due to reduced pressure and resulting oxygen deficiency. Under these circumstances, the use of a self-contained breathing apparatus (SCBA) with enriched oxygen breathing gas is required. The licensee initially purchased Mine Safety Appliances, Inc. (MSA) Model 401 open-circuit, dual-purpose, pressure-demand SCBAs constructed of brass components which were originally intended for use with compressed air. The licensee qualified the Model 401 cylinders for use with 35% oxygen/65% nitrogen following the recommendations of the Compressed Gas Association's Pamphlet C–10, ''Recommended Procedures for Changes of Gas Service for Compressed Gas Cylinders,'' established procedures to utilize these devices with an enriched oxygen mixture, and is currently using these SCBAs with a 35% oxygen/65% nitrogen mixture instead of compressed air. The MSA Model 401 SCBA has received the NIOSH/MSHA certification for use with compressed air, but has not been tested for 35% enriched oxygen applications. Using these SCBAs without the NIOSH/MSHA certification requires an exemption from 10 CFR 20.1703(a)(1), 10 CFR 20.1703(c), and 10 CFR Part 20 Appendix A, Protection Factors for Respirators, Footnote d.2.(d).

Environmental Impacts of the Proposed Action

The proposed action will not alter plant operations, result in an increase in the probability or consequences of accidents, or result in a change in occupational or offsite dose. Therefore, there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Because the Commission's staff has concluded that there is no significant environmental impact associated with the proposed exemption, any alternative to the proposed exemption will have either no significantly different environmental impact or greater environmental impact. The principal alternative would be to deny the requested exemption. Denial would result in no change in current environmental impact.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to the operation of North Anna Power Station, Units 1 and 2, issued by the Commission in April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with Mr. Foldesi of the Virginia Department of Health on June 23, 1998, regarding the environmental impact of the proposed action. Mr. Foldesi had no comments on behalf of the Commonwealth of Virginia.

Finding of No Significant Impact

Based upon the foregoing 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 exemption.

For further details with respect to this action, see the request for exemption dated March 3, 1998, as supplemented May 5, 1998, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

Dated at Rockville, Maryland this 22nd day of July 1998.

For The Nuclear Regulatory Commission.

P.T. Kuo,

Acting Director, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20106 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of July 27, August 3, 10, and 17, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 27

Wednesday, July 29

2:00 p.m.—Briefing on Operating Reactors and Fuel Facilities (Public Meeting), (Contact: Glenn Tracy, 301–415–1725).

4:00 p.m.—Affirmation Session (Public Meeting). *(Please note: This item will be affirmed immediately following the conclusion of the preceding meeting.) a: Private Fuel Storage, L.L.C.; Atomic Safety and Licensing Board Memorandum and Order, LBP–98–7 (April 22, 1998), (Tentative).

Week of August 3—Tentative

Thursday, August 6

10:00 a.m.—Briefing on Recent Research Program Results and Core Capabilities (Public Meeting), (Contact: Lloyd Donnelly, 301–415–5828).

11:30 a.m.—Affirmation Session (Public Meeting), (if needed).

Week of August 10—Tentative

Tuesday, August 11

2:00 p.m.—Briefing on 10 CFR Part 70—Proposed Rulemaking, ''Revised Requirements for the Domestic Licensing of Special Nuclear Material (Public Meeting), (Contact: Elizabeth Ten Eyck, 301–415–7212).

Wednesday, August 12

2:00 p.m.—Briefing on PRA Implementation Plan (Public Meeting), (Contact: Tom King, 301–415–5790).

3:30 p.m.—Affirmation Session (Public Meeting), (if needed).

Week of August 17—Tentative

Wednesday, August 19

11:30 a.m.—Affirmation Session (Public Meeting), (if needed).

*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: July 24, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98–20261 Filed 7–24–98; 2:28 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Agreement State Compatibility Designation for NRC Employee Protection Regulations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The Nuclear Regulatory Commission is requesting public comment as to whether Agreement States should adopt the equivalent of 10 CFR Parts 30.7, 40.7, 61.9, and 70.7 (NRC's Employee Protection requirements) in accordance with NRC's Policy Statement on Adequacy and Compatibility of Agreement State Programs, and if so, under which compatibility category.

Background

Section 274 of the Atomic Energy Act of 1954 (AEA), as amended, provides for a special Federal-State regulatory framework for the control of radioactive materials under which the NRC, by agreement with a State, discontinues regulatory authority in certain areas. Under such an agreement, the State government exercises that authority as long as the State program is adequate to protect public health and safety and compatible with the Commission's program. As defined by the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs (62FR46517, September 3, 1997), an Agreement State's radiation control program is adequate to protect public health and safety if administration of the program provides reasonable assurance of protection of public health and safety in regulating the use of source, byproduct, and small quantities of special nuclear material as identified by Section 274b. of the AEA. An Agreement State radiation control program is compatible with the Commission's regulatory program when its program does not create conflicts, duplications, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis.

Discussion

In implementing the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs, the NRC staff has developed the following guidance to determine the appropriate compatibility category for NRC regulations:

Keys to categories:

A Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.

B Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC.

C Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.

D Not required for purposes of compatibility.

In addition, certain rules are designated as Health and Safety (H&S) due to their health and safety significance. Agreement States should adopt the essential objectives of these rules.

In a 10 CFR 2.206 petition dated December 12, 1997, Thomas B. Cochran, Ph.D., Director of the Nuclear Program of the Natural Resources Defense Council, identified the question of whether NRC's employee protection regulations should be made a matter of Agreement State compatibility. These regulations concern the protection of employees who provide information to the NRC or their employers concerning safety issues and conform to the nuclear employee protection provisions of the Energy Policy Act of 1992, which was enacted on October 24, 1992. Under the current designation, these regulations are compatibility category D—not required for purposes of compatibility. Neither are these regulations currently required for the single purpose of assuring public health and safety. The Commission has directed the NRC staff to survey and discuss this issue with the Agreement States and appropriate organizations and to provide an opportunity for public comment. The public is requested to provide comments on whether NRC's employee protection requirements should be made a matter of Agreement State compatibility, and if so, under what compatibility category designation as described above. Public comment is also requested on whether NRC's employee protection requirements should be adopted by Agreement States to assure public health and safety, even though these regulations may not be necessary to assure compatibility of regulatory programs.

DATES: Submit comments by September 11, 1998 to Spiros Droggitis, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

FOR FURTHER INFORMATION CONTACT: Spiros Droggitis, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, by telephone at (301) 415–2367 or by Internet electronic mail at SCD@NRC.GOV.

Dated at Rockville, Maryland, this 21st day of July, 1998.

For the Nuclear Regulatory Commission.

Richard L. Bangart,

Director, Office of State Programs.

[FR Doc. 98–20107 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Sel-Leb Marketing, Inc., Common Stock, $.01 Par Value; Redeemable Common Stock Purchase Warrants) File No. 1–13856

July 21, 1998.

Sel-Leb Marketing, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'').

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Securities have been listed for trading on the Nasdaq SmallCap Market and the BSE. Using a Registration Statement on Form 8–A, as amended, which became effective on July 13, 1995, the Company registered the Securities pursuant to Sections 12(b) and 12(g) of the Act.

On June 18, 1998, the Board of Directors of the Company authorized the withdrawal of the Securities from listing and trading on the BSE. In making such decision, the Board of Directors considered the costs and expenses involved in maintaining the dual listing of its Securities, especially in light of the fact that the Board of Directors believes that, given the low volume of trading in the Securities, the Company and its shareholders no longer obtain any particular benefits from being listed on the BSE.

By letter dated June 19, 1998, the Company advised the BSE of the Company's decision to withdraw the Securities from listing on the BSE. Subsequently, the Company provided the Exchange with additional documentation requested by the BSE in order for the Exchange to review the Company's request to withdraw its Securities from listing on the BSE.

By letter dated June 30, 1998, the BSE advised the Company that the Exchange had no objection to the withdrawal of the Securities from listing on the BSE.

By reason of Section 12(g) of the Act and the rules and regulations thereunder, the Company shall continue to be obligated to file reports under Section 13 of the Act.

Any interested person may, on or before August 11, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–20053 Filed 7–27–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Smart Choice Automotive Group, Inc., Common Stock, $.01 Par Value; Redeemable Warrants) File No. 1–14082

July 21, 1998.

Smart Choice Automotive Group, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'').

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Company's Securities are quoted on NASDAQ.

In making the decision to withdraw its Securities from listing on the BSE, the Company considered the direct and indirect costs and expenses of maintaining listing of its Securities on the BSE. The benefits from listing do not warrant the expenditure of the time and money necessary to comply with the rules and regulations governing listing and registration, and trading in the Securities can adequately be handled in the over-the-counter market. Accordingly, the Company does not see any particular advantage in the trading of its Securities on the BSE.

On June 11, 1998, the Company notified the BSE that it was requesting the delisting of the Securities, and, in a letter dated June 12, 1998, the BSE raised no objection to such delisting.

Any interested person may, on or before August 11, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–20052 Filed 7–27–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [63 FR 39916, July 24, 1998].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: July 24, 1998.

CHANGE IN THE MEETING: Additional items.

The following items will be added to the closed meeting scheduled for Friday, July 31, 1998, at 10:00 a.m.:

Settlement of injunctive action.

Settlement of administrative proceedings of an enforcement nature.

Commissioner Hunt, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary (202) 942–7070.

Dated: July 24, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–20238 Filed 7–24–98; 11:19 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading; Infotex Holdings, Ltd.

July 23, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Infotex Holdings, Ltd. (''Infotex'') because of questions regarding the accuracy of statements, and material omissions, concerning among other things, (1) the nature and value of current contracts which Infotex claims to possess, and (2) the relationship between Infotex and an analyst who recommended purchase of its shares.

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. eastern time on July 23, 1998 through 11:59 p.m. eastern time on August 5, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–20237 Filed 7–24–98; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Public Notice No. 2847

Shipping Coordinating Committee; Committee for the Facilitation of International Maritime Traffic; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:00 AM on Thursday, August 27, 1998, in room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001. The purpose of the meeting is to finalize preparations for the 26th session of the Facilitation Committee of the International Maritime Organization (IMO), which is scheduled for 7–11 September, 1998, at the IMO Headquarters in London. Discussions will focus on papers received and draft U.S. positions.

Among other things, the items of particular interest are:

- Convention on Facilitation of International Maritime Traffic
- Consideration and Adoption of Proposed Amendments to the Annex to the Convention
- EDI Messages for the Clearance of Ships
- Application of the Committee's Guidelines
- General Review of the Convention
- Formalities Connected with the Arrival, Stay and Departure of Ships
- Formalities Related to Cargo—Facilitation Aspects of the Intermodal Transport of Dangerous Goods
- Formalities Connected with the Arrival, Stay and Departure of Persons—Stowaways
- Facilitation Aspects of Other IMO Forms and Certificates—Harmonized Reporting Format
- Ship-Port Interface
- Technical Co-Operation Sub-Programme for Facilitation

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Chief, Office of Standards Evaluation and Development, U.S. Coast Guard Headquarters, Commandant (G–MSR), Room 1400, 2100 Second Street, SW, Washington, DC 20593–0001 by calling LTJG John Natale at: (202) 267–6220.

Dated: July 17, 1998.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 98–20143 Filed 7–27–98; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week of July 17, 1998

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–98–4067
Date Filed: July 13, 1998
Parties: Members of the International Air Transport Association
Subject:
PTC2 ME 0046 dated July 3, 1998
Within Middle East Resolutions r1–12
PTC2 ME 0047 dated July 10, 1998—Minutes
PTC2 ME Fares 0013 dated July 7, 1998—Tables
Intended effective date: January 1, 1999.

Docket Number: OST–98–4082
Date Filed: July 15, 1998
Parties: Members of the International Air Transport Association
Subject:
r1: COMP Telex Reso 024f—South Africa
r2: COMP Telex Reso 024f—Namibia/Lesotho/Swaziland Local Currency Fare Changes
Intended effective date: July 20, 1998.

Docket Number: OST–98–4125
Date Filed: July 17, 1998
Parties: Members of the International Air Transport Association
Subject:
PTC12 USA–EUR Fares 0028 dated July 21, 1998
US–UK Add-on Fares
Intended effective date: October 1, 1998.

Docket Number: OST–98–4126
Date Filed: July 17, 1998
Parties: Members of the International Air Transport Association
Subject:
PTC12 USA–EUR 0053 dated June 26, 1998 r1–30
USA–Europe Resolutions (except between US-Austria/Belgium/Germany/Netherlands/Scand/Switz)
PTC12 USA–EUR 0056 dated July 14, 1998—Minutes
PTC12 USA–EUR 0057 dated July 14, 1998—Minutes
PTC12 USA–EUR Fares 0026 dated July 10, 1998—Corrections
PTC12 USA–EUR Fares 0025 dated July 7, 1998—Tables
Intended effective date: November 1, 1998.

Cynthia L. Hatten,

Federal Register Liaison.

[FR Doc. 98–20121 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending July 17, 1998

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–98–4076.
Date Filed: July 14, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 11, 1998.
Description: Application of Fine Air Services, Inc. pursuant to 49 U.S.C. Section 41102 and Subpart Q, applies for a certificate of public convenience and necessity to provide scheduled foreign air transportation of property and mail to points in fifteen countries for which Fine Air currently holds only exemption authority.

Docket Number: OST–98–3404.
Date Filed: July 16, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 13, 1998.
Description: Amendment to the Application of Aero Micronesia, Inc., d/b/a Asia Pacific Airlines of its intent to conduct its airline business only under the name of Asia Pacific Airlines.

Docket Number: OST–98–3479.
Date Filed: July 16, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 13, 1998.
Description: Amendment to the Application of Aero Micronesia, Inc., d/b/a Asia Pacific Airlines of its intent to conduct its airline business only under the name of Asia Pacific Airlines.

Docket Number: OST–98–4122.
Date Filed: July 17, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 14, 1998.
Description: Application of Swiss World Airways, S.A. pursuant to 49 U.S.C. Section 41301 and Subpart Q, applies for a foreign air carrier permit to engage in scheduled and charter foreign air transportation of persons, property and mail as follows: from points behind Switzerland via Switzerland and intermediate points to a point or points in the United States and beyond.

Cynthia L. Hatten,
Federal Register Liaison.

[FR Doc. 98–20120 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, San Diego International Airport-Lindbergh Field, California

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on Revision #2 of the Noise Compatibility Program (NCP) submitted by the San Diego Unified Port District, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On June 5, 1991, the FAA approved the original NCP. On May 11, 1995, the FAA approved Revision #1 to the NCP. Revision #1 provided sound attenuation for five schools located within the 65-dB CNEL contour. On June 17, 1998, the Associate Administrator for Airports approved Revision #2 of the NCP. This revision contained two program elements. Element number one consisted of sound attenuation for residential homes between the 65 and 75-dB CNEL contours and element number two restructured the Airport Noise Advisory Committee. Both elements were approved.

EFFECTIVE DATE: The effective date of the FAA's approval for Revision #2 of the San Diego International Airport-Lindbergh Field NCP is June 17, 1998.

FOR FURTHER INFORMATION CONTACT: Charles Lieber, Airport Planner, Airports Division, AWP–611.1, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Worldword Postal Center, Los Angeles, California 90009–2007. Telephone: (310) 725–3614. Street address: 15000 Aviation Boulevard, Hawthorne, California 90261. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to Revision #2 of the Noise Compatibility Program for San Diego International Airport-Lindbergh Field, effective June 17, 1998.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator who has previously submitted a Noise Exposure Map, may submit to the FAA, a Noise Compatibility Program which sets forth in the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 of the Act and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types of classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in FAR Part 150, Section 150.5. Approval

is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division office in Hawthorne, California.

The San Diego Unified Port District submitted to the FAA on November 7, 1986, and December 11, 1987, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 1985 through September 1989. The Noise exposure Maps were determined by the FAA to be in compliance with applicable requirements on January 30, 1989. Notice of this determination was published in the **Federal Register** on March 30, 1989.

On June 5, 1991, the FAA approved the original NCP. On May 11, 1995, the FAA approved Revision #1 to the NCP. The FAA received Revision #2 to the NCP on August 13, 1997. The proposed Revision #2 did not contain changes to the Noise Exposure Maps; therefore determination of new maps were not necessary. The San Diego Unified Port District requested that the FAA evaluate and approve the material as a revision of the Noise Compatibility Program as described in Section 104(b) of the Act. The FAA began its review of the program on January 27, 1998, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve to disapprove such program within the 180-day period shall be deemed to be an approval of such program.

Two program elements were submitted and both elements were approved. These elements consisted of sound attenuation for residential homes between the 65 and 75–dB CNEL contours and the restructure of the Airport Noise Advisory Committee. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. Therefore, the Associate Administrator for Airports approved Revision #2 on June 17, 1998.

These determinations are set forth in detail in a Record of Approval endorsed by the Associates Administrator for Airports on June 17, 1998. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the San Diego Unified Port District.

Issued in Hawthorne, California on July 17, 1998.

Ellsworth Chan,

Acting Manager, Airports Division, AWP–600, Western Pacific Region.

[FR Doc. 98–20118 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–98–4146]

TEA–21 Listening Sessions and One-DOT Conferences

AGENCY: Office of the Secretary, DOT.

ACTION: Public meetings; request for comments.

SUMMARY: The Transportation Equity Act for the 21st Century (TEA–21) was signed into law on June 9, 1998. Prior to implementation, the US DOT will conduct a series of TEA–21 outreach sessions to consult with its partners and customers. This program will consist of five National listening sessions conducted by US DOT leadership to listen to our partners and customers. The first listening session was held in Portland, OR on July 20. There will also be five One-DOT Conferences with our partners and customers on new program initiatives or major revisions in ISTEA programs. The TEA–21 outreach sessions are scheduled to be held between July 20, 1998 and October 8, 1998.

The four remaining listening sessions are to be held in the following cities: Lakewood, CO (Lead Mode: National Highway Traffic Safety Administration); New Orleans, LA (Lead Mode: Federal Highway Administration); Kansas City, MO (Lead Mode: Federal Transit Administration); New York, NY (Federal Transit Administration).

The five One-DOT Conferences are topic specific and will be held in the following cities; Access to Jobs, Philadelphia, PA (Lead Mode: Federal Transit Administration); Borders and Corridors, San Diego, CA and Detroit, MI (Lead Mode: Federal Highway Administration); Safety, Providence, RI (Lead Modes: National Highway Traffic Safety Administration/Federal Railroad Administration); Planning and Environment, Atlanta, GA (Lead Mode: Federal Highway Administration).

DATES: The following dates are subject to change. Listening Sessions: Lakewood, CO (8/3/98); New Orleans, LA (9/15/98); Kansas City, MO (late September); New York, NY (early October). One-ODT Conferences: Access to Jobs, Philadelphia, PA (mid August); Borders and Corridors, San Diego, CA (8/25/98); Borders and Corridors, Detroit, MI (8/27/98); Safety, Providence, RI (early September); Planning and Environment, Atlanta, GA (late September).

ADDRESSES: Comments and questions must be submitted directly to Walter Finch; Office of the Secretary; S–3, Room # 10126; 400 7th Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Walter Finch, Special Assistant to the Associate Deputy Secretary and Director, Office of Intermodalism; (202) 366–8015.

SUPPLEMENTARY INFORMATION:

Electronic Access

Dates, logistical information and other pertinent information will be available on the DOT Home Page. Address: www.fhwa.dot.gov/tea21/outreach.

MODAL CONTRACTS

Agency	Contact name	Phone No.
Federal Highway Administration	Leslie J. Wright	(202) 366–9227
National Highway Traffic Safety Administration	C. Hrncir	(202) 366–2105
Federal Transit Administration	Jackie Brooks and Bruce Frame	(202) 366–0786
Research and Special Programs Administration	Steve Vanbeek	(202) 366–5441
Federal Railroad Administration	Norma Krayem	(202) 632–3114

Issued in Washington, DC, on July 22, 1998.

Walter P. Finch,

Special Assistant, Office of Intermodalism, Department of Transportation.

[FR Doc. 98–20119 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on August 12, 1998, at 10 a.m.

ADDRESSES: The meeting will be held at the Aerospace Industries Association of America, 1250 Eye Street, NW., Goddard Room, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9683; fax (202) 267–5075; e-mail Jean.Casciano@faa.dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on August 12, 1998, at the Aerospace Industries Association of America, 1250 Eye Street, NW., Goddard Room, Washington, DC, 10 a.m. The agenda will include:

- A discussion of proposed new tasks for General Aviation and Business Airplane Issues and Transport Airplane and Engine Issues
- Administrative issues

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by August 3, 1998, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, July 21, 1998.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 98–20031 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 188, Minimum Aviation System Performance Standards for High Frequency Data Link

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 188 meeting to be held August 10–14, 1998, starting at 9:00 a.m. each day. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suit 1020, Washington, DC, 20036.

The agenda will include: August 10, Opening Plenary Session: (1) Chairman's Opening Remarks; (2) Introductions; (3) Review of Agenda; (4) Review and Approval of Minutes of the Previous Meeting. August 10–11: (5) Working Group (WG)–2 Minimum Operational Performance Standards (MOPS). August 12–13: (6) WG–1 Minimum Aviation System Performance Standards. August 14, Closing Plenary: (7) Review of WG–1 Status; (8) Review of WG–2 Status; (9) Review Activities of Other Standards Groups; (10) Open Discussion; (11) Confirm Dates for Future Meetings; (12) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may request a written statement to the committee at any time.

Issued in Washington, DC, on July 21, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98–20029 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Chesapeake, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public of its intent to adopt the environmental impact statement prepared by the U.S. Army Corps of Engineers to support a permit application for the construction of Route 168 on new location in the City of Chesapeake and issue their own Record of Decision.

FOR FURTHER INFORMATION CONTACT: Bruce Turner, Planning and Environment Program Manager, Federal Highway Administration, The Dale Building, Suite 205, 1504 Santa Rosa Road, Richmond, Virginia 23229, Telephone 804–281–5111.

SUPPLEMENTARY INFORMATION: The U.S. Corps of Engineers (Corps), in cooperation with the Virginia Department of Transportation (VDOT), prepared a draft Environmental Impact Statement (EIS) and made it available to the public in September 1995 for a proposed project to construct four lanes on new location which would alleviate traffic conditions on existing Route 168 in the City of Chesapeake. The Corps assumed responsibility as the lead agency due to their authority over wetlands and to support a permit application and because VDOT had no intention of using any Federal-aid funds in the planning, design or construction of the proposed project. After conducting a joint public hearing with VDOT, the Corps considered all comments they had received and issued a final environmental impact statement in September 1996. On December 16, 1996, the Corps issued their Record of Decision. In June 1998, President Clinton signed authorizing legislation for the Federal Highway Administration known as the Transportation Equity Act of the 21st Century (TEA–21). In TEA–21, the U.S. Congress set-aside Federal-aid funds for the construction of Route 168 in the City of Chesapeake. In response to this set-aside, VDOT has requested that the FHWA accept the Corps' environmental impact statement to support the approval and authorization of these Federal-aid funds for construction of Route 168.

The FHWA has reviewed the Corps' environmental impact statement to determine if it can be readily adopted as

their own for purposes of complying with NEPA. FHWA will coordinate with the Advisory Council on Historic Preservation on cultural resources and develop a Section 4(f) Evaluation as appropriate. In addition, FHWA will solicit comments by circulating the final environmental impact statement and send out letters describing our intentions and changes that have occurred to the project to the appropriate Federal, State, and local agencies, private organizations, and citizens who have previously been involved or are known to have an interest in this proposal. Finally, notice of the document's availability will be published in local newspapers.

To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: July 20, 1998.

Edward S. Sundra,

Environmental/Air Quality Engineer, Richmond, Virginia.

[FR Doc. 98–20049 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Frederick County, Maryland

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela Stephenson, Environmental Protection Specialist, Federal Highway Administration, Maryland Division, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211 (410–962–4342, ext. 145); Mr. Stan Aldridge, Frederick City Engineer, 101 North Court Street, Frederick, Maryland 21701 (301–694–1404); or Mr. Paul F. Maloney, Project Manager, Maryland State Highway Administration, Mail Stop C–301, Project Planning Division, 707 North Calvert Street, Baltimore, Maryland 21202 (410–545–8516).

SUMMARY: The FHWA is issuing this notice to advise the public and interested agencies that an environmental impact statement will no longer be prepared for the proposed East Street Extended project in the City of Frederick, Maryland.

SUPPLEMENTARY INFORMATION: A Draft Environmental Impact Statement was prepared by the City of Frederick and approved by the Federal Highway Administration, and a public hearing was conducted in 1983. The project was placed on hiatus following the public hearing and was recently reinitiated in a scaled back version as a project being undertaken in cooperation with the City of Frederick and the Maryland State Highway Administration.

We have determined that an Environmental Impact Statement is no longer the appropriate level of documentation to assess the changes for the revised proposed project because of the reduced level and extent of environmental impacts. Instead, an Environmental Assessment/Section 4(f) Evaluation will be prepared and circulated for public and agency review and comment for 45 days beginning on August 3, 1998. The limits of the proposed project originally extended from north of 9th Street to the vicinity of I–70 (interchange at I–70 and Walser Drive) and included improvements in the existing East Street corridor as well as an extension of East Street on new location from its current terminus to an interchange at I–70 and Walser Drive. The revised proposed project now consists only of the extension to the I–70 interchange. A public hearing will be conducted in late August 1998.

Comments and questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on July 16, 1998.

George K. Frick, Jr.,

Acting Division Administrator, Baltimore, Maryland.

[FR Doc. 98–20144 Filed 7–27–98; 8:45 am]

BILLING CODE 4910–22–M

federal register

Tuesday
July 28, 1998

Part II

Department of Commerce

National Institute of Standards and Technology

Metric System of Measurement: Interpretation of the International System of Units for the United States; Notice

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 980430113–8113–01]

Metric System of Measurement: Interpretation of the International System of Units for the United States

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: This notice restates the interpretation of the International System of Units (SI) for the United States by the Department of Commerce. This interpretation was last published by the Department of Commerce in the **Federal Register** on December 20, 1990 (55 FR 52242–52245). Since the publication of that notice, the international bodies that are responsible for the SI have made some changes to it. It has therefore become necessary to set forth a new interpretation of the SI for the United States that reflects these changes.

FOR FURTHER INFORMATION CONTACT: For information regarding the International System of Units, contact Dr. Barry N. Taylor, Building 225, Room B161, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001, telephone number (301) 975–4220. For information regarding the Federal Government's efforts to coordinate the transition of the United States to the International System of Units, contact Mr. James B. McCracken, Metric Program, Building 820, Room 306, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001, telephone number (301) 975–3690, email: metric__prg@nist.gov

SUPPLEMENTARY INFORMATION: Section 5164 of Public Law 100–418, the Omnibus Trade and Competitiveness Act of 1988, amended Public Law 94–168, the Metric Conversion Act of 1975. In particular, section 3 of the Metric Conversion Act (codified as amended 15 U.S.C. 205b) reads as follows:

''Sec. 3. It is therefore the declared policy of the United States—

''(1) to designate the metric system of measurement as the preferred system of weights and measures for United States trade and commerce;

''(2) to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units;

''(3) to seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications; and

''(4) to permit the continued use of traditional systems of weights and measures in nonbusiness activities.''

In the Metric Conversion Act of 1975, the ''metric system of measurement'' is defined as the International System of Units as established in 1960 by the General Conference of Weights and Measures (abbreviated CGPM after the French *Conférence Général des Poids et Mesures*) and interpreted or modified for the United States by the Secretary of Commerce (15 U.S.C. 205c). The Secretary has delegated this authority to the Director of the National Institute of Standards and Technology. In implementation of this authority, tables and associated text were published in the **Federal Register** of December 20, 1990 (55 FR 52242–52245), setting forth the interpretation for the United States of the International System of Units (abbreviated SI in all languages after the French *Systéme International d'Unités*).

The CGPM is an intergovernmental organization established by the Meter Convention (*Convention du Métre*), which was signed by the United States and 16 other countries in Paris in 1875 (nearly 50 countries are now members of the Convention). One of the responsibilities of the CGPM is to ensure that the SI reflects the latest advances in science and technology. Since the publication of the 1990 **Federal Register** notice, the CGPM has made two significant changes to the SI. These are (1) the addition of four new SI prefixes to form decimal multiples and submultiples of SI units; and (2) the elimination of the class of supplementary units (the radian and the steradian) as a separate class in the SI. Further, the International Committee for Weights and Measures (abbreviated CIPM after the French *Comité International des Poids et Mesures*), which comes under the authority of the CGPM, has made some new recommendations regarding units not part of the SI that may be used with the SI. It is therefore necessary to issue new tables and associated text that reflect these changes and which set forth a new interpretation of the SI for the United States. Thus this **Federal Register** notice supersedes the previous interpretation published in the **Federal Register** on December 20, 1990 (55 FR 52242–52245).

Classes of SI Units

There are now only two classes of units in the International System of Units: *base units* and *derived units*. The units of these two classes form a *coherent* set of units and are designated by the name ''SI units.'' Here, the term coherent is used to mean a unit system where all derived units are obtained from the base units by the rules of multiplication and division with no numerical factor other than the number 1 ever occurring in the expressions for the derived units in terms of the base units. The SI also includes *prefixes* to form decimal multiples and submultiples of SI units. Because units formed with SI prefixes are not coherent with SI units, the units so formed are designated by their complete name ''decimal multiples and submultiples of SI units'' in order to make a distinction between them and the coherent set of SI units proper. The SI units and their decimal multiples and submultiples together are often called ''units of the SI.''

SI Base Units

The SI is founded on seven SI *base units* for seven *base quantities* assumed to be mutually independent. These units and quantities are given in Table 1.

Table 1. SI base units

Base quantity	SI base unit	
	Name	Symbol
length	meter	m
mass[1]	kilogram	kg
time	second	s
electric current	ampere	A
thermodynamic temperature	kelvin	K
amount of substance	mole	mol
luminous intensity	candela	cd

[1] "Weight" in common parlance is often used to mean mass.

SI Derived Units

Other quantities, called *derived quantities,* are defined in terms of these seven base quantities through a system of quantity equations. SI *derived units* for these derived quantities are obtained from this system of equations and the seven SI base units in a coherent manner, which means, in keeping with the above discussion of the term coherent, that they are formed as products of powers (both positive and negative) of the SI base units corresponding to the base quantities concerned without numerical factors. Table 2 gives some examples of SI derived units.

Table 2. Examples of SI derived units

Derived quantity	SI derived unit	
	Name	Symbol
area	square meter	m^2
volume	cubic meter	m^3
speed, velocity	meter per second	m/s
acceleration	meter per second squared	m/s^2
wave number	reciprocal meter	m^{-1}
mass density (density)	kilogram per cubic meter	kg/m^3
specific volume	cubic meter per kilogram	m^3/kg
current density	ampere per square meter	A/m^2
magnetic field strength	ampere per meter	A/m
amount-of-substance concentration (concentration)	mole per cubic meter	mol/m^3
luminance	candela per square meter	cd/m^2
mass fraction	kilogram per kilogram, which may be represented by the number 1	kg/kg = 1

Quantities of Dimension 1

The last entry of Table 2, mass fraction, is an example of certain derived quantities that are defined as the ratio of two mutually comparable quantities, that is, two quantities of the same kind. Since the coherent SI derived unit of such a derived quantity is the ratio of two identical SI units, that unit may also be expressed by the number one, symbol 1. Such quantities are called *quantities of dimension* 1, or *dimensionless quantities,* and the SI unit of all such quantities is the number 1. Examples of other derived quantities of dimension 1, and thus with a coherent SI derived unit that may be expressed by the number 1, are relative permeability, dynamic friction factor, refractive index, characteristic numbers such as the Mach number, and numbers that represent a count, such as a number of molecules. However, the number 1 is generally not explicitly shown in the expression for the value of a quantity of dimension 1. For example, the value of the refractive index of a given medium is expressed as $n = 1.51$ rather than as $n = 1.51 \times 1$. In a few cases a special name and symbol are given to the number 1 to aid understanding. The radian, unit symbol rad, and steradian, unit symbol sr, which are given in Table 3 and are discussed in connection with Table 4, are two such examples.

SI Derived Units With Special Names and Symbols

For ease of understanding and convenience, 21 SI derived units have been given special names and symbols. These are listed in Table 3, where it should be noted that the last three units of Table 3, the becquerel, unit symbol Bq, the gray, unit symbol Gy, and the sievert, unit symbol Sv, were specifically introduced by the CGPM with a view to safeguarding human health.

Table 3. SI derived units with special names and symbols

Derived quantity	SI derived unit			
	Special name	Special symbol	Expression in terms of other SI units	Expression in terms of SI base units
plane angle	radian	rad		$m \cdot m^{-1} = 1$
solid angle	steradian	sr		$m^2 \cdot m^{-2} = 1$
frequency	hertz	Hz		s^{-1}
force	newton	N		$m \cdot kg \cdot s^{-2}$
pressure, stress	pascal	Pa	N/m^2	$m^{-1} \cdot kg \cdot s^{-2}$
energy, work, quantity of heat	joule	J	$N \cdot m$	$m^2 \cdot kg \cdot s^{-2}$
power, radiant flux	watt	W	J/s	$m^2 \cdot kg \cdot s^{-3}$
electric charge, quantity of electricity	coulomb	C		$s \cdot A$
electric potential difference, electromotive force	volt	V	W/A	$m^2 \cdot kg \cdot s^{-3} \cdot A^{-1}$
capacitance	farad	F	C/V	$m^{-2} \cdot kg^{-1} \cdot s^4 \cdot A^2$
electric resistance	ohm	Ω	V/A	$m^2 \cdot kg \cdot s^{-3} \cdot A^{-2}$
electric conductance	siemens	S	A/V	$m^{-2} \cdot kg^{-1} \cdot s^3 \cdot A^2$
magnetic flux	weber	Wb	$V \cdot s$	$m^2 \cdot kg \cdot s^{-2} \cdot A^{-1}$
magnetic flux density	tesla	T	Wb/m^2	$kg \cdot s^{-2} \cdot A^{-1}$
inductance	henry	H	Wb/A	$m^2 \cdot kg \cdot s^{-2} \cdot A^{-2}$
Celsius temperature	degree Celsius	°C		K
luminous flux	lumen	lm	$cd \cdot sr$	$m^2 \cdot m^{-2} \cdot cd = cd$
illuminance	lux	lx	lm/m^2	$m^2 \cdot m^{-4} \cdot cd = m^{-2} \cdot cd$
activity (of a radionuclide)	becquerel	Bq		s^{-1}
absorbed dose, specific energy (imparted), kerma	gray	Gy	J/kg	$m^2 \cdot s^{-2}$
dose equivalent, ambient dose equivalent, directional dose equivalent, personal dose equivalent, equivalent dose	sievert	Sv	J/kg	$m^2 \cdot s^{-2}$

Degree Celsius

The derived unit in Table 3 with special name degree Celsius and special symbol °C deserves comment. Because of the way temperature scales used to be defined, it remains common practice to express a thermodynamic temperature, symbol T, in terms of its difference from the reference temperature T_0 = 273.15 K, the ice point. This temperature difference is called Celsius temperature, symbol t, and is defined by the quantity equation $t = T - T_0$. The unit of Celsius temperature is the degree Celsius, symbol °C. The numerical value of a Celsius temperature t expressed in degrees Celsius is given by

$$\frac{t}{°C} = \frac{T}{K} - 273.15 .$$

It follows from the definition of t that the degree Celsius is equal in magnitude to the kelvin, which in turn implies that the numerical value of a given temperature difference or temperature interval whose value is expressed in the unit degree Celsius (°C) is equal to the numerical value of the same difference or interval when its value is expressed in the unit kelvin (K). Thus temperature differences or temperature intervals may be expressed in either the degree Celsius or the kelvin using the same numerical value. For example, the Celsius temperature difference Δt and the thermodynamic temperature difference ΔT between the melting point of gallium and the triple point of water may be written as Δt = 29.7546 °C = ΔT = 29.7546 K. (Note that the centigrade temperature scale is obsolete; the unit name degree centigrade should no longer be used.)

Use of SI Derived Units With Special Names and Symbols

The special names and symbols of the 21 SI derived units with special names and symbols given in Table 3 may themselves be included in the names and symbols of other SI derived units. This use is shown in Table 4. All of the SI derived units in Table 4, like those in Table 3, have been obtained from the SI base units in the same coherent manner discussed above.

Table 4. Examples of SI derived units whose names and symbols include SI derived units with special names and symbols

Derived quantity	SI derived unit		
	Name	Symbol	Expression in terms of SI base units
dynamic viscosity	pascal second	Pa · s	$m^{-1} \cdot kg \cdot s^{-1}$
moment of force	newton meter	N · m	$m^2 \cdot kg \cdot s^{-2}$
surface tension	newton per meter	N/m	$kg \cdot s^{-2}$
angular velocity	radian per second	rad/s	$m \cdot m^{-1} \cdot s^{-1} = s^{-1}$
angular acceleration	radian per second squared	rad/s^2	$m \cdot m^{-1} \cdot s^{-2} = s^{-2}$
heat flux density, irradiance	watt per square meter	W/m^2	$kg \cdot s^{-3}$
heat capacity, entropy	joule per kelvin	J/K	$m^2 \cdot kg \cdot s^{-2} \cdot K^{-1}$
specific heat capacity, specific entropy	joule per kilogram kelvin	J/(kg · K)	$m^2 \cdot s^{-2} \cdot K^{-1}$
specific energy	joule per kilogram	J/kg	$m^2 \cdot s^{-2}$
thermal conductivity	watt per meter kelvin	W/(m · K)	$m \cdot kg \cdot s^{-3} \cdot K^{-1}$
energy density	joule per cubic meter	J/m^3	$m^{-1} \cdot kg \cdot s^{-2}$
electric field strength	volt per meter	V/m	$m \cdot kg \cdot s^{-3} \cdot A^{-1}$
electric charge density	coulomb per cubic meter	C/m^3	$m^{-3} \cdot s \cdot A$
electric flux density	coulomb per square meter	C/m^2	$m^{-2} \cdot s \cdot A$
permittivity	farad per meter	F/m	$m^{-3} \cdot kg^{-1} \cdot s^4 \cdot A^2$
permeability	henry per meter	H/m	$m \cdot kg \cdot s^{-2} \cdot A^{-2}$
molar energy	joule per mole	J/mol	$m^2 \cdot kg \cdot s^{-2} \cdot mol^{-1}$
molar entropy, molar heat capacity	joule per mole kelvin	J/(mol · K)	$m^2 \cdot kg \cdot s^{-2} \cdot K^{-1} \cdot mol^{-1}$
exposure (x and γ rays)	coulomb per kilogram	C/kg	$kg^{-1} \cdot s \cdot A$
absorbed dose rate	gray per second	Gy/s	$m^2 \cdot s^{-3}$
radiant intensity	watt per steradian	W/sr	$m^4 \cdot m^{-2} \cdot kg \cdot s^{-3} = m^2 \cdot kg \cdot s^{-3}$
radiance	watt per square meter steradian	$W/(m^2 \cdot sr)$	$m^2 \cdot m^{-2} kg \cdot s^{-3} = kg \cdot s^{-3}$

Radian and Steradian

As indicated in Table 3, the radian, unit symbol rad, and steradian, unit symbol sr, are the special names and symbols for the derived units of plane angle and solid angle, respectively. These units may be used or not in expressions for derived units as is convenient in order to distinguish between derived quantities that are not of the same kind but are of the same dimension (that is, derived quantities whose units when expressed in SI base units are the same). Table 4 includes some examples of derived units that use the radian and steradian.

SI Prefixes

Table 5 gives the 20 SI prefixes used to form decimal multiples and submultiples of SI units. It is important to note that the kilogram is the only SI unit with a prefix as part of its name and symbol. Because multiple prefixes may not be used, in the case of the kilogram the prefix names of Table 5 are used with the unit name "gram" and the prefix symbols are used with the unit symbol "g." With this exception, any SI prefix may be used with any SI unit, including the degree Celsius and its symbol °C.

Table 5. SI prefixes

Factor	Name	Symbol	Factor	Name	Symbol
$10^{24} = (10^3)^8$	yotta	Y	10^{-1}	deci	d
$10^{21} = (10^3)^7$	zetta	Z	10^{-2}	centi	c
$10^{18} = (10^3)^6$	exa	E	$10^{-3} = (10^3)^{-1}$	milli	m
$10^{15} = (10^3)^5$	peta	P	$10^{-6} = (10^3)^{-2}$	micro	μ
$10^{12} = (10^3)^4$	tera	T	$10^{-9} = (10^3)^{-3}$	nano	n
$10^{9} = (10^3)^3$	giga	G	$10^{-12} = (10^3)^{-4}$	pico	p
$10^{6} = (10^3)^2$	mega	M	$10^{-15} = (10^3)^{-5}$	femto	f
$10^{3} = (10^3)^1$	kilo	k	$10^{-18} = (10^3)^{-6}$	atto	a
10^{2}	hecto	h	$10^{-21} = (10^3)^{-7}$	zepto	z
10^{1}	deka	da	$10^{-24} = (10^3)^{-8}$	yocto	y

Because the SI prefixes strictly represent powers of 10, it is inappropriate to use them to represent powers of 2. Thus 1 kbit = 10^3 bit = 1000 bit and *not* 2^{10} = 1024 bit, where 1 kbit is one kilobit.

Units Outside the SI

Certain units are not part of the International System of Units, that is, they are outside the SI, but are important and widely used. Consistent with the recommendations of the CIPM, the units in this category that are accepted for use in the United States with the SI are given in Tables 6 and 7.

Table 6. Units outside the SI that are accepted for use with the SI

Name		Symbol	Value in SI units
minute	time	min	1 min = 60 s
hour	time	h	1 h = 60 min = 3600 s
day	time	d	1 d = 24 h = 86 400 s
degree	plane angle	°	1° = (π/180) rad
minute	plane angle	′	1′ = (1/60)° = (π/10 800) rad
second	plane angle	″	1″ = (1/60)′ = (π/648 000) rad
liter		L	1 L = 1 dm^3 = 10^{-3} m^3
metric ton		t	1 t = 10^3 kg
neper		Np	1 Np = 1
bel		B	1 B = (1/2) ln 10 Np[1]

[1] Although the neper is coherent with SI units and is accepted by the CIPM, it has not been adopted by the CGPM and is thus not an SI unit.

Liter and Metric Ton

The units liter and metric ton in Table 6 deserve comment. The liter and its symbol l were adopted by the CIPM in 1879. The alternative symbol for the liter, L, was adopted by the CGPM in 1979 in order to avoid the risk of confusion between the letter l and the number 1. Thus, although *both* l and L are internationally accepted symbols for the liter, to avoid this risk the preferred symbol for use in the United States is L. Neither a lowercase script letter l nor an uppercase script letter l are approved symbols for the liter. With regard to the metric ton, this is the name to be used in the United States for the unit with symbol t and defined according to 1 t = 10^3 kg. (The name ''metric ton'' is also used in some other English speaking countries, but the name ''tonne'' is used in many countries.)

Table 7. Units outside the SI that are accepted for use with the SI, but whose values in SI units are obtained experimentally

Name	Symbol	Value in SI units[1]
electronvolt[2]	eV	1 eV = 1.602 177 33(49) × 10^{-19} J
unified atomic mass unit[3]	u	1 u = 1.660 540 2(10) × 10^{-27} kg
astronomical unit[4]	ua	1 ua = 1.495 978 70(30) × 10^{11} m

[1] The combined standard uncertainty (that is, estimated standard deviation) of the last two figures is shown in parentheses.
[2] The electronvolt is the kinetic energy acquired by an electron in passing through a potential difference of 1 V in vacuum.
[3] The unified atomic mass unit is equal to 1/12 of the mass of an unbound atom of the nuclide ^{12}C at rest and in its ground state.
[4] The astronomical unit is a unit of length approximately equal to the mean Earth-Sun distance. Its value is such that, when used to describe the motion of bodies in the solar system, the heliocentric gravitation constant is $(0.017\ 207\ 098\ 95)^2\ ua^3 \cdot d^{-2}$.

Other Units Outside the SI

Other units outside the SI that are currently accepted for use with the SI in the United States are given in Table 8. These units, which are subject to future review by the NIST Director on behalf of the Secretary of Commerce, should be defined in relation to the SI in every document in which they are used; their continued use is not encouraged. The CIPM currently accepts the use of all of the units given in Table 8 with the SI except for the curie, roentgen, rad, and rem. Because of the continued wide use of these units in the United States, especially in regulatory documents dealing with health and safety, this interpretation of the SI for the United States accepts their use with the SI. Nevertheless, use of the corresponding SI units is encouraged whenever possible, with values given in terms of the older units in parentheses if necessary.

Table 8. Other units outside the SI that are currently accepted for use with the SI, subject to future review

Name	Symbol	Value in SI units
nautical mile		1 nautical mile = 1852 m
knot		1 nautical mile per hour = (1852/3600) m/s
are[1]	a	1 a = 1 dam^2 = 10^2 m^2
hectare[1]	ha	1 ha = 1 hm^2 = 10^4 m^2
bar	bar	1 bar=0.1 MPa=100 kPa=1000 hPa=10^5 Pa
ångström	Å	1 Å = 0.1 nm = 10^{-10} m
barn	b	1 b = 100 fm^2 = 10^{-28} m^2
curie	Ci	1 Ci = 3.7×10^{10} Bq
roentgen	R	1 R = 2.58×10^{-4} C/kg
rad	rad[2]	1 rad = 1 cGy = 10^{-2} Gy
rem	rem	1 rem = 1 cSv = 10^{-2} Sv

[1] This unit and its symbol are used to express areas of land.
[2] When there is risk of confusion with the symbol for the radian, rd may be used as the symbol for rad.

Use of SI Prefixes With Units Outside the SI

Some SI prefixes are used with some of the units given in Tables 6, 7, and 8. For example, prefixes for both positive and negative powers of ten are used with the liter, the electronvolt, the unified atomic mass unit, the bar, and the barn. Prefixes for positive powers of ten are used with the metric ton, and prefixes for negative powers of ten are used with the neper and the bel, although the bel is most commonly used in the form of the decibel: 1 dB = 0.1 B.

Rules and Style Conventions

A number of rules and style conventions have been adopted internationally for the use of the SI to ensure that scientific and technical communication is not hindered by ambiguity. The most important of these are as follows:

1. Unit symbols are printed in roman (upright) type regardless of the type used in the surrounding text.

2. Unit symbols are printed in lower-case letters except that:

(a) the symbol or the first letter of the symbol is an upper-case letter when the name of the unit is derived from the name of a person; and

(b) the preferred symbol for the liter in the United States is L.

3. When the name of a unit is spelled out, it is always written with a lower-case initial letter unless it begins a sentence.

4. Unit symbols are unaltered in the plural.

5. Unit symbols are not followed by a period unless at the end of a sentence.

6. Symbols for units formed from other units by multiplication are indicated by means of a half-high (that is, centered) dot or space.

Example: N•m or N m

7. Symbols for units formed from other units by division are indicated by means of a solidus (oblique stroke,/), a horizontal line, or negative exponents.

Example: m/s, $\frac{m}{s}$, or $m \cdot s^{-1}$

However, to avoid ambiguity, the solidus must not be repeated on the same line unless parentheses are used.

Examples:

m/s^2 or m•s^{-2} *but not:* m/s/s

m•kg/(s^3•A) or m•kg•s^{-3}•A^{-1} *but not:* m•kg/s^3/A

Negative exponents should be used in complicated cases.

8. Prefix symbols are printed in roman (upright) type regardless of the type used in the surrounding text, and are attached to unit symbols without a space between the prefix symbol and the unit symbol. This last rule also applies to prefix names attached to unit names.

Examples:

1 mL (one milliliter)

1 pm (one picometer)

1 GΩ (one gigaohm)

1 THz (one terahertz)

9. The dgrouping formed by a prefix symbol attached to a unit sybmbol constitutes a new inseparable symbol (forming a multiple or submultiple of the unit concerned) which can be raised to a positive or negative power and which can be combined with other unit symbols to form compound unit symbols.

Examples:

2.3 cm^3 = 2.3 (cm)^3 = 2.3 (10^{-2} m)^3 = 2.3×10^{-6} m^3

1 cm^{-1} = 1 (cm)$^{-1}$ = 1 (10^{-2} m)$^{-1}$ = 10^2 m^{-1}

5000 μs^{-1} = 5000 (μs)$^{-1}$ = 5000 (10^{-6} s)$^{-1}$ = 5000×10^6 s^{-1} = 5×10^9 s^{-1}

Prefix names are also inseparable form the unit names to which they are attached. Thus, for example, millimeter, micropascal, and meganewton are single words.

10. Compound prefix symbols, that is, prefix symbols formed by the juxtaposition of two or more prefix symbols, are not permitted. This rule also applies to compound prefix names.

Example: 1 nm (one nanometer) *but not:* 1 mμm (one millimicrometer)

11. An SI prefix symbol (and name) cannot stand alone, but must always be attached to a unit symbol (or name).

Example: 5×10^6/m^3 *but not:* 5M/m^3

12. In the expression for the value of a quantity, the unit symbol is placed after the numerical value and a space is left between the numerical value and the unit symbol. The only exceptions to this rule are for the unit symbols for degree, minute, and second for plane angle: °, ′, and ″, respectively (see Table 6), in which case no space is left between the numerical value and the unit symbol.

Example: α = 30°22′8″

This rule means that:

(a) The symbol °C for the degree Celsius is preceded by a space when one expresses the values of Celsius temperatures.

Example: *t* = 30.2 °C *but not:* *t* = 30.2°C or *t* = 30.2° C

(b) Even when the value of a quantity is used in an adjectival sense, a space is left between the numerical value and the unit symbol. (This rule recognizes that unit symbols are not like ordinary words or abbreviations but are mathematical entities, and that the value of a quantity should be expressed in a way that is as independent of language as possible.)

Examples:

a 1 m end gauge *but not:* a 1-m end gage

a 10 kΩ resistance *but not:* a 10-kΩ resistance

However, if there is any ambiguity, the words should be rearranged accordingly. For example, the statement ''the samples were placed in 22 mL vials'' should be replaced with the statement ''the samples were placed in vials of volume 22 mL, '' or ''the samples were placed in 22 vials of volume 1 mL,'' whichever was meant.

Note: When unit names are spelled out as is often the case in nontechnical writing, the normal rules of English apply. Thus, for example, ''a roll of 35-millimeter film'' is acceptable.

Obsolete Units

As stated in the 1990 **Federal Register** notice, metric units, symbols, and terms that are not in accordance with the foregoing interpretation are not accepted for continued use in the United States with the International System of Units. Accordingly, the following units and terms listed in the table of metric units in section 2 of the Act of July 28, 1866 (15 U.S.C. 205) that legalized the metric system of weights and measures in the United States are not accepted for use in the United States:

myriameter

stere

millier or tonneau

quintal

myriagram

kilo (for kilogram).

Additional Information on the SI

Additional information on the SI may be found in NIST Special Publication (SP) 811, *Guide for the Use of the International System of Units (SI),* by Barry N. Taylor. This publication is for sale by the Superintendent of Documents, but is also available online (as will be this notice) at URL http://physics.nist.gov/cuu. (Although the 1995 edition of SP 811 is the edition currently available in print and online, a new edition that fully reflects the contents of this notice is under preparation and will replace the 1995 edition.)

Although there is no formal comment period, public comments are welcome on a continuing basis. Comments should be submitted to Dr. Barry N. Taylor at the above address.

Dated: June 19, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–16965 Filed 7–27–98; 8:45 am]

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federal register

Tuesday
July 28, 1998

Part III

Department of Education

Office of Bilingual Education and Minority Languages Affairs: Bilingual Education Amended Applications Submission and Evaluation Limitations and Procedures; Program Development, and Implementation, and Comprehensive School Grants; Notice

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

AGENCY: Department of Education.

ACTION: Notice of Limitations and Procedures for Submission and Evaluation of Amended Applications for Bilingual Education: Program Development and Implementation Grants.

SUMMARY: The Secretary announces limitations and procedures for submission and evaluation of amended applications for new grants under the Program Development and Implementation Grant(PDI) program which is administered by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA). The limitations and procedures for evaluation and submission apply only in fiscal year (FY) 1998. The Secretary takes this action to allow eligible applicants from California that participated in the PDI program competition announced in the **Federal Register** on November 14, 1997 (62 FR 61180–61202) to submit amended applications that take into account the new requirements for serving students with limited English proficiency (LEP) established in that State by Proposition 227, ''English Language Education for Children in Public Schools.'' Proposition 227 was passed by California's voters on June 2, 1998. No other applications or amendments will be accepted.

EFFECTIVE DATE: This notice takes effect July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Rebecca Richey or Carol Manitaras, U.S. Department of Education, 600 Independence Avenue, SW, room 5607, Switzer Building, Washington, DC 20202–6510. Telephone: Rebecca Richey, (202) 205–9717, Carol Manitaras (202) 205–9729. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to one of the contact persons listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The PDI program is authorized in section 7112 of Title VII of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (20 U.S.C. 7422). This program provides grants to local educational agencies (LEAs) or one or more LEAs in collaboration with an institution of higher education (IHE), community-based organizations (CBO), other LEAS, or a State educational agency and to a CBO or an IHE that have an application approved by an LEA to develop and implement early childhood education or family education programs or to conduct an instructional program that supplements the educational services provided by an LEA. Funds under this program are to be used to provide grants to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for LEP students, including programs of early childhood education, kindergarten through twelfth grade education, gifted and talented education, and vocational and applied technology education.

On November 14, 1997, the Department announced in the **Federal Register** the FY 1998 competition for the PDI program. The deadline for transmittal of applications was January 20, 1998 (62 FR 61180). In response to that invitation 242 eligible applications, 36 of which were from California, were submitted to the Department. These applications have all been evaluated, on the basis of the selection criteria set out in the November 14, 1997 notice, by panels of expert reviewers and placed in a rank order. Based on that rank ordering, the amount of available funds, and other relevant factors, the Department has determined that approximately 35 applications are eligible to receive new awards under the PDI program. A number of applications from California were within the funding range of this rank order.

On June 2, 1998, prior to the Department making any new awards under this year's PDI program competition, the voters of California approved Proposition 227, which imposes significant new requirements and limitations on how LEAs in that State can educate LEP students. Proposition 227 will take effect at the start of the coming school year. As a result, many of the California LEAs and other eligible entities that submitted applications for new awards in this year's PDI program competition may not be able to carry out the projects described in their applications. The eligible applicants from California that submitted applications in this year's PDI program competition acted in good faith in relying on the State laws on serving LEP students that were in effect on the date applications were due, January 20, 1998. The Secretary has concluded that it would be unfair to the eligible applicants from California that participated in this year's PDI program competition, and contrary to the needs of children who would be served by those projects, to deny them an opportunity to compete for funding because of the changes in that State's law brought about by the passage of Proposition 227.

Given these unique and unprecedented circumstances, the Secretary has decided to allow all eligible applicants from California in this year's PDI competition an opportunity to submit amended versions of their original applications to make them consistent with Proposition 227. The Secretary has concluded that it is necessary to offer this opportunity because applicants that cannot carry out their proposed projects due to Proposition 227 will need to amend their applications in order to be eligible for a PDI award.

The procedures established in this notice will operate in the following way. First, these procedures will not adversely affect applicants from outside California that finished in the funding range in this year's competition. These applicants will receive grant awards under the PDI program without regard to the procedures announced in this notice. Second, eligible applicants from California that cannot carry out their proposed projects consistent with Proposition 227 will be allowed to submit, by not later than August 18, 1998, amended applications. These amended applications will be evaluated by panels of experts using the selection criteria set out in the November 14, 1997 **Federal Register** notice (62 FR 61180–61202). (The competitive priority set out in that notice will also apply). Third, eligible applicants from California that have concluded that their applications are consistent with Proposition 227 will inform the Department of that conclusion, and its basis, by August 18, 1998. Finally, based on the scores provided for the amended applications from California and the previous scores of all other applications, a new rank order for the PDI competition will be created. This new rank order will include all applications from California and all the applications from outside of California that did not finish in the funding range in the initial rank order. (As noted earlier, applicants from outside of California that finished in the funding range in the initial rank order will receive PDI grant awards). Those applicants that rank high enough in the new rank order will receive PDI grant awards. Under this process, it is possible that applicants from California that would have finished in the funding range in the initial rank order may not,

because of the score received by their amended proposal, finish in the funding range in the new rank order. Conversely, other applicants that would not have finished in the funding range in the initial rank order may finish in the funding range in the new rank order.

The Secretary has concluded that this process appropriately addresses and balances the needs of all the applicants that participated in this year's competition, the unique circumstances brought about by the passage of Proposition 227 after the due date for applications had passed, and the public interest in selecting quality projects that address the educational needs of LEP students.

The opportunity to submit amended applications is limited to eligible applicants from California that responded to the November 14, 1997 **Federal Register** notice. Eligible applicants from other States that submitted applications in response to that notice are not affected by Proposition 227 and, as a consequence, do not need to amend their applications. LEAs and other eligible entities from California or other States that did not submit PDI applications in response to the November 14, 1997 **Federal Register** notice are also excluded because their status in a competition in which they did not elect to participate was not affected by the passage of Proposition 227.

Deadline and Procedures for Submission and Evaluation of Amended Applications

The Secretary, in order to ensure timely receipt and processing, establishes the following deadline and procedures for submission and evaluation of amended applications from eligible California applicants that responded to the November 14, 1997 **Federal Register** notice.

Amended applications: In order to be considered for funding under this program, amended applications must be *received* by the Secretary on or before August 18, 1998. For purposes of amended applications submitted pursuant to this notice, the Secretary will not apply 34 CFR 75.102(b), which requires an application to be mailed, rather than received, by the deadline date.

If an eligible applicant wants to submit an amended application, the applicant shall:

(1) Mail the original and two copies of the amended application to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention West Regional Cluster), 600 Independence Avenue, SW, Switzer Building, room 5607, Washington, D.C. 20202–6510; or

(2) Hand-deliver the original and two copies of the amended application by 4:30 p.m. on or before the deadline date to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention West Regional Cluster), Switzer Building, room 5607, 330 C Street, SW, Washington, D.C.

Non-amended applications: If an eligible applicant concludes that no changes are needed to its application due to Proposition 227, the applicant must inform the Secretary, in writing, of that conclusion, and the basis for reaching it, by August 18, 1998. Mail this statement to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention West Regional Cluster), 600 Independence Avenue, SW, Switzer Building, room 5607, Washington, D.C. 20202–6510.

Amended applications will be reviewed in accordance with the selection criteria and priorities announced in the November 14, 1997 notice for the PDI program (62 FR 61180–61202). The scores for the amended applications will then be combined with the scores of the other unfunded applications to create a new rank order.

Waiver of Intergovernmental Review for Federal Programs for Amended Application

The Secretary waives the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) for amended applications submitted in response to this notice.

State Educational Agency Comment

The Department, prior to making an award to any applicant from California, including both the amended proposals and the non-amended proposals, will obtain verification from the California Department of Education that the applicant's proposal is consistent with Proposition 227.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department to offer interested parties an opportunity to comment on proposed rules or priorities that are not taken directly from a statute. Ordinarily, this practice would have applied to the limitations and procedures in this notice. The Administrative Procedure Act, however, exempts rules from this requirement in those cases where providing an opportunity for public comment is ''impracticable * * * or contrary to the public interest'' (5 U.S.C. 553(b)(B)). In this instance, the Secretary finds that it would be both impracticable and contrary to the public interest to provide an opportunity for public comment. Because FY 1998 awards under the Comprehensive School Grants program can be made no later than September 30, 1998, the Secretary has determined that there is not sufficient time to allow interested parties to comment on this notice. The Department, for the foregoing reasons, also waives the 30 day delayed effective date pursuant to 5 U.S.C. 553(d).

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To use pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The documents are located under Option G —Files/Announcements, Bulletins and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Program authority: 20 U.S.C. 7422.

(Catalog of Federal Domestic Assistance Number 84.288S, Bilingual Education: Program Development and Implementation Grants)

Dated: July 22, 1998.

Delia Pompa,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 98–20122 Filed 7–27–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

AGENCY: Department of Education.

ACTION: Notice of Limitations and Procedures for Submission and Evaluation of Amended Applications for

Bilingual Education: Comprehensive School Grants

SUMMARY: The Secretary announces limitations and procedures for submission and evaluation of amended applications for new grants under the Comprehensive School Grants program, which is administered by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA). The limitations and procedures for evaluation and submission apply only in fiscal year (FY) 1998. The Secretary takes this action to allow eligible applicants from California that participated in the Comprehensive School Grants program competition announced in the **Federal Register** on October 16, 1997 (62 FR 53880–53905) to submit amended applications that take into account the new requirements for serving students with limited English proficiency (LEP) established in that State by Proposition 227, ''English Language Education for Children in Public Schools.'' Proposition 227 was passed by California's voters on June 2, 1998. No other applications or amendments will be accepted.

EFFECTIVE DATE: This notice takes effect July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Harpreet Sandhu or Diane DeMaio, U.S. Department of Education, 600 Independence Avenue, SW., room 5607, Switzer Building, Washington, DC 20202–6510. Telephone: Harpreet Sandhu (202) 205–9808, Diane DeMaio (202) 205–5716. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to one of the contact persons listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The Comprehensive School Grants program is authorized in section 7114 of Title VII of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (20 U.S.C. 7424). This program provides grants to local educational agencies (LEAs) or one or more LEAs in collaboration with an institution of higher education, community-based organizations, other LEAS, or a State educational agency. Funds under this program are to be used to implement schoolwide bilingual education programs or schoolwide special alternative instruction programs for reforming, restructuring, and upgrading all relevant programs and operations, within an individual school, that serve all or virtually all LEP children and youth in one or more schools with significant concentrations of those children and youth.

On October 16, 1997, the Department announced in the **Federal Register** the FY 1998 competition for the Comprehensive School Grants program. The deadline for transmittal of applications was January 26, 1998 (62 FR 53880). In response to that invitation 386 eligible applications, 108 of which were from California, were submitted to the Department. These applications have all been evaluated, on the basis of the selection criteria set out in the October 16, 1997 notice, by panels of expert reviewers and placed in a rank order. Based on that rank ordering, the amount of available funds, and other relevant factors, the Department has determined that approximately 45 applications are eligible to receive new awards under the Comprehensive School Grants program. A number of applications from California were within the funding range of this rank order.

On June 2, 1998, prior to the Department making any new awards under this year's Comprehensive School Grants program competition, the voters of California approved Proposition 227, which imposes significant new requirements and limitations on how LEAs in that State can educate LEP students. Proposition 227 will take effect at the start of the coming school year. As a result, many of the California LEAs that submitted applications for new awards in this year's Comprehensive School Grants program competition may not be able to carry out the projects described in their application. The California LEAs that submitted applications in this year's Comprehensive School Grants program competition acted in good faith in relying on the State laws on serving LEP students that were in effect on the date applications were due, January 26, 1998. The Secretary has concluded that it would be unfair to the eligible applicants from California that participated in this year's Comprehensive School Grants program competition, and contrary to the needs of children who would be served by those projects, to deny them an opportunity to compete for funding because of the changes in that State's law brought about by the passage of Proposition 227.

Given these unique and unprecedented circumstances, the Secretary has decided to allow all eligible applicants from California in this year's Comprehensive School Grant competition an opportunity to submit amended versions of their original applications to make them consistent with Proposition 227. The Secretary has concluded that it is necessary to offer this opportunity because applicants that cannot carry out their proposed projects due to Proposition 227 will need to amend their applications in order to be eligible for a Comprehensive School Grant award.

The procedures established in this notice will operate in the following way. First, these procedures will not adversely affect applicants from outside California that finished in the funding range in this year's competition. These applicants will receive grant awards under the Comprehensive School program without regard to the procedures announced in this Notice. Second, eligible applicants from California that cannot carry out their proposed projects consistent with Proposition 227 will be allowed to submit, by not later than August 18, 1998, amended applications. These amended applications will be evaluated by panels of experts using the selection criteria set out in the October 16, 1997 **Federal Register** notice (62 FR 53880–53905). The absolute and competitive priorities set out in that notice will also apply. Third, eligible applicants from California that have concluded that their applications are consistent with Proposition 227 will inform the Department of that conclusion, and its basis, by August 18, 1998. Finally, based on the scores provided for the amended applications from California and the previous scores of all other applications, a new rank order for the Comprehensive School Grant competition will be created. This new rank order will include all applications from California and all the applications from outside of California that did not finish in the funding range in the initial rank order. (As noted earlier, applicants from outside of California that finished in the funding range in the initial rank order will receive Comprehensive School grant awards). Those applicants that rank high enough in the new rank order will receive Comprehensive School grant awards. Under this process, it is possible that applicants from California that would have finished in the funding range in the initial rank order may not, because of the score received by their amended proposal, finish in the funding range in the new rank order. Conversely, other applicants that would not have finished in the funding range in the initial rank order may finish in the funding range in the new rank order.

The Secretary has concluded that this process appropriately addresses and balances the needs of all the applicants that participated in this year's competition, the unique circumstances brought about by the passage of Proposition 227 after the due date for applications had passed, and the public interest in selecting quality projects that address the educational needs of LEP students.

The opportunity to submit amended applications is limited to eligible California LEAs that responded to the October 16, 1997 **Federal Register** notice. LEAs from other States that submitted applications in response to that notice are not affected by Proposition 227 and, as a consequence, do not need to amend their applications. LEAs from California or other States that did not submit Comprehensive School Grant applications in response to the October 16, 1997 **Federal Register** notice are also excluded because their status in a competition in which they did not elect to participate was not affected by the passage of Proposition 227.

Deadline and Procedures for Submission and Evaluation of Amended Applications

The Secretary, in order to ensure timely receipt and processing, establishes the following deadline and procedures for submission and evaluation of amended applications from California LEAs that responded to the October 16, 1997 **Federal Register** notice.

Amended applications: In order to be considered for funding under this program, amended applications must be *received* by the Secretary on or before August 18, 1998. For purposes of amended applications submitted pursuant to this notice, the Secretary will not apply 34 CFR 75.102(b), which requires an application to be mailed, rather than received, by the deadline date.

If an eligible applicant wants to submit an amended application, the applicant shall:

(1) Mail the original and two copies of the amended application to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention West Regional Cluster), 600 Independence Avenue, SW, Switzer Building, room 5607, Washington, DC. 20202–6510; or

(2) Hand-deliver the original and two copies of the amended application by 4:30 p.m. on or before the deadline date to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention West Regional Cluster), Switzer Building, room 5607, 330 C Street, SW., Washington DC.

Non-amended applications: If an eligible applicant concludes that no changes are needed to its application due to Proposition 227, the applicant must inform the Secretary, in writing, of that conclusion, and the basis for reaching it, by August 18, 1998. Mail this statement to: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (Attention: West Regional Cluster), 600 Independence Avenue, SW, Switzer Building, room 5607, Washington, DC. 20202–6510.

Amended applications will be reviewed in accordance with the selection criteria and priorities announced in the October 16, 1997 notice for the Comprehensive School Grants program (62 FR 53880–53905). The scores for the amended applications will then be combined with the scores of the other unfunded applications to create a new rank order.

Waiver of Intergovernmental Review for Federal Programs for Amended Applications

The Secretary waives the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) for amended applications submitted in response to this notice.

State Educational Agency Comment

The Department, prior to making an award to any applicant from California, including both the amended proposals and the non-amended proposals, will obtain verification from the California Department of Education that the applicant's proposal is consistent with Proposition 227.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department to offer interested parties an opportunity to comment on proposed rules or priorities that are not taken directly from a statute. Ordinarily, this practice would have applied to the limitations and procedures in this notice. The Administrative Procedure Act, however, exempts rules from this requirement in those cases where providing an opportunity for public comment is ''impracticable * * * or contrary to the public interest'' (5 U.S.C. 553(b)(B)). In this instance, the Secretary finds that it would be both impracticable and contrary to the public interest to provide an opportunity for public comment. Because FY 1998 awards under the Comprehensive School Grants program can be made no later than September 30, 1998, the Secretary has determined that there is not sufficient time to allow interested parties to comment on this notice. The Department, for the foregoing reasons, also waives the 30 day delayed effective date pursuant to 5 U.S.C. 553(d).

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Note: The official version of a document is the document published in the **Federal Register**.

(Catalog of Federal Domestic Assistance Number, 84.290U, Bilingual Education: Comprehensive School Grants)

Program authority: 20 U.S.C. 7424.

Dated: July 22, 1998.

Delia Pompa,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 98–20123 Filed 7–27–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Tuesday
July 28, 1998

Part IV

Department of Education

34 CFR Part 668

Student Assistance General Provisions; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Student Assistance General Provisions regulations. These technical amendments are necessary to correct citations and typographical errors, to clarify regulatory language, and to add Office of Management and Budget control numbers.

EFFECTIVE DATE: These regulations take effect July 1, 1998.

FOR FURTHER INFORMATION CONTACT: John Kolotos or Lloyd Horwich, U.S. Department of Education, 7th and D Streets, SW, Regional Office Building 3, Room 3045, Washington, DC 20202–5345. Telephone: (202) 708–8242.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The following regulations are amended to correct citations and typographical errors and to clarify regulatory language in the text of the Student Assistance General Provisions regulations, 34 CFR Part 668.

Sections 668.172 and 668.173 are amended to clarify regulatory language explaining the general standards of financial responsibility. Sections 668.174 and 668.175 are amended to correct certain citations to other sections.

Section 668.174 also is amended to correct typographical errors concerning the percentage of ownership necessary for a person or entity to be considered to exercise substantial control over an institution that receives funds under title IV of the Higher Education Act of 1965, as amended, or over a third-party servicer to such an institution.

Final regulations for §§ 668.171, 668.172, 668.174, and 668.175 were published on November 25, 1997 (62 FR 62830). Compliance with information collection requirements in these sections was subject to Office of Management and Budget (OMB) approval and assignment of an OMB control number. OMB assigned a control number on January 20, 1998. Publication of the control number in these final regulations notifies the public that OMB has approved these information collection requirements under the Paperwork Reduction Act of 1995.

Appendix G to Part 668 is amended to clarify the definition of an accounting term used in calculating an institution's Primary Reserve Ratio.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act, 5 U.S.C. 553, it is the Secretary's practice to offer interested parties the opportunity to comment on proposed regulations. However, the regulatory changes in this document are necessary to add OMB control numbers and correct minor technical errors and omissions in the Student Assistance General Provisions regulations, 34 CFR 668. They do not establish any new substantive rules. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. These regulations contain technical amendments designed to clarify and correct current regulations. The changes will not have a significant economic impact on any of the institutions affected.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

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To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Student aid, Reporting and recordkeeping requirements.

Dated: July 20, 1998.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Part 668 of Title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for Part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, 1099c, and 1141, unless otherwise noted.

§§ 668.171, 668.172, 668.174, 668.175 [Amended]

2. Sections 668.171, 668.172, 668.174, and 668.175 are amended by adding the OMB control number following the sections to read as follows: ''(Approved by Office of Management and Budget under control number 1840–0537)''.

§ 668.172 [Amended]

3. Section 668.172 is amended by removing ''Primary Reserve ratio'' and adding in its place ''ratio calculations'' in paragraph (c)(5)(ii).

4. Section 668.173 is amended by revising paragraph (b) to read as follows:

§ 668.173 Refund reserve standards.

* * * * *

(b) *Timely refunds.* An institution demonstrates that it makes required refunds within the time permitted under § 668.22(j)(4) if the auditor(s) who conducted the institution's compliance audits for the institution's two most recently completed fiscal years, or the Secretary or a State or guaranty agency that conducted a review of the institution covering those fiscal years—

(1) Finds in the sample of student records audited or reviewed for each of those fiscal years that—

(i) Less than five percent of the refunds that the institution made within that sample were late (for purposes of determining the percentage of late refunds under this paragraph, the auditor or reviewer must include in the

sample only those title IV, HEA program recipients who received or should have received a refund under § 668.22); or

(ii) The institution made only one late refund within that sample (regardless of the percentage of the refunds within that sample represented by the one late refund); and

(2) Did not note for either of those fiscal years a material weakness or a reportable condition in the institution's report on internal controls that is related to refunds.

* * * * *

§ 668.174 [Amended]

5. Section 668.174 is amended by removing ''20 percent ownership'' and adding in its place ''25 percent ownership'' in paragraphs (c)(3)(i), (ii), (iii) and (iv)(B).

6. Section 668.174 is amended by adding ''a general partner'' after ''board of directors'' in paragraph (c)(3)(iv) introductory text.

§ 668.175 [Amended]

7. Section 668.175 is amended by removing ''668.174(d)'' and adding in its place ''668.174(b)(1) and (c)'' in paragraphs (f)(3)(i) and (ii).

8. Section 668.175 is amended by removing the semicolon and inserting '', except that this requirement does not apply to a public institution;'' at the end of paragraph (f)(2)(i).

9. Section 668.175 is amended by removing ''668.174(d)'' and adding in place ''668.174(b)(1) and (c)'' and by removing ''668.174(c)(2)(ii)'' and adding in its place ''668.174(b)(2)(ii)'' in paragraph (g)(1)(i)(A).

10. Section 668.175 is amended by removing ''668.171(b) and (d)'' and adding in its place ''668.171(b) and (d)(1)'' in paragraph (g)(1)(ii).

Appendix G—[Amended]

11. Appendix G, Section 1, to Part 668 is amended by inserting

''—(unsecured related-party receivables)'' at the end of the definition of Expendable Net Assets.

[FR Doc. 98–20124 Filed 7–27–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Tuesday
July 28, 1998

Part V

The President

Proclamation 7110—National Korean War Veterans Armistice Day, 1998

Proclamation 7111—Parents' Day, 1998

Federal Register
Vol. 63, No. 144
Tuesday, July 28, 1998

Presidential Documents

Title 3—

The President

Proclamation 7110 of July 24, 1998

National Korean War Veterans Armistice Day, 1998

By the President of the United States of America

A Proclamation

In 1950, the thoughts of most Americans were far from war. With the recent end of World War II and economic recovery in full swing, the American people had resumed their everyday lives—going back to school, starting new jobs, and raising their families. But the tenor of the times changed suddenly and dramatically that summer, as communist North Korea crossed the 38th Parallel to invade its free neighbor to the south.

Once again, the world watched to see if the right of self-determination would prevail in the face of aggression, and once again Americans answered the call to serve. A United Nations force—spearheaded by U.S. air, sea, and ground troops and under a unified command headed by the United States—rushed to the support of South Korea. In the following 38 months, Inchon, the Chosin Reservoir, the Yalu River, and a hundred other locales indelibly etched into the memory of our Korean War veterans were added to the long list of places where Americans have fought and died for freedom. The fighting was brutal; the toll in injuries, lives lost, and those missing in action was heavy. But American forces, fighting side by side with South Koreans and our U.N. allies, halted communist aggression, preserved the Republic of Korea, and won a victory for democratic peoples everywhere.

Yet, for many years, these important achievements and the extraordinary courage and sacrifice of our forces in Korea received little recognition. For too long, overshadowed by the broad dimensions of World War II and the complexities of the Vietnam War, the Korean conflict seemed to be America's forgotten victory.

But in 1995, with the dedication of the Korean War Veterans Memorial in our Nation's capital, America finally paid fitting tribute to those brave Americans whose devotion to duty wrote a crucial chapter in freedom's history and whose valor and determination in battle laid the foundation for our Nation's ultimate triumph in the Cold War. With its haunting column of determined troops, the Memorial has the power to evoke strong memories within those who served. But it serves another enduring purpose: to teach future generations about America's heroes, the depth of their sacrifice, and the historic contributions they made to the cause of peace and freedom.

The Congress, by Public Law 104–19 (36 U.S.C. 169m), has designated July 27, 1998, as ''National Korean War Veterans Armistice Day'' and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 27, 1998, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War veterans. I also ask Federal departments and agencies, interested groups, organizations, and individuals to fly the flag of the United States at half-staff on July 27, 1998, in memory of the Americans who died as a result of their service in Korea.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-third.

William J. Clinton

[FR Doc. 98–20354
Filed 7–27–98; 10:51 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7111 of July 24, 1998

Parents' Day, 1998

By the President of the United States of America

A Proclamation

Parents play a central role in the life of our society and our Nation. They are a link with the past, teaching our children the history and values of our individual families and of our national community. They are the stewards of the future, shaping the hearts and minds of the next generation of leaders, thinkers, and workers.

Being a good parent means much more than protecting our children from harm. It means teaching our children how to love and how to learn; it means working to give them the opportunities they need to make the most of their lives; it means fostering their self-esteem and independent spirit so they can make their own contributions to our world. Being a parent is a challenge, a privilege, and a lifelong commitment.

My Administration has worked hard to help parents raise happy, healthy children. With the Family and Medical Leave Act, we gave working parents up to 12 weeks of leave to care for a family member in need. We protected family incomes through an increase in the minimum wage, expansion of the Earned Income Tax Credit, and the new Child Tax Credit. We stood up for reliable health insurance with the Kennedy-Kassebaum law and improved childhood immunization, with our new Children's Health Insurance Program. We opened the doors of higher education to more families by making student loans less expensive and easier to repay and by providing new tax credits and larger Pell Grant scholarships. We have proposed an historic initiative to ensure that parents have access to quality, affordable child care for their children. I pledge to continue supporting these types of effective programs and legislation so that America's parents have the tools they need to give their children a strong start in life.

Too often in the rush of daily existence, we fail to remember or acknowledge the many blessings we enjoy because of the love of our parents. On Parents' Day, we have an opportunity to express our profound appreciation to our own parents, to remember with love and gratitude those who are no longer with us, and to pay tribute to the millions of men and women across our Nation whose devotion as parents strengthens our society and forms the foundation of a bright future for America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States and consistent with Public Law 103-362, do hereby proclaim Sunday, July 26, 1998, as Parents' Day. I invite the States, communities, and the people of the United States to join together in observing this day with appropriate ceremonies and activities to honor our Nation's parents.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-third.

William J. Clinton

[FR Doc. 98–20355
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