SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: December 29, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sonya Suarez, Office of Policy, Planning and Risk Management, Department of Housing & Urban Development, 451—7th Street, SW, Room 6226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Sonya Suarez, Ginnie Mae, (202) 708–2772 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Quarterly Loan Level Reporting

OMB Control Number, if applicable: 2503–0026

Description of the need for the information and proposed use: The Quarterly Loan Level Reporting data is necessary to monitor the risk of over $500 billion of federally insured mortgage-backed securities. The collection of loan level data gives management a more complete understanding of the nature and trend of Ginnie Mae's portfolio of securities, as well as a more detailed understanding of each of the individual issuer portfolios.

Agency form numbers, if applicable: not applicable

Members of affected public: For-profit businesses (mortgage companies, thrifts, savings & loans, etc.)

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

	Respondents	Frequency of response	Total annual responses	Total hours
Ginnie Mae Issuers	396	4	1,584	6,336

Status of the proposed information collection: This is a reinstatement of a previously approved collection of information for which approval has expired.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: October 22, 1998.

George S. Anderson,

Executive Vice President, Ginnie Mae.

[FR Doc. 98–29066 Filed 10–29–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4341–N–33]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: October 30, 1998.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 22, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 98–28778 Filed 10–29–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of the Secretary's Decision to Assume Jurisdiction and Review United States v. United Mining Corporation, and to Accept Briefs From Interested Parties

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Pursuant to a petition and a letter requesting Secretarial review, the Secretary of the Interior has decided to exercise his authority as set forth in 43 CFR 4.5 to review **United States v. United Mining Corporation (United Mining),** 142 IBLA 339 (1998), a decision that raises important mining law issues arising under the Building Stone Act. Of particular importance in this matter is the meaning of the phrase ''chiefly valuable'' in that statute.

In order to undertake his review, the Secretary will accept briefs on the issues set forth in the Supplementary Information according to the schedule and instructions in that portion of this Notice.

Pending conclusion of the Secretary's review of this matter, the decision of the IBLA is stayed.

DATES: See Supplementary Information section for the Brief submission schedule.

ADDRESSES: Briefs from interested parties should be submitted to the Office of the Solicitor at the United States Department of the Interior, 1849 C Street, NW., Mail Stop 6352, Washington, DC. 20240. Briefs should be marked for the attention of Miriam Chapman, Attorney-Advisor, Division of General Law, Office of the Solicitor.

FOR FURTHER INFORMATION CONTACT: Karen Maloy Sprecher, Associate Solicitor–Division of General Law, Office of the Solicitor, United States Department of the Interior, 1849 C Street, NW., Mail Stop 6530, Washington, DC. 20240; telephone 202–208–4722. Before filing briefs, parties should contact Miriam Chapman, Attorney-Adviser, Division of General Law, by telephone at 202–208–5216, for information concerning service of process. Parties that have already filed briefs and other documents will be contacted regarding any additional service requirements.

SUPPLEMENTARY INFORMATION: In February 1992, United Mining Corporation (United Mining) located 14 KB placer claims (placer claims) along sections of the Big Wood River channel in Idaho and filed location notices with the Bureau of Land Management (BLM). United Mining proposed to remove Holystone boulders (large basalt boulders that have been naturally water-sculpted over time) from the area.

In response to United Mining's demonstrated interest in the Holystone boulders, BLM performed an environmental assessment of the proposed removal. BLM's examiners determined that the Holystone boulders in the Big Wood River area comprised a unique geological resource and therefore recommended that the placer claims be invalidated.

On March 8, 1993, United Mining submitted a notice advising the BLM of its intent to conduct mining on the placer claims. BLM filed a contest complaint (a complaint contesting United Mining's plan) on March 11, 1993, which was assigned to Administrative Law Judge Ramon Child, and BLM issued a March 17, 1993, decision prohibiting mining and the removal of stone pending the outcome of the contest proceeding.

Judge Child conducted a hearing on April 4 and 5, 1994, in Idaho. At the hearing, BLM argued that the Holystone boulders in the Big Wood River area were a great natural wonder with unique geological attributes. BLM also argued that the land in question was not chiefly valuable for building stone, but for aesthetic purposes. Therefore, BLM concluded, mining should not be permitted as the land does not fall within the purview of the Building Stone Act, 30 U.S.C. 161 (1994) (Building Stone Act), which provides, in pertinent part: ''any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of law in relation to placer mineral claims.''

United Mining moved to dismiss BLM's complaint and presented evidence of the uncommon nature of the Holystone boulders, the existence of Holystone boulders of a marketable quality at each claim and the estimated prices for the Holystone boulders. United Mining contended that their submission clearly demonstrated that the land was chiefly valuable for building stone.

In a November 1, 1994, decision, Judge Child first concluded that the Holystone boulders were building stone within the meaning of the Building Stone Act, and that the placer claims were subject to that Act. *See* 142 IBLA at 352. Since the Holystone boulders were building stone, there would have to be a determination as to whether the land in the Big Wood River area was ''chiefly valuable'' for building stone. Having concluded the Building Stone Act applied, Judge Child proceeded to consider whether the comparative value of the claimed land for purposes other than mining (hereafter the comparative value test) was relevant under the general mining laws. Noting that although the Department had rejected the use of comparative value in recent decisions, the Judge determined that early Department decisions, Supreme Court decisions and Congressional Acts favored the application of the comparative value test under the 1872 General Mining Law, 30 U.S.C. 22 (1994) (Mining Law). *See* 142 IBLA at 352. He further concluded that for any mining claim to be valid, the land must be more valuable for mining than for other purposes.

Judge Child compared the building stone with the aesthetic and geological resources of the land in the Big Wood River area. He rejected United Mining's contention that a lack of evidence of the value of the land for aesthetic and geological purposes precluded a finding that the land was more valuable for such purposes. Noting that it was impossible to place a monetary value on irreplaceable geological features, Judge Child concluded that the land was more valuable for geological and aesthetic purposes and therefore not subject to mining claims under the Building Stone Act. *See* 142 IBLA at 353.

United Mining appealed Judge Child's decision to the Interior Board of Land Appeals (IBLA), arguing that the Building Stone Act did not govern the placer claims. In its decision on appeal, a 6–4 majority of the IBLA, including a concurring opinion, found the Holystone boulders subject to the Building Stone Act. 142 IBLA 339 (1998). Finding that the placer claims were properly located as building stone placer claims, the IBLA found it unnecessary to revisit whether the comparative value test applies to claims located under the Mining Law and vacated that portion of Judge Child's decision. The IBLA then proceeded to address what the drafters of the Building Stone Act intended when employing the term ''chiefly valuable.'' The IBLA determined that the term was used in the context of statutes designed to dispose of public lands in a manner that ensured land was suitable for an intended purpose, namely agriculture or mining. The IBLA relied on *Pacific Coast Marble Co. v. Northern Pacific R.R. Co.*, 25 Interior Dec. 233, 244–45 (1897) *(Pacific Coast)*, as representative of the Department's view. *Pacific Coast* states in part:

> That whatever is recognized as a mineral by the standard authorities on the subject, whether metallic or other substance, when the same is found on the public lands in quantity and quality sufficient to render the land more valuable on account thereof than for agricultural purposes, should be treated as coming within the purview of the mining laws.

Applying the *Pacific Coast* standard, the IBLA found that ''[a]n evaluation strictly on the basis of the land's 'aesthetic' and 'geological' worth with no regard to its worth for agricultural purposes does not comport with the intent of Congress when it enacted the Building Stone Act, 30 USC 161 (1994), or with the Department's clearly stated interpretation of that Act since that time.'' 142 IBLA at 372. The IBLA then concluded that the term ''chiefly valuable''

> contemplates a rational comparison of values, and the measurement of those values must be quantifiable, using units of measurement applicable to both sides of the equation. Accepting an unquantifiable statement of value, such as a conclusion that the land is 'unique,' or 'priceless,' or 'irreplaceable,' for one use and then demanding a value of the same land quantified in a dollar amount for the other use would render any decision arbitrary.

Id. at 372–73. The IBLA held that Judge Child's ''chiefly valuable'' analysis was erroneous because it

compared an unquantifiable statement of value (that the land was ''unique'' or ''priceless'' or ''irreplaceable'') for one use (preservation of the land for public purposes) against a value of the same land quantified in a dollar amount for the other use (building stone) and reversed that portion of the Judge Child's decision. *Id.* at 373.

Four dissenting administrative judges noted that the language of the Building Stone Act, which requires that lands be ''chiefly valuable for building stone,'' does not preclude taking aesthetic and geological values into account. 142 IBLA at 379–86. Moreover, in his dissent, Administrative Judge Arness noted that the lead and concurring opinions' assumption that the relevant inquiry is made under an historical understanding that only agricultural and mineral values are compared was incorrect, as nothing in the statute creates such a limitation, nor has the Department promulgated regulations to such effect. Further, Administrative Judge Arness wrote that instead of making the comparisons required by the Building Stone Act, the majority imposed a marketability test on the Department and shifted the burden of persuasion from United Mining to the government. Finally, Administrative Judge Arness noted that such an approach is inconsistent with the Building Stone Act and prior Departmental practice. 142 IBLA 383–86.

On April 28, 1998, the Secretary of the Interior (Secretary) received a Petition dated April 24, 1998, from the Committee for Idaho's High Desert and the Connecting Point for Public Lands (Intervenors), requesting that the Secretary render a final decision overturning the IBLA and reinstating the findings of Judge Child. Specifically, the Intervenors asked the Secretary to affirm Judge Child's holding regarding the Mining Law, particularly his affirmation of the comparative value test for mining claim validity. On May 11, 1998, the Secretary received a letter dated May 7, 1998, authored jointly by representatives of American Rivers, the Mineral Policy Center, the National Wildlife Federation and the Sierra Club. These groups also requested the Secretary's affirmation of the comparative value test. On June 8, 1998, the National Mining Association filed a Motion For Leave to File an Amicus Curiae Brief with the Secretary. Accompanying the motion were the National Mining Association's amicus brief in opposition to the petition for secretarial review and copies of two amicus briefs that had been filed by several amici in the *United Mining* IBLA proceeding in support of United Mining. The motion and brief were received on June 10, 1998. The National Mining Association supports the IBLA decision. By letter dated June 10, 1998, the Intervenors filed a reply brief.

Recognizing the importance of the issues raised by the IBLA decision and the differences in the views of the members of the IBLA, the Secretary has decided to review the IBLA decision pursuant to regulations which provide:

> The authority reserved to the Secretary includes, but is not limited to:
>
> * * * * *
>
> (2) The authority to review any decision of any employee or employees of the Department, including any administrative law judge or board of the Office [of Hearings and Appeals], or to direct any such employee or employees to reconsider a decision.
>
> 43 CFR 4.5 (Bracketed material added.)

To assist him in rendering a decision on this matter, the Secretary will accept briefs from interested parties. Briefs should address the following issues: (1) Whether the term ''chiefly valuable'' as used in the Building Stone Act requires an assessment of comparative values and whether those values could include values other them agricultural, e.g., scenic, historic, recreational, and scientific; (2) whether the Mining Law itself incorporates a requirement that there be an assessment of comparative values; and (3) assuming issue (1) is answered in the affirmative, whether the Building Stone Act was meant to create a new comparative value standard only for building stone, or whether Congress meant instead to confirm that comparative value was part of the Mining Law; i.e., was inclusion of ''chiefly valuable'' in the Building Stone Act meant to incorporate or confirm a pre-existing rule under the Mining law, or create a new, different rule for building stone? The Secretary's review of this issue will address the teachings of other laws, if relevant, e.g., the Mineral Leasing Act, 30 U.S.C. 481, et seq. (1994).

In reviewing the matter, the Secretary will consider the petition and letters seeking reversal of the IBLA decision, as well as other briefs that already have been filed in support of the IBLA decision, as opening briefs on this subject and will accept additional briefs (including amicus briefs) in opposition to, and in favor of the petition and letters, from interested parties.

Briefs must be submitted according to the following schedule:

1. Briefs opposed to the petition and letter seeking Secretarial review (i.e., briefs in support of the IBLA decision) must be received by December 4, 1998, and my not exceed 50 pages in length;

2. Response briefs by Petitioners (Intervenors) and others opposing the IBLA decision must be received by January 22, 1999, and are limited to a length of 25 pages; and

3. Reply briefs from opponents must be received by February 19, 1999, and are also subject to a 25-page limit.

All briefs must be double-spaced and use the times Roman font and 12-point type. No oral argument will be heard on these issues.

BLM, as a party in this matter, will be represented by the Division of Mineral Resources of the Office of the Solicitor. In order to assure that appropriate ethical standards are observed, all BLM participation in this matter will be through the Division of Mineral Resources in accordance with the provisions of this Notice.

Pending conclusion of the Secretary's review of this matter, the decision of the IBLA is stayed.

Dated: October 22, 1998.

Edward B. Cohen.

Deputy Solicitor.

[FR Doc. 98–29146 Filed 10–29–98; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF THE INTERIOR

National Informational Meeting on Section 1115 of the Transportation Equity Act for the 21st Century (TEA–21)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Department of the Interior is giving notice of its intention of holding an informational meeting to share information about the regulatory negotiating process in Section 1115 of the Transportation Equity Act for the 21st Century (TEA–21), concerning the Indian Reservation Roads program's regulations and funding formula.

DATES: The public meeting will be held on Monday, November 16, 1998, beginning at 9:00 a.m. and ending at 3:30 p.m. MST.

ADDRESSES: The meeting will be held at the Sheraton Uptown Albuquerque Hotel, 2600 Louisiana Boulevard, NE, Albuquerque, NM 87110, (505) 881–0000.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, MS–4058–MIB, 1849 C Street, NW, Washington, DC 20240, (202) 208–4359, Fax (202) 208–4696.