

Federal Register

Tuesday
March 2, 1999

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- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
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 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: March 23, 1999 at 9:00 am.
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202-523-4538



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and notice of recently enacted public laws.

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Title 3—**Proclamation 7168 of February 25, 1999****The President****American Red Cross Month, 1999****By the President of the United States of America****A Proclamation**

For almost 120 years, the American Red Cross has served as a beacon of hope to those in need. Reaching out to victims of disaster, generations of Red Cross volunteers have provided shelter, food, and other essential services to relieve the sufferings of families and communities and help people begin the process of rebuilding their lives. Today more than a million dedicated men and women volunteer under the banner of the American Red Cross, upholding this extraordinary tradition of service and assisting people across our Nation and around the world to prevent, prepare for, and respond to emergencies.

The strength and scope of the natural disasters that occurred during 1998 made this past year among the most devastating in recent history. Floods, tornadoes, winter storms, and wildfires ravaged communities across the Nation. Hurricanes Georges and Mitch caused record destruction in the Gulf States and Central America. In total, the American Red Cross responded to more than 62,000 disasters in 1998. Whether it was a fire that destroyed a family's home or a hurricane that destroyed an entire region, the Red Cross reacted immediately with compassion, generosity, and humanity.

Yet the Red Cross does more than cope with emergencies. During the past year, volunteers collected and processed nearly six million units of lifesaving blood for our Nation's hospitals and educated more than 11 million Americans through health and safety courses. The Red Cross also reached out to the men and women of our Armed Forces, their families, and our veterans, helping our military personnel keep in touch with home during family emergencies, offering confidential counseling and other support services, and assisting veterans in obtaining their benefits. In the past year alone, the American Red Cross provided more than 840,000 individual services to those who have given so much to protect our Nation and preserve our freedom.

During American Red Cross Month, as we take time to recognize this vital organization and all that it has accomplished, we can and should look forward with hope to the new century. For while we can never know the challenges we may face in the future, whether as individuals or as a national community, we do know that the American Red Cross will continue to serve, enabling us to meet those challenges and to recover from disaster. As Americans, let us sustain our long-standing support of the Red Cross and its humanitarian mission and renew our commitment to the ideals upon which it was founded. By reaching out with compassion and caring to help those in need, we can ensure a brighter future for our Nation and our world in the new millennium.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1999 as American Red Cross Month. I urge all the people of the United States to show support for their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of February, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-third.

William Clinton

[FR Doc. 99-5236

Filed 3-1-99; 8:45 am]

Billing code 3195-01-P

Rules and Regulations

Federal Register

Vol. 64, No. 40

Tuesday, March 2, 1999

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

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

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance (1950-)

CFR Correction

In Title 20 of the Code of Federal Regulations, parts 400 to 499, revised as of April 1, 1998, § 404.2(b)(1) is corrected to read as follows:

§ 404.2 General definitions and use of terms.

* * * * *

(b) * * * (1) *Commissioner* means the Commissioner of Social Security.

* * * * *

[FR Doc. 99-55508 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520 and 556

Oral Dosage Form New Animal Drugs; Decoquinatate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Alpharma Inc. The NADA provides for adding a dry powder containing decoquinatate to whole milk to be fed to calves for prevention of coccidiosis. Also, the regulations are amended to codify an acceptable daily intake (ADI) for decoquinatate residues.

EFFECTIVE DATE: March 2, 1999.)

FOR FURTHER INFORMATION CONTACT:

Estella Z. Jones, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7575.

SUPPLEMENTARY INFORMATION: Alpharma Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed NADA 141-060 that provides for adding an 0.8 percent decoquinatate medicated powder to whole milk to be fed to ruminating and nonruminating calves including veal calves for prevention of coccidiosis caused by *Eimeria bovis* and *E. zurni*. The NADA is approved as of January 14, 1999, and the regulations are amended by adding 21 CFR 520.534 to reflect the approval.

In addition, FDA is codifying the ADI for decoquinatate previously established in Alpharma Inc.'s NADA 39-417 in 21 CFR 556.170.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 556 are amended as follows:

PART 520— ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 520.534 is added to read as follows:

§ 520.534 Decoquinatate.

(a) *Specifications.* The drug is a powder containing 0.8 percent decoquinatate.

(b) *Sponsor.* See No. 046573 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.170 of this chapter.

(d) *Conditions of use. Replacement calves—(1) Amount.* Feed 22.7 milligrams per 100 pounds of body weight (0.5 milligram per kilogram) per day.

(2) *Indications for use.* For the prevention of coccidiosis in ruminating and nonruminating calves, including veal calves, caused by *Eimeria bovis* and *E. zuernii*.

(3) *Limitations.* Feed in whole milk at the rate of 22.7 milligrams per 100 pounds body weight daily (0.5 milligram per kilogram) for at least 28 days.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

4. Section 556.170 is revised to read as follows:

§ 556.170 Decoquinatate.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of decoquinatate is 75 micrograms per kilogram of body weight per day.

(b) *Tolerances.* Tolerances are established for residues of decoquinatate in the uncooked, edible tissues of chickens, cattle, and goats as follows:

(1) 1 part per million (ppm) in skeletal muscle.

(2) 2 ppm in other tissues.

Dated: February 19, 1999.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 99-5031 Filed 3-1-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 62

[USCG-1999-5036]

RIN 2115-AF14

Conformance of the Western Rivers Marking System With the United States Aids to Navigation System

AGENCY: Coast Guard, DOT.

ACTION: Final Rule; delay of implementation date.

SUMMARY: The U.S. Coast Guard is changing the date by which solid-color crossing dayboards in the Western Rivers Marking System (WRMS) will be replaced with checkered non-lateral dayboards used in the United States Aids to Navigation System (USATONS). This change is necessary to allow additional time to test and evaluate a redesigned crossing dayboard with reduced reflectivity. The previous implementation date of June 3, 1999 is changed to July 3, 2001.

ADDRESSES: The Coast Guard does not request comments with regard to this publication. However, you may mail comments to the Docket Management Facility, (USCG-1999-5036), U.S. Department of Transportation, room PL-401 Seventh Street, SW., Washington, DC 20590-0001, or deliver them to room PL-401 on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329. Any comments will be made available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For information regarding the Western Rivers Marking System or this notice, contact Mr. Dan Andrusiak, U.S. Coast Guard, G-OPN-2, (202) 267-0327. For information regarding the Docket Management Facility, contact Pat Chesley, Coast Guard Dockets Team Leader, or Dorothy Walker, Chief, Documentary Services Division, U.S. Department of Transportation, (202) 366-9330.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On June 3, 1996, the original implementation date for the replacement of the solid-colored

dayboards on the Western Rivers System was published in the **Federal Register** (61 FR 27780) using the incorrect date, "June 3, 1996." The error was corrected on June 10, 1996 in the **Federal Register** (61 FR 29449) to read, "June 3, 1999."

Background

A notice of proposed rulemaking was not published for this rule because this is a rule of agency procedure or practice under 5 U.S.C. 553(A).

After September 3, 1996, the Coast Guard began replacing solid-colored crossing dayboards on the Western Rivers System with diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white. The Coast Guard began this replacement initiative to unify the various aids to navigation marking system and because mariners can better see the checkered type dayboard than the solid-colored dayboard against the typical river bank background.

Further testing and evaluation of redesigned dayboards is necessary to ensure that their reflectivity is appropriate for the particular location of each individual dayboard. The further testing and evaluation will not result in redesigned dayboards that differ from the requirements of Title 33, Section 62.51 of the Code of Federal Regulations which describes crossing dayboards as diamond shaped non-lateral dayboards, checkered red-and-white or green-and-white. The delayed implementation date is July 30, 2001.

Dated: February 24, 1999.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 99-5110 Filed 3-1-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-99-006]

RIN 2115-AE47

Drawbridge Operating Regulation; Bayou Chico, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the operating regulation for the State Route 292 bascule span bridge across Bayou Chico, mile 0.3, at Pensacola, Florida. A new State Route 292 fixed bridge has opened and the bascule

bridge is being removed from the waterway. The regulation governing the bascule bridge operation is no longer needed.

DATES: This regulation becomes effective on April 1, 1999.

ADDRESSES: Documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. Commander (ob) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION:**Background**

A new State Route 292 fixed bridge across Bayou Chico, mile 0.5, at Pensacola, Florida, was opened to traffic on January 26, 1999. The old State Route 292 bascule bridge across Bayou Chico, mile 0.3, is presently being dismantled. Until it is completely dismantled, the draw will be maintained in the open to navigation position. When the drawbridge is removed, in mid April 1999, the operating regulation, § 117.265, will not be needed. This rule removes the regulation.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because removing the bridge eliminates need for the regulation.

Regulatory Evaluation

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include (1) small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000.

Since the old State Route 292 bascule bridge across Bayou Chico, mile 0.3, at Pensacola, Florida, has been removed from service and is presently being dismantled, the rule governing the bridge is no longer needed. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, CE # 32(e) of the NEPA Implementing Procedures, COMDINST M16475.IC, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 105 Stat. 5039.

§ 117.265 [Removed]

2. Section 117.265 is removed.

Dated: February 12, 1999.

Paul J. Pluta,

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

[FR Doc. 99-5108 Filed 3-1-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-6234-8]

RIN 2060-AH95

Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendments to rule.

SUMMARY: This action amends the national standards of performance for new stationary sources (NSPS) for electric arc furnaces (EAF) constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA), and the NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa). Changes to both rules are being made to add alternative requirements for the monitoring of EAF capture systems in response to recommendations made by the Common Sense Initiative (CSI) subcommittee on iron and steel. The CSI was established by the Administrator to bring together affected stakeholders to find cleaner, cheaper, and smarter environmental management solutions.

In addition, the EPA is revising two definitions for consistency and making a number of editorial changes. The EPA does not believe that these editorial changes will affect the applicability or requirements of the rule.

DATES: This rule will be effective without further notice on May 3, 1999 unless the Agency receives adverse comments by April 1, 1999. Should the Agency receive such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect. If a public hearing is requested, the comment period will end 30 days after the date of the public hearing, in which case EPA will publish a document in

the **Federal Register** announcing the hearing information and the extended comment period.

Public Hearing. Anyone requesting a public hearing must contact the person listed below under **FOR FURTHER INFORMATION CONTACT** no later than March 12, 1999. If a hearing is held, it will take place on March 17, 1999, beginning at 10:00 a.m.

ADDRESSES: *Docket.* Docket No. A-79-33, containing information considered by the EPA in development of this action, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC-6102), 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Comments. Written comments should be submitted to: Docket A-79-33, U.S. EPA, Air & Radiation Docket & Information Center, 401 M Street, S.W., Room 1500, Washington, D.C. 20460.

Hearing. Inquiries regarding a public hearing should be directed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-2364.

SUPPLEMENTARY INFORMATION:

The EPA is publishing this rule without prior proposal because the Agency views these amendments as noncontroversial and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to amend 40 CFR part 60, subpart AA and 40 CFR subpart AAa should adverse comments be filed. This rule will be effective May 3, 1999 without further notice unless the Agency receives adverse comments by April 1, 1999.

If EPA receives such comments, the Agency will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Parties interested in commenting on this rule should do so

at this time. If no such comments are received, the public is advised that this rule will be effective on May 3, 1999 and no further action will be taken on the proposed rule.

The remainder of this preamble is organized as follows:

- I. Background
 - A. Process Description
 - B. Current NSPS Shop Opacity Requirements
 - C. CSI Iron and Steel Subcommittee Recommendation
- II. Summary of Amendments
 - A. Daily Visible Emissions Observations
 - B. Location of Static Pressure Monitor
 - C. Volumetric Flow Rate Monitoring
 - D. Corrections to Definitions and Editorial Changes
- III. Administrative Requirements
 - A. Docket
 - B. Executive Order 12866
 - C. Unfunded Mandates Reform Act
 - D. Executive Order 12875
 - E. Executive Order 13084
 - F. Paperwork Reduction Act
 - G. Regulatory Flexibility
 - H. Submission to Congress and the General Accounting Office
 - I. National Technology Transfer and Advancement Act
 - J. Protection of Children from Environmental Health Risks and Safety Risk Under Executive Order 13045
 - K. Judicial Review

I. Background

A. Process Description

An EAF is used to produce carbon and alloy steels (two digit SIC Code 33—Primary Metal Industries). The input material to an EAF is typically 100 percent scrap steel. Cylindrical, refractory lined EAF are equipped with carbon electrodes to be raised or lowered through the furnace roof. With electrodes retracted the furnace roof can be rotated aside to permit the charge of scrap steel by overhead crane. Alloying agents and fluxing materials usually are added through the doors on the side of the furnace. Electric current of the opposite polarity is passed between the electrodes and through the scrap, generating heat. After melting and refining periods, the slag and steel are poured from the furnace.

The production of steel in an EAF is a batch process. Cycles, or "heats", range from about 1½ to 5 hours to produce carbon steel and from 5 to 10 hours to produce alloy steel. Scrap steel is charged to begin a cycle, and alloying agents and slag materials are added for refining. Stages of each cycle normally are charging, melting, refining (which usually includes oxygen blowing), and tapping.

All of these operations generate particulate emissions. Emission control techniques involve an emission capture

system and a gas cleaning system. Five emission capture systems used in the industry are direct shell (fourth hole) evacuation, side draft hood, combination hood, canopy hood, and furnace enclosures. Direct shell evacuation (DEC) consists of ductwork attached to a separate, or fourth hole, in the furnace roof which draws emissions to a gas cleaner. The direct shell evacuation system works only when the furnace is up-right and the roof is in place. The side draft hoods collect furnace off gases from around the electrode holes and the work doors after the gases leave the furnace. The combination hood incorporates elements from the side draft and direct shell evacuation systems.

B. Current NSPS Shop Opacity Requirements

The NSPS for EAF constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA) was first promulgated in the **Federal Register** on September 23, 1975 (40 FR 43850). Subpart AA establishes a shop opacity limit of less than 6 percent during melting and refining, less than 20 percent during charging, and less than 40 percent during tapping. Shop opacity is defined in the rule as the arithmetic average of 24 or more opacity observations of emissions from the shop taken in accordance with EPA Reference Method 9. However, the shop opacity emission limits are only applicable during periods when control system parameters are being established. The rule relies on control system monitoring to ensure adequate capture of emissions from the EAF.

The NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa) was first promulgated in the **Federal Register** on October 31, 1984 (49 FR 43845). Subpart AAa establishes a shop opacity limit of less than 6 percent which is applicable at all times. Also, shop opacity is defined as the arithmetic average of 24 opacity observations of emissions from the shop taken in accordance with EPA Reference Method 9.

In both subparts, when an owner or operator is required to demonstrate compliance with the shop opacity limits, they are also required to establish the furnace pressures (if a direct shell evacuation capture system is used), and either the capture system fan motor amperes and damper positions or the capture system flow rates in each separately ducted hood. Once established, the owner or operator is required to maintain these parameters (within certain tolerances) at the levels

established during the shop opacity compliance demonstration. Monitoring of these parameters provides indirect evidence of continued capture effectiveness.

C. CSI Iron and Steel Subcommittee Recommendation

The CSI Council is established under a charter approved pursuant to the Federal Advisory Committee Act (FACA). The purpose of the CSI is to advise, consult with, and make recommendations to the Administrator with respect to matters pertaining to improvements in the nation's pollution control and prevention programs. The CSI brings affected stakeholders together to find cleaner, cheaper, and smarter environmental management solutions. The CSI members consist of independent experts selected from among the national and local environmental interest groups, industry, State and local governments, and other stakeholders such as labor organizations, environmental justice organizations, and the Federal government. Six subcommittees were created including the iron and steel subcommittee.

Today's action implements recommendations received from the CSI Iron and Steel Subcommittee (Docket ID No. IV-B-4). Concerns were raised to the CSI regarding the use of a pressure monitoring system in the free space above an EAF when it is equipped with a direct shell evacuation system. The free space above an EAF is subject to severe conditions of high temperature and dust. Several owners and operators have had problems with frequent plugging of the pressure monitoring sensor. Due to the location of the sensor, maintenance and repair can be both difficult and dangerous. Industry representatives sought a more practical means of monitoring.

Following discussions and negotiations between the various subcommittee members, the subcommittee recommended daily visible emissions observations as an alternative to pressure monitoring. As discussed above, pressure monitoring provides an indirect indication of continued capture effectiveness. Daily visible emissions observations will provide direct evidence of continued capture effectiveness.

The second concern regards the monitoring of fan amperage. Both subparts give the owners and operators the option of either monitoring flow rates in each separately ducted hood, or monitoring fan amperage in conjunction with damper positions. Fan amperage is used as an indicator of total flow rate.

A concern was raised that fan amperage was not necessarily directly correlated to exhaust flow rates, and could be affected by other factors such as ambient temperature. Therefore, it was recommended that owners and operators be given the option to monitor total flow rate directly, rather than using fan amperage as an indicator.

The CSI subcommittee also requested that the EPA clarify the conditions under which alternative monitoring requirements can be approved under 40 CFR 60.13(i). Section 60.13(i) states, "After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following: . . ." A list of conditions under which alternative monitoring requirements can be approved is also provided. The EPA wishes to clarify that the list of conditions given is not all inclusive. The Administrator may approve alternatives due to other conditions based on his or her judgement that an alternative monitoring procedure is warranted.

II. Summary of Amendments

The EPA is amending the two EAF rules to implement the CSI recommendations. The changes will not remove any of the rules' requirements, but will add alternative monitoring options that will provide owners and operators more flexibility in complying with the rules while not reducing environmental benefit. The EPA is also taking this opportunity to make several minor editorial corrections to the rules and to clarify two definitions. These amendments will (1) add daily shop opacity observations as an alternative to monitoring furnace static pressure for furnaces with DEC systems, (2) allow facilities to locate the furnace static pressure monitor in the EAF or DEC duct prior to the introduction of ambient air, (3) add control system volumetric flow rate monitoring as an alternative to monitoring control system fan amperage, and (4) make editorial changes and clarify definitions.

A. Daily Visible Emissions Observations

The EPA is amending both subpart AA and subpart AAa to allow daily visual emissions observations as an alternative to furnace static pressure monitoring. Under this alternative, an owner or operator will be required to perform shop opacity observations once per day during a meltdown and refining period. Records shall be maintained of all observations, and observations of shop opacity at or above six percent during a meltdown and refining period

shall be reported to the Administrator semi-annually as an excess emission.

B. Location of Static Pressure Monitor

The EPA is amending subpart AA to allow owners or operators to locate the furnace static pressure monitor in the DEC duct prior to the introduction of ambient air. This change is consistent with the requirements in subpart AAa, and will provide greater flexibility in locating the pressure sensors where plugging may not be as serious of a problem.

C. Volumetric Flow Rate Monitoring

The EPA is amending both subpart AA and subpart AAa to allow monitoring of exhaust flow rate at the inlet of the air pollution control device as an alternative to monitoring fan amperage. Under this alternative, the owner or operator is required to install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the air pollution control device inlet. A shop opacity compliance demonstration will be performed to establish volumetric flow rate and damper positions. Operations at volumetric flow rates below the value established during the compliance demonstration shall be reported to the Administrator semi-annually.

D. Corrections to Definitions and Editorial Changes

The EPA is making the following corrections and editorial changes that were identified during the development of this amendment:

(1) The date in the title to subpart AAa is being corrected to August 17, 1983. This change will not affect the applicability determinations for any facilities since the date was correctly identified in the applicability section, § 60.270a.

(2) The definition of tapping period is being revised in subpart AA and added to subpart AAa to account for bottom tapping furnaces, which do not tilt.

(3) The definition of meltdown and refining period in subpart AA is being revised to exclude periods where power to the EAF is off. This change is being made to ensure that power to the EAF is on during shop opacity observations. This definition is also being added to subpart AAa for the purpose of consistency between the two rules.

(4) The reference to a 15-minute integrated average for the furnace static pressure is being removed from subpart AAa, § 60.274a(g). Unlike subpart AA, subpart AAa does not require continuous recording of pressure, and does not contain any requirements for

establishing a 15-minute integrated average.

III. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the background information documents (BIDs) and preambles to the proposed and promulgated standards, the contents of the docket, excluding interagency review materials, will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

B. Executive Order 12866

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

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

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

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

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that these amendments to the final EAF rules are not a "significant regulatory action" under the terms of the Executive Order and are therefore not subject to OMB review.

C. Unfunded Mandates Reform Act

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

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or to the private sector in any one year. This action only provides affected EAF owners and operators with alternative monitoring options. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

D. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of

affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's amendments do not create a mandate on State, local or tribal governments. The amendments do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to these amendments.

E. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's amendments do not significantly or uniquely affect the communities of Indian tribal governments. This action only provides affected EAF owners and operators with alternative monitoring options. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

F. Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the information collection requirements contained in the two final EAF rules under the provisions of the Paperwork Reduction

Act, 44 U.S.C. 3501 et seq. and assigned the OMB control number 2060-0038.

The information collection requirements in these amendments will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An information Collection Request (ICR) document has been prepared by EPA (ICR No. 1060.09) and copies may be obtained from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460, by email at farmer.sandy@epa.gov, or by calling (202) 260-2740. A copy may also be downloaded off the Internet at <http://www.epa.gov/icr>. The information requirements in these amendments are not effective until OMB approves them.

The new information requirements are based on recordkeeping, and reporting requirements in the NSPS general provisions (40 CFR part 60, subpart A), which are mandatory for all owners or operators of sources subject to new source performance standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Act (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency procedures set forth in 40 CFR part 2, subpart B.

The annual increase to monitoring, recordkeeping, and reporting burden for this amendment is estimated at 11,375 labor hours at a total cost of \$398,238.75 nationwide, and the annual average increase in burden is 175 labor hours and \$6,126.75 per source. This estimate includes daily shop opacity observations and associated semi-annual excess emissions reports and recordkeeping. There will be no increase in annualized capital/startup costs as a result of the new alternative monitoring requirements.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of

information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Comments are requested within April 1, 1999. Include the ICR number in any correspondence.

G. Regulatory Flexibility

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. This rule only provides alternative compliance options designed to provide facilities with increased flexibility. As such, the EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

H. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective May 3, 1999 unless the Agency receives adverse comments by April 1, 1999.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer 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., material specifications, test methods, sampling and analytical procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards other than those already specified in the original EAF rules.

J. Protection of Children from Environmental Health Risks and Safety Risk Under Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1): Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

K. Judicial Review

Under section 307(b)(1) of the Act, judicial review of a NSPS is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's action may not be challenged later in civil or criminal proceedings

brought by the EPA to enforce these requirements.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Electric arc furnace, Monitoring requirements, Reporting and recordkeeping requirements.

Dated: February 17, 1999.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7429, 7601 and 7602.

2. Section 60.271 is amended by revising paragraphs (h) and (j) to read as follows:

§ 60.271 Definitions.

* * * * *

(h) *Tapping period* means the time period commencing at the moment an EAF begins to pour molten steel and ending either three minutes after steel ceases to flow from an EAF, or six minutes after steel begins to flow, whichever is longer.

* * * * *

(j) *Meltdown and refining period* means the time period commencing at the termination of the initial charging period and ending at the initiation of the tapping period, excluding any intermediate charging periods and times when power to the EAF is off.

* * * * *

3. Section 60.272 is amended by revising paragraph (a)(3)(iii) to read as follows:

§ 60.272 Standard for particulate matter.

* * * * *

(a) * * *

(3) * * *

(iii) The shop opacity standards under paragraph (a)(3) of this section shall apply only during periods when the monitoring parameter limits specified in § 60.274(b) are being established according to § 60.274(c) and (g), unless the owner or operator elects to perform daily shop opacity observations in lieu of furnace static pressure monitoring as provided for under § 60.273(d).

* * * * *

4. Section 60.273 is amended by revising paragraph (b) and adding paragraph (d) to read as follows:

§ 60.273 Emission monitoring.

* * * * *

(b) For the purpose of reports under § 60.7(c), all six-minute periods during which the average opacity is three percent or greater shall indicate a period of excess emission, and shall be reported to the Administrator semi-annually.

* * * * *

(d) A furnace static pressure monitoring device is not required on any EAF equipped with a DEC system if observations of shop opacity are performed by a certified visible emission observer as follows: Shop opacity observations shall be conducted at least once per day when the furnace is operating in the meltdown and refining period. Shop opacity shall be determined as the arithmetic average of 24 or more consecutive 15-second opacity observations of emissions from the shop taken in accordance with Method 9. Shop opacity shall be recorded for any point(s) where visible emissions are observed in proximity to an affected EAF. Where it is possible to determine that a number of visible emission sites relate to only one incident of visible emissions, only one observation of shop opacity will be required. In this case, the shop opacity observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident.

5. Section 60.274 is amended by revising paragraphs (b), (c), (f) and (g) to read as follows:

§ 60.274 Monitoring of operations.

* * * * *

(b) Except as provided under paragraph (d) of this section, the owner or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis furnace static pressure (if a DEC system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper positions on a once-per-shift basis; install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ±10 percent over its normal

operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of appendix A of this part.

(c) When the owner or operator of an EAF is required to demonstrate compliance with the standards under § 60.272(a)(3) and at any other time the Administrator may require that (under section 114 of the Act, as amended) either: the control system fan motor amperes and all damper positions; the volumetric flow rate through each separately ducted hood; or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the EAF subject to paragraph (b)(1) or (b)(2) of this section. The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period. Operation at other than baseline values may be subject to the requirements of § 60.276(a).

* * * * *

(f) Except as provided for under § 60.273(d), where emissions during any phase of the heat time are controlled by use of a direct shell evacuation system, the owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the pressure in the free space inside the EAF. The pressure shall be recorded as 15-minute integrated averages. The monitoring device may be installed in any appropriate location in the EAF or DEC duct prior to the introduction of ambient air such that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ±5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

(g) Except as provided for under § 60.273(d), when the owner or operator of an EAF is required to demonstrate compliance with the standard under § 60.272(a)(3) and at any other time the Administrator may require (under section 114 of the Act, as amended), the pressure in the free space inside the

furnace shall be determined during the meltdown and refining period(s) using the monitoring device under paragraph (f) of this section. The owner or operator may petition the Administrator for reestablishment of the 15-minute integrated average pressure whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

* * * * *

6. Section 60.276(d) is added to read as follows:

§ 60.276 Recordkeeping and reporting requirements.

* * * * *

(d) The owner or operator shall maintain records of all shop opacity observations made in accordance with § 60.273(d). All shop opacity observations in excess of the emission limit specified in § 60.272(a)(3) of this subpart shall indicate a period of excess emission, and shall be reported to the Administrator semi-annually, according to § 60.7(c).

7. The Title to subpart AAa is revised to read as follows:

Subpart AAa—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

8. Section 60.271a is amended by adding the following definition in alphabetical order:

§ 60.271a Definitions.

* * * * *

Meltdown and refining period means the time period commencing at the termination of the initial charging period and ending at the initiation of the tapping period, excluding any intermediate charging periods and times when power to the EAF is off.

* * * * *

Tapping period means the time period commencing at the moment an EAF begins to pour molten steel and ending either three minutes after steel ceases to flow from an EAF, or six minutes after steel begins to flow, whichever is longer.

* * * * *

9. Section 60.273a(d) is added to read as follows:

§ 60.273a Emission monitoring.

* * * * *

(d) A furnace static pressure monitoring device is not required on any EAF equipped with a DEC system if observations of shop opacity are performed by a certified visible emission observer as follows: Shop opacity observations shall be conducted at least once per day when the furnace is operating in the meltdown and refining period. Shop opacity shall be determined as the arithmetic average of 24 consecutive 15-second opacity observations of emissions from the shop taken in accordance with Method 9. Shop opacity shall be recorded for any point(s) where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of visible emissions, only one observation of shop opacity will be required. In this case, the shop opacity observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident.

10. Section 60.274a is amended by revising paragraphs (b), (c), (f), and (g) to read as follows:

§ 60.274a Monitoring of operations.

* * * * *

(b) Except as provided under paragraph (d) of this section, the owner or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis the furnace static pressure (if DEC system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper position on a once-per-shift basis; install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ± 10 percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to

demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of appendix A of this part.

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272a(a)(3) and at any other time the Administrator may require that (under section 114 of the Act, as amended) either: the control system fan motor amperes and all damper positions; the volumetric flow rate through each separately ducted hood; or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b)(1) or (b)(2) of this section. The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can demonstrate to the Administrator's satisfaction that the affected facility operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period. Operation at other than baseline values may be subject to the requirements of § 60.276a(c).

* * * * *

(f) Except as provided for under § 60.273a(d), if emissions during any phase of the heat time are controlled by the use of a DEC system, the owner or operator shall install, calibrate, and maintain a monitoring device that allows the pressure in the free space inside the EAF to be monitored. The monitoring device may be installed in any appropriate location in the EAF or DEC duct prior to the introduction of ambient air such that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ± 5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

(g) Except as provided for under § 60.273a(d), when the owner or operator of an EAF controlled by a DEC is required to demonstrate compliance with the standard under § 60.272a(a)(3), and at any other time the Administrator may require (under section 114 of the Clean Air Act, as amended), the pressure in the free space inside the furnace shall be determined during the meltdown and refining period(s) using the monitoring device required under paragraph (f) of this section. The owner

or operator may petition the Administrator for reestablishment of the pressure whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times when the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

* * * * *

11. Section 60.276a(g) is added to read as follows:

§ 60.276a Recordkeeping and reporting requirements.

* * * * *

(g) The owner or operator shall maintain records of all shop opacity observations made in accordance with § 60.273a(d). All shop opacity observations in excess of the emission limit specified in § 60.272a(a)(3) of this subpart shall indicate a period of excess emission, and shall be reported to the administrator semi-annually, according to § 60.7(c).

[FR Doc. 99-4576 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6236-2]

Final Authorization of State Hazardous Waste Management Program Revision; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule; correction and stay of effective date.

SUMMARY: The EPA is announcing a stay of the immediate final rule published in the **Federal Register** of October 29, 1998 (63 FR 57912), authorizing revisions to Michigan's hazardous waste management program under the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA). The effect of the stay is to allow for an extended public comment period. In addition, EPA is making a minor correction to the immediate final rule. If EPA receives no adverse written comments, the corrected immediate final rule will take effect as provided

below. In the Proposed Rules section of this **Federal Register**, EPA is publishing a separate document that will serve as a proposal to authorize the revision should the Agency receive adverse comment.

DATES: Effective March 2, 1999, the immediate final rule published on October 29, 1998 (63 FR 57912) is stayed until June 1, 1999. This correction is effective June 1, 1999. If EPA receives no adverse comments by April 1, 1999, the stay will expire, and the October 29, 1998 immediate final rule and this correction will take effect without further notice on June 1, 1999. Should the EPA receive adverse comments during the extended comment period, EPA will revoke the October 29, 1998 immediate final rule, and withdraw this correction before its effective date. EPA will then address public comments in a later final rule based on the proposed rule.

ADDRESSES: Send written comments to: Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. You may examine copies of the materials submitted by Michigan during normal business hours at the following addresses: EPA, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, contact Judy Feigler, (312) 886-4179; or Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, contact: Ms. Ronda Blayer, (517) 353-9548.

FOR FURTHER INFORMATION CONTACT: Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886-4179.

SUPPLEMENTARY INFORMATION: The EPA published an immediate final rule in the **Federal Register** of October 29, 1998 (63 FR 57912), announcing final authorization of Michigan for revisions to its hazardous waste management program under RCRA and HSWA. The Agency has explained the reasons for this authorization in that document. The immediate final rule became effective on December 28, 1998. A portion of the State's hazardous waste program for which the State is seeking authorization

was inadvertently left out of the immediate final rule. This document corrects the omissions as follows: page 57915, the third column, is amended by inserting the phrase "as amended on April 17, 1995 (60 FR 19165); and May 12, 1995 (60 FR 25619)" after the phrase "February 9, 1995, 60 FR 7824."

In addition, EPA inadvertently did not publish public notice of the decision in newspapers in the State as required by 40 CFR 271.21(b)(3)(i)(B). EPA will publish public notice in the appropriate newspapers concurrent with publication of this document in the **Federal Register**. Therefore, since EPA is committed to its policy of ensuring public involvement in the decision-making process, EPA will accept public comments until April 1, 1999. Effective March 2, 1999, the immediate final rule published on October 29, 1998 (63 FR 57912) granting final authorization of Michigan's revised hazardous waste management program is stayed until June 1, 1999 to allow for the extended comment period. If no adverse comments are received by the end of the extended comment period, the stay will expire and the corrected immediate final rule will become effective on June 1, 1999. If EPA does receive adverse written comments during the extended comment period, EPA will revoke the October 29, 1999 immediate final rule, and withdraw this correction before its effective date. EPA will then address the comments in a later final rule based on the proposed rule.

You may examine copies of the materials submitted by Michigan during normal business hours at the locations indicated in the **ADDRESSES** section of this document. EPA may not provide additional opportunity for comment. Any parties interested in commenting must do so at this time.

For further information, see the document published in the Rules section of this **Federal Register**.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any

significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

Submission to Congress and the Comptroller General

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

Dated: February 16, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.
[FR Doc. 99-4823 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-P

Proposed Rules

Federal Register

Vol. 64, No. 40

Tuesday, March 2, 1999

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-69-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-90-30

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas MD-90-30 series airplanes. This proposal would require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness [MD-90-30 Airworthiness Limitations Instructions (ALI)] to incorporate certain replacement times for safe-life limited parts. This proposal is prompted by analysis of data that identified reduced replacement times for certain safe-life limited parts. The actions specified by the proposed AD are intended to prevent fatigue cracking of various safe-life limited parts; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Comments must be received by April 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-69-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846,

Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5237; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-69-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No.

98-NM-69-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As airplanes gain service experience, or as the result of post-certification testing and evaluation, it may become necessary to add additional life limits or structural inspections in order to ensure the continued structural integrity of the airplane. The manufacturer may revise the Airworthiness Limitations document to include more restrictive life limits.

McDonnell Douglas has completed analyses of certain safe-life limited parts on high gross weight airplanes. The results of these analyses indicate that certain replacement times must be revised for certain safe-life limited parts for these airplanes.

The actions specified by the proposed AD are intended to prevent fatigue cracking of various safe-life limited parts; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved the MD-90 Airworthiness Limitations Instructions (ALI), McDonnell Douglas Report Number MDC-94K9000, Revision 3, dated November 1997. Among other things, Revision 3 revises mandatory replacement times for safe-life limited parts. Accomplishment of the actions specified in the ALI is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require operators to revise the MD-90 ALI to incorporate Revision 3, dated November 1997.

Cost Impact

There are approximately 150 airplanes of the affected design in the worldwide fleet. The FAA estimates that 100 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed

AD on U.S. operators is estimated to be \$6,000, or \$60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 98–NM–69–AD.
Applicability: All Model MD–90–30 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 fatigue cracking of various safe-life limited parts, which could adversely affect the structural integrity of these airplanes, accomplish the following:

(a) Within 180 days after the effective date of this AD, revise the Airworthiness Limitations Section of the Instructions for Continued Airworthiness [Airworthiness Limitations Instructions (ALI), McDonnell Douglas Report No. MDC–94K9000, dated November 1994] to incorporate the Part Number, Item, and Mandatory Replacement Time of certain safe-life limited parts by inserting a copy of Revision 3, dated November 1997, into the ALI.

(b) Except as provided by paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative replacement times may be approved for the safe-life limited parts specified in McDonnell Douglas ALI Report No. MDC–94K9000, Revision 3, dated November 1997.

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

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

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

Issued in Renton, Washington, on February 23, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–5043 Filed 3–1–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–81–AD]

RIN 2120–AA64

Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Avions Pierre Robin Model R2160 airplanes. The proposed AD would require inspecting to assure that the fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it or that a vinyl piping is connected to the filler neck inside the cabin. If neither of these items exists, the proposed AD would require replacing the fuel filler cap with a fuel filler cap that has a 2.5 mm diameter hole drilled through it. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified in this proposed AD are intended to detect and correct the installation of improperly designed fuel venting system parts, which could result in an inadequate fuel supply to the engine with loss of engine power.

DATES: Comments must be received on or before March 26, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–81–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33–3 80 44 20 50; facsimile: 33–3 80 35 60 80. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-81-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-81-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Avions Pierre Robin Model R2160 airplanes. The DGAC reports that deformation of the fuel tank could result if one of the following does not exist:

- The fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it; or
- A vinyl piping is connected to the filler neck inside the cabin.

This condition, if not corrected, could result in an inadequate fuel supply to the engine with loss of engine power.

Relevant Service Information

Avions Pierre Robin has issued Service Bulletin No. 135, dated May 17,

1994, which specifies procedures for inspecting the fuel tank filler cap for proper ventilation; and specifies replacing the fuel filler cap with a fuel filler cap that has a 2.5 mm diameter hole drilled through it, part number (P/N) 52.23.07.010 (or FAA-approved equivalent P/N).

The DGAC classified this service bulletin as mandatory and issued French AD 94-130(A), dated June 8, 1994, in order to assure the continued airworthiness of these airplanes in France.

The FAA's Determination

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above.

The FAA has examined the findings of the DGAC; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Avions Pierre Robin Model R2160 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require inspecting to assure that the fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it or that a vinyl piping is connected to the filler neck inside the cabin. If neither of these items exists, the proposed AD would require replacing the fuel filler cap with a fuel filler cap that has the hole drilled through it, P/N 52.23.07.010 (or FAA-approved equivalent P/N).

Accomplishment of the proposed inspections would be required in accordance with Avions Pierre Robin Service Bulletin No. 135, dated May 17, 1994. The proposed replacement (if necessary) would be required in accordance with the applicable maintenance manual.

Cost Impact

The FAA estimates that 10 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish both the proposed

inspections and replacement (if necessary), and that the average labor rate is approximately \$60 per work hour. Parts (if necessary) cost approximately \$60 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,200, or \$120 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Avions Pierre Robin: Docket No. 98-CE-81-AD.

Applicability: Model R2160 airplanes, all serial numbers up to and including serial number 249, certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct the installation of improperly designed fuel venting system parts, which could result in an inadequate fuel supply to the engine with loss of engine power, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, inspect to assure that the fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it or that a vinyl piping is connected to the filler neck inside the cabin. Accomplish this inspection in accordance with Avions Pierre Robin Service Bulletin No. 135, dated May 17, 1994.

(b) If neither of the conditions specified in paragraph (a) of this AD exists, prior to further flight, replace the fuel filler cap with a fuel filler cap that has a 2.5 mm diameter hole drilled through it, part number (P/N) 52.23.07.010 (or FAA-approved equivalent P/N). Accomplish this replacement in accordance with the applicable maintenance manual.

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

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be used if approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to the service information referenced in this AD should be directed to Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33-3 80 44 20 50; facsimile: 33-3 80 35 60 80. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in French AD 94-130(A), dated June 8, 1994.

Issued in Kansas City, Missouri, on February 22, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-5036 Filed 3-1-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-79-AD]

RIN 2120-AA64

Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Avions Pierre Robin Model R2160 airplanes. The proposed AD would require replacing the wing attachment bolts and associated hardware. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified in this proposed AD are intended to prevent a wing from separating from the airplane caused by damaged wing attachment bolts, which could result in loss of control of the airplane.

DATES: Comments must be received on or before March 26, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-79-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33-3 80 44 20 50; facsimile: 33-3 80 35 60 80. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-79-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-79-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Avions Pierre Robin Model R2160 airplanes. The DGAC reports that possible damage (distortion, fretting, corrosion, damaged threads) could exist in the wing attachment bolts on the above-referenced airplanes.

This condition, if not corrected, could result in a wing separating from the airplane with consequent loss of control of the airplane.

Relevant Service Information

Avions Pierre Robin has issued the following:

- Service Bulletin No. 145, rev. 2, dated January 11, 1999, which specifies inspecting the torque value of the wing attachment bolts; and
- NOTE NAV 96-3, dated May 2, 1996, which includes the procedures for replacing the wing attachment bolts and all associated hardware.

The DGAC classified this service information bulletin as mandatory and issued French AD 96-051(A) R1, dated June 5, 1996, in order to assure the continued airworthiness of these airplanes in France.

The FAA's Determination

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above.

The FAA has examined the findings of the DGAC; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Avions Pierre Robin Model R2160 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the wing attachment bolts and associated hardware.

Accomplishment of the proposed replacement would be required in accordance with Avions Pierre Robin NOTE NAV 96-3, dated May 2, 1996.

Differences Between Service Bulletin, French AD, and This Proposed AD

Avions Robin Service Bulletin No. 145, rev. 2, dated January 11, 1999, and NAV 96-3, dated May 2, 1996, specify checking the torque value of the wing attachment bolts at each 100-hour maintenance visit, and French AD 96-051(A) R1, dated June 5, 1996, requires these checks for those airplanes registered for operation in France.

These checks are part of the maintenance schedule and are considered a general maintenance item. Because the FAA has no justification to mandate AD action for general maintenance, the proposed AD only incorporates the replacement of the

wing attachment bolts and associated hardware and does not include the torque value checks.

Cost Impact

The FAA estimates that 10 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 40 workhours per airplane to accomplish the proposed replacements, and that the average labor rate is approximately \$60 per work hour. Parts cost approximately \$200 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$26,000, or \$2,600 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Avions Pierre Robin: Docket No. 98-CE-79-AD.

Applicability: Model R2160 airplanes, serial numbers 001 through 264, 266 through 269, and 272 through 288; certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent a wing from separating from the airplane caused by damaged wing attachment bolts, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, replace the wing attachment bolts and associated hardware, in accordance with Avions Pierre Robin NOTE NAV 96-3, dated May 2, 1996.

(b) As of the effective date of this AD, no person may install, on any affected airplane, wing attachment bolts and associated hardware that are not specified in Avions Pierre Robin NOTE NAV 96-3, dated May 2, 1996, unless the parts are an FAA-approved equivalent to that referenced in the service information.

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

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be used if approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to the service information referenced in this AD should be directed to Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33-3 80 44 20 50; facsimile: 33-3 80 35 60 80. This service

information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in French AD 96-051(A) R1, dated June 5, 1996.

Issued in Kansas City, Missouri, on February 22, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-5035 Filed 3-1-99; 8:45 am]

BILLING CODE 4910-13-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[FRL-6305-8]

Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to reopen comment period.

SUMMARY: The EPA is reopening the comment period for the notice of proposed rulemaking published on October 21, 1998 at 63 FR 56292, under section 126 of the Clean Air Act (CAA) to allow comment on how the proposed section 126 action may be affected by a recently proposed action by EPA to revoke the 1-hour national ambient air quality standard (NAAQS) for ozone for certain of the areas in States that have submitted petitions.

DATES: The EPA is establishing a comment period ending on March 26, 1999.

ADDRESSES: Comments must be postmarked by the last day of the comment period and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible).

Comments may be submitted to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-97-43, U.S. Environmental Protection Agency, 401 M Street SW, room M-1500, Washington, DC 20460, telephone (202) 260-7548. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No confidential business information (CBI) should be submitted through e-mail.

This document was immediately available after signature on EPA's web site at <http://www.epa.gov/airlinks>. Documents relevant to this action are

available for inspection at the Docket Office, at the above address, between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. A reasonable copying fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions concerning today's action should be addressed to Carla Oldham, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-3347.

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The official record for this rulemaking, as well as the public version, has been established under docket number A-97-43 (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 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-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 in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-97-43. Electronic comments on this NPR rule may be filed online at many Federal Depository Libraries.

The EPA has issued a separate rule on nitrogen oxides (NO_x) transport entitled, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," (63 FR 57356, October 27, 1998; see notices included in the docket for this rulemaking). The rulemaking docket for that rule, hereafter referred to as the NO_x State implementation plan (SIP) call (NO_x SIP call), contains information and analyses that are relied upon in today's notice. Therefore, EPA is including by reference the entire NO_x SIP call record for purposes of the section 126 rulemaking. Documents related to the NO_x SIP call rulemaking are available for inspection in Docket No. A-96-56 at the address and times given above. In addition, the proposed

NO_x SIP call and associated documents are located at <http://www.epa.gov/ttn/oarpg/otagsip.html>. Modeling and air quality assessment information can be obtained in electronic form at <http://www.epa.gov.scrum001/regmodcenter/t28.htm>. Information related to the budget development can be found at <http://www.epa.gov/capi>.

Additional information relevant to this section 126 rulemaking is available on the Agency's Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network (TTN) via the web at <http://www.epa.gov/ttn/>. If assistance is needed in accessing the system, call the help desk at (919) 541-5384 in Research Triangle Park, NC. Documents related to the Ozone Transport Assessment Group (OTAG), which did substantial technical work upon which the NO_x SIP call and the section 126 rulemaking are based, may be downloaded directly from OTAG's webpage at <http://www.epa.gov/ttn/otag>. The OTAG's technical data are located at <http://www.iceis.mcnc.org/OTAGDC>.

I. Reopening of Comment Period

In August 1997, eight Northeastern States filed petitions under section 126 seeking to mitigate what they described as significant transport of one of the main precursors of ground-level ozone, NO_x, across State boundaries. The eight petitioning States are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont (States or Petitioner States).

All of the Petitioner States directed their petitions at the 1-hour ozone NAAQS. Three of the States, Massachusetts, Pennsylvania, and Vermont, also directed their petitions at the new 8-hour ozone standard. In notices dated September 30, 1998 (63 FR 52213) and October 21, 1998 (63 FR 56292), EPA proposed action on the petitions. The October 21, 1998 notice of proposed rulemaking (section 126 NPR) contains the longer, more detailed version of the proposal. Familiarity with that notice is assumed for purposes of today's action. In the section 126 NPR, EPA proposed action under the 1-hour and/or the 8-hour standard as specifically requested in each State's petition.

In the section 126 NPR, EPA proposed which upwind States should be linked to each of the Petitioner States under the 1-hour NAAQS and, to the extent relevant, the 8-hour NAAQS. These links, which are identified in tables II-1 and II-2 in the section 126 NPR (63 FR 56303) are based on determinations made in the NO_x SIP call. For the 1-

hour NAAQS, the links were based on determinations as to which upwind States included source emissions which contribute significantly to nonattainment areas in the Petitioner States.

After publication of the section 126 NPR on October 21, 1998, EPA published a separate rulemaking that proposed to determine that the 1-hour ozone standard no longer applied to certain nonattainment areas, including the following areas in the Petitioner States: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; and Providence (all RI), Rhode Island (63 FR 69598, December 17, 1998) (revocation NPR). The proposal was based on the fact that those areas experienced three consecutive ozone seasons—1996–1998—in which the air quality did not violate the 1-hour ozone standard. In prior, similar rulemakings, EPA had determined that under these circumstances, the 1-hour standard no longer applied to such areas (63 FR 31014, June 5, 1998). If EPA promulgates a final determination that the 1-hour ozone standard no longer applies for those designated nonattainment areas in the Petitioner States, EPA believes that contributions from sources in upwind States to those areas would no longer constitute a basis for EPA to approve the Petitioner States' requested findings as to the 1-hour ozone standard for those areas.

The EPA solicits comment on the impacts on the section 126 rulemaking that would result were EPA to finalize a determination that the 1-hour ozone standard no longer applies to the specified nonattainment areas in the Petitioner States.

The EPA has received two requests to reopen the comment period on the section 126 NPR in light of the proposed determination in the revocation NPR that the 1-hour NAAQS no longer applies to certain areas. See Docket A–97–43, numbers IV–G–69 (Midwest Ozone Group) and IV–G–56 (Hunton & Williams, representing the Utility Air Regulatory Group). This notice responds to those requests.

Dated: February 24, 1999.

Robert Perciasepe,

Assistant Administrator for the Office of Air and Radiation.

[FR Doc. 99–5092 Filed 3–1–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–6234–9]

RIN 2060–AH95

Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments to rule.

SUMMARY: The EPA is proposing to amend the national standards of performance for new stationary sources (NSPS) for electric arc furnaces (EAF) constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA), and the NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa). Changes to both rules are being proposed to add alternative requirements for the monitoring of EAF capture systems in response to recommendations made by the Common Sense Initiative (CSI) subcommittee on iron and steel. The CSI was established by the Administrator to bring together affected stakeholders to find cleaner, cheaper, and smarter environmental management solutions. In addition, the EPA is proposing to make a number of editorial changes and to clarify two definitions.

In the Final Rules section of this **Federal Register**, EPA is amending 40 CFR part 60, subpart AA and 40 CFR subpart AAa as a direct final rule without prior proposal because the Agency views these amendments as noncontroversial and anticipates no adverse comments. A detailed rationale for these amendments is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. All adverse public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Parties interested in commenting on the direct final rule should do so at this time.

DATES: *Comments.* Comments must be received on or before April 1, 1999, unless a hearing is requested by March 12, 1999. If a hearing is requested,

written comments must be received by April 16, 1999.

Public Hearing. Anyone requesting a public hearing must contact the person listed below under **FOR FURTHER INFORMATION CONTACT** no later than March 12, 1999. If a hearing is held, it will take place on March 17, 1999, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Written comments should be submitted to: Docket A–79–33, U.S. EPA, Air & Radiation Docket & Information Center, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. *Docket.* Docket No. A–79–33, containing information considered by the EPA in development of this action, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S.

Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

SUPPLEMENTARY INFORMATION: If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the

provisions of the amendments, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative Requirements

Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the background information documents (BIDs) and preambles to the proposed and promulgated standards, the contents of the docket, excluding interagency review materials, will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

Executive Order 12866

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

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that these amendments to the final EAF rules are not a "significant regulatory action" under the terms of the Executive Order and are therefore not subject to OMB review.

Unfunded Mandates Reform Act

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

The EPA has determined that this rule does not contain a Federal mandate that may 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. This action only provides affected EAF owners and operators with alternative monitoring options. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a

description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's amendments do not create a mandate on State, local or tribal governments. The amendments do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to these amendments.

Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's amendments do not significantly or uniquely affect the communities of Indian tribal governments. This action only provides affected EAF owners and operators with alternative monitoring options. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the information collection requirements contained in the

two final EAF rules under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned the OMB control number 2060-0038.

The information collection requirements in these amendments will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An information Collection Request (ICR) document has been prepared by EPA (ICR No. 1060.09) and copies may be obtained from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460, by email at farmer.sandy@epa.gov, or by calling (202)-260-2740. A copy may also be downloaded off the Internet at <http://www.epa.gov/icr>. The information requirements in these amendments are not effective until OMB approves them.

The proposed information requirements are based on recordkeeping, and reporting requirements in the NESHAP general provisions (40 CFR part 60, subpart A), which are mandatory for all owners or operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Act (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

The annual increase to monitoring, recordkeeping, and reporting burden for this amendment is estimated at 11,375 labor hours at a total cost of \$398,238.75 nationwide, and the annual average increase in burden is 175 labor hours and \$6,126.75 per source. This estimate includes daily shop opacity observations and associated semi-annual excess emissions reports and recordkeeping. There will be no increase in annualized capital/startup costs as a result of the new alternative monitoring requirements.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and

requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Comments are requested within April 1, 1999. Include the ICR number in any correspondence.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. These proposed amendments would not have a significant impact on a substantial number of small entities because these amendments only provide alternative compliance options designed to provide facilities with increased flexibility. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer 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., material specifications, test methods,

sampling and analytical procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards other than those already specified in the original EAF rules.

Protection of Children From Environmental Health Risks and Safety Risk Under Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1): Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Electric arc furnace, Monitoring requirements, Reporting and recordkeeping requirements.

Dated: February 17, 1999.

Carol M. Browner,
Administrator.

[FR Doc. 99-4577 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6236-3]

Michigan: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The EPA is providing additional opportunity to the public to comment on the proposal to grant final authorization to revisions to Michigan's hazardous waste program under the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA) published in the **Federal Register** of October 29, 1998 (63 FR 57996). In the Rules section of this **Federal Register**, EPA is announcing a stay of the immediate final rule published on October 29, 1998 (63 FR 57912) and correcting minor omissions to the immediate final rule. The effect of the stay is to extend the effective date to allow for the extended public comment period. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

DATES: Written comments must be received on or before April 1, 1999.

ADDRESSES: Send written comments to: Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. You may examine copies of the

materials submitted by Michigan during normal business hours at the following addresses: EPA, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, contact: Judy Feigler, (312) 886-4179; or Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, contact: Ronda Blayer, (517) 353-9548.

FOR FURTHER INFORMATION CONTACT: Judy Feigler at the above address and phone number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 29, 1998 (63 FR 57996), EPA proposed to grant final authorization of revisions to Michigan's hazardous waste management program under RCRA and HSWA. However, public notice announcing the public's opportunity to comment on EPA's decision was inadvertently not published in newspapers in the State as required by 40 CFR 271.21(b)(3)(I)(B). Therefore, since EPA is committed to its policy of ensuring public involvement in the decision-making process, EPA will accept public comments on EPA's decision to authorize the revisions to Michigan's hazardous waste management program until April 1, 1999. Public notice will be published in the appropriate newspapers concurrent with publication of this document in the

Federal Register. Copies of Michigan's application for program revision are available at the locations indicated in the **ADDRESSES** section of this document.

The Agency has explained the reasons for this authorization in the immediate final rule in the October 29, 1998 **Federal Register** (63 FR 57912). If EPA does not receive adverse written comments, the stay of the immediate final rule will expire, the corrected immediate final rule will become effective, and the Agency will not take further action on this proposal. If EPA receives adverse written comments, EPA will revoke the immediate final rule, the stay will expire, and the corrected immediate final rule will not take effect. EPA will then address public comments in a later final rule based on this proposal. EPA may not provide additional opportunity for comment. Any parties interested in commenting must do so at this time.

For additional information see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: February 16, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.
[FR Doc. 99-4824 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 64, No. 40

Tuesday, March 2, 1999

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

Farm Service Agency

Notice and Request for Extension of an Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Farm Service Agency (FSA) to request extension of an information collection in support of the peanut poundage quota program as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act).

DATES: Comments on this notice must be received on or before May 3, 1999, to be assured consideration.

ADDITIONAL INFORMATION OR COMMENTS: David Kincannon, Marketing Specialist, Tobacco and Peanuts Division, Farm Service Agency, United States Department of Agriculture, STOP 0514, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0514, (202) 720-7914, facsimile: (202) 690-1536; Internet e-mail: davidkincannon@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Peanuts.

OMB Control Number: 0560-0189.

Type of Request: Approval for an extension of an information collection.

Abstract: The 1996 Act provides that the Secretary of Agriculture "shall continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 *et seq.*), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937)."

During the 1997 peanut marketing year, peanuts were found to contain elevated levels of arsenic which prevented their use in edible markets. The cause of such contamination was found to be the use of arsenic-based herbicides on peanut plants. Such herbicides, although approved for use on nonedible crops such as cotton, has not been approved for use on food crops. In prior years, similar contamination occurred from the use of Kylar, a daminozide-based pesticide determined to be a carcinogen. To eliminate the use of arsenic-based herbicides and daminozide-based products, peanut operators will certify on form FSA-1016 as to use or non-use of such products on the peanuts delivered for market in order to be eligible for peanut price support.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 minutes per response.

Respondents: Peanut Operators.

Estimated Number of Respondents: 60,000.

Estimated Total Annual Burden of Respondents: 2,000 hours.

Comments are requested regarding, but not limited to: (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 burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; or (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, and to Charles Hatcher, at the address listed above. All comments will become a matter of public record.

OMB is required to make a decision concerning the collection(s) of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a

comment to OMB is best assured of having its full effect if OMB receives it within 60 days of publication.

Signed at Washington, D.C., on February 16, 1999.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 99-5120 Filed 3-1-99; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021999B]

Permits; Foreign Fishing

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

ACTION: Notice of receipt of foreign fishing application.

SUMMARY: NMFS publishes for public review and comment a summary of a foreign fishing application submitted under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by March 16, 1999.

ADDRESSES: Send comments or requests for a copy of the application to NMFS, Office of Sustainable Fisheries, International Fisheries Division, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, Office of Sustainable Fisheries, (301) 713-2276.

SUPPLEMENTARY INFORMATION: Section 204(d) of the Magnuson-Stevens Act (16 U.S.C. 1824(d)) provides, among other things, that the Secretary of Commerce (Secretary) may issue a transshipment permit which authorizes a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the U.S. Exclusive Economic Zone (EEZ) or, with the concurrence of a State, within the boundaries of that State to a point outside the United States. NMFS has received an application requesting authorization for three Mexican vessels to receive, within the area of the U.S.

EEZ south of 34° N. lat. and east of 121° W. long., transfers of live tuna from a U.S. purse seiner for the purpose of transporting the tuna alive to the Mexican EEZ.

Section 204(d)(3) of the Magnuson-Stevens Act provides, among other things, that an application may not be approved until the Secretary determines that "no owner or operator of a vessel of the United States which has adequate capacity to perform the transportation for which the application is submitted has indicated *** an interest in performing the transportation at fair and reasonable rates." NMFS is publishing this notice as part of its effort to make this determination.

Interested U.S. vessel owners and operators may obtain a copy of the complete application, including vessel modifications necessary to accommodate the pens into which the live tuna will be placed, from NMFS (see ADDRESSES).

Dated: February 24, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-5119 Filed 3-1-99; 8:45 am]

BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Coverage of Unit of Quantity Requirement for Textile and Apparel Products Produced or Manufactured in Various Countries to Include Coverage of Bangladesh, Egypt and Turkey

February 23, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending coverage of the requirement that visa quantities be in whole numbers only.

EFFECTIVE DATE: April 1, 1999.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

As stated in a notice and letter to the Commissioner of Customs dated November 30, 1998, published in the Federal Register on December 4, 1998

(63 FR 67053), the United States Government has notified all countries with visa arrangements with the United States of the requirement to issue visas in whole numbers. In that letter, the Chairman of CITA directed the Commissioner of Customs to require that the quantity stated on the visa be listed in whole numbers only. Subsequently, in a notice and letter dated December 21, 1998, published in the Federal Register on December 29, 1998 (63 FR 71622), this directive was amended, excluding Bangladesh, Egypt, Peru, Trinidad and Tobago, and Turkey from this requirement, and directing Customs not to deny entry to products from these countries solely because the accompanying visa states the quantity using decimals or fractions.

The Governments of Bangladesh, Egypt and Turkey have agreed to implement this requirement. Effective on April 1, 1999, products produced or manufactured in Bangladesh, Egypt and Turkey must be accompanied by a visa stating the quantity in whole numbers only. The requirement will apply to products exported on or after April 1, 1999.

There will be a 30-day grace period, beginning on April 1, 1999 and extending through April 30, 1999, during which Customs shall not deny entry for products produced or manufactured in Bangladesh, Egypt and Turkey solely because the accompanying visa does not state the quantity in whole numbers. Customs will continue to use standard rounding procedures for such products. Goods exported on or after May 1, 1999 must have visas in whole numbers.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to implement the November 30, 1998 directive for textile products produced or manufactured in Bangladesh, Egypt and Turkey and exported on or after April 1, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 23, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1998, as amended on December 21, 1998 by the Chairman, Committee for the Implementation of Textile Agreements. The former directive directs you to require that shipment quantities of textile and apparel products entered into the United States be stated on

the visa in whole numbers only. The latter directive excludes, among other countries, Bangladesh, Egypt and Turkey from this requirement.

The Governments of Bangladesh, Egypt and Turkey agreed to implement this visa requirement. Effective on April 1, 1999, you are directed to implement this requirement for textile products produced or manufactured in Bangladesh, Egypt and Turkey and exported on or after April 1, 1999. The requirement for the use of whole numbers will be effective only for goods exported on or after April 1, 1999.

Textile products produced or manufactured in Bangladesh, Egypt and Turkey and exported during the period April 1, 1999 through April 30, 1999 shall not be denied entry solely because the accompanying visa states the quantity using decimals or fractions. However, Customs will continue to charge in whole units using standard rounding procedures. Goods exported on or after May 1, 1999 must have visas in whole numbers.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99-5064 Filed 3-1-99; 8:45 am]

BILLING CODE 3510-DR-F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552(b)), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service:

DATE AND TIME: Monday, March 8, 1999, 9:30 a.m.-12:30 p.m.

PLACE: Room 216, University Place Conference Center, 850 West Michigan Street, Indianapolis, Indiana.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Agenda

- I. Opening Remarks by Chair
- II. Welcome by Local Hosts
- III. Report from the Chief Executive Officer
- IV. Approval of Minutes and Proceedings of Previous Board Meeting
- V. Committee Reports
 - A. Executive Committee
 - B. Management Committee
 1. Inspector General's Report
 2. Management Action Plan
 3. National Academy on Public

Administration Report Update
 C. Planning Committee
 1. Year 2000 Program Guidelines Report
 2. Evaluation Results
 3. Performance Plan
 4. Leadership Training
 5. Grants Schedule
 D. Communications Committee
 1. Communications and Strategic Visibility Plan
 2. Legislative Developments and Activity
 VI. Reports to Board from representatives of:
 A. National Senior Service Corps programs
 B. State commissions on national and community service
 C. State education agencies
 D. Higher education service-learning community.
 VII. Public Comment
 VIII. Future Board Meetings
 IX. Adjournment
ACCOMMODATIONS: Those needing interpreters or other accommodations should notify the Corporation's contact person.
CONTACT PERSON FOR FURTHER INFORMATION: Rhonda Taylor, Associate Director of Special Projects and Initiatives, Corporation for National Service, 8th Floor, Room 8619, 1201 New York Avenue NW, Washington, D.C. 20525. Phone (202) 606-5000 ext. 282. Fax (202) 565-2794. TDD: (202) 565-2799.

Dated: February 26, 1999.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 99-5245 Filed 2-26-99; 3:07 pm]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Historical Advisory Committee; Notice of Meeting

AGENCY: Department of Defense, Historical Advisory Committee, DoD.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given of the forthcoming meeting of the Historical Records Declassification Advisory Panel (HRDAP). The purpose of this meeting is to discuss recommendations to the Department of Defense on topical areas of interest that, from a historical perspective, would be of the greatest benefit to the public if declassified. This is the first session held in 1999. The OSD Historian will chair this meeting. This notice is given less than fifteen days prior to the meeting due to unavoidable scheduling conflicts. To mitigate the impact of this short notice, the Executive Secretary of the Panel has directly contacted previous meeting attendees of record from the public to notify them of this meeting date.

DATES: Friday, March 5, 1999.

TIME: The meeting is scheduled 9:00 a.m. to 3:00 p.m.

ADDRESSES: The National Archives Building, Room 410, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mrs. Carroll Lee, Room 1D760B, Office of the Deputy Assistant Secretary of Defense (Security and Information Operations), Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence), 6000 Defense Pentagon, Washington, DC 20301-6000, telephone (703) 693-0368.

Dated: February 24, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-5078 Filed 3-1-99; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Office of the Secretary, Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 205. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 205 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: March 1, 1999.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 204. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5000-04-M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

| LOCALITY | MAXIMUM | | MAXIMUM | | EFFECTIVE DATE |
|--------------------------|--------------------------|----------|-------------------------|---|-------------------|
| | LODGING AMOUNT (A) | + (B) | PER DIEM RATE (C) | = | |
| ALASKA: | | | | | |
| ANCHORAGE [INCL NAV RES] | | | | | |
| 05/01 - 09/30 | 161 | 63 | 224 | | 03/01/99 |
| 10/01 - 04/30 | 89 | 56 | 145 | | 03/01/99 |
| BARROW | 115 | 73 | 188 | | 03/01/99 |
| BETHEL | 105 | 60 | 165 | | 03/01/99 |
| COLD BAY | 110 | 68 | 178 | | 03/01/99 |
| CORDOVA | 85 | 62 | 147 | | 03/01/98 |
| CRAIG | | | | | |
| 05/01 -- 08/31 | 95 | 66 | 161 | | 05/01/97 |
| 09/01 -- 04/30 | 79 | 64 | 143 | | 05/01/97 |
| DEADHORSE | 80 | 67 | 147 | | 03/01/99 |
| DENALI NATIONAL PARK | | | | | |
| 06/01 -- 08/31 | 115 | 52 | 167 | | 03/01/98 |
| 09/01 -- 05/31 | 90 | 50 | 140 | | 03/01/98 |
| DILLINGHAM | 95 | 59 | 154 | | 08/01/98 |
| DUTCH HARBOR-UNALASKA | 110 | 71 | 181 | | 03/01/99 |
| EARECKSON AIR STATION | 80 | 57 | 137 | | 03/01/99 |
| EIELSON AFB | | | | | |
| 05/15 -- 09/15 | 118 | 58 | 176 | | 03/01/99 |
| 09/16 -- 05/14 | 81 | 54 | 135 | | 03/01/99 |
| ELMENDORF AFB | | | | | |
| 05/01 - 09/30 | 161 | 63 | 224 | | 03/01/99 |
| 10/01 - 04/30 | 89 | 56 | 145 | | 03/01/99 |
| FAIRBANKS | | | | | |
| 05/15 -- 09/15 | 118 | 58 | 176 | | 03/01/99 |
| 09/16 -- 05/14 | 81 | 54 | 135 | | 03/01/99 |
| FT. RICHARDSON | | | | | |
| 05/01 - 09/30 | 161 | 63 | 224 | | 03/01/99 |
| 10/01 - 04/30 | 89 | 56 | 145 | | 03/01/99 |
| FT. WAINWRIGHT | | | | | |
| 05/15 -- 09/15 | 118 | 58 | 176 | | 03/01/99 |
| 09/16 -- 05/14 | 81 | 54 | 135 | | 03/01/99 |
| GLENNALLEN | 90 | 52 | 142 | | 10/01/98 |
| HEALY | | | | | |
| 06/01 -- 08/31 | 115 | 52 | 167 | | 03/01/98 |
| 09/01 -- 05/31 | 90 | 50 | 140 | | 03/01/98 |
| HOMER | | | | | |
| 05/15 -- 09/15 | 115 | 58 | 173 | | 03/01/99 |
| 09/16 -- 05/14 | 98 | 57 | 155 | | 03/01/99 |
| JUNEAU | 105 | 68 | 173 | | 03/01/99 |
| KAKTOVIK | 175 | 74 | 249 | | 03/01/99 |

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

| LOCALITY | MAXIMUM | | M&IE RATE | MAXIMUM | | EFFECTIVE DATE |
|---------------------|---------|---|--------------|----------|-----|-------------------|
| | LODGING | | | PER DIEM | | |
| | AMOUNT | | | RATE | | |
| | (A) | + | (B) | = | (C) | |
| KAVIK CAMP | 125 | | 69 | | 194 | 03/01/99 |
| KENAI-SOLDOTNA | | | | | | |
| 05/01 -- 09/30 | 114 | | 63 | | 177 | 03/01/99 |
| 10/01 -- 04/30 | 76 | | 59 | | 135 | 03/01/99 |
| KENNICOTT | 149 | | 68 | | 217 | 10/01/98 |
| KETCHIKAN | | | | | | |
| 05/01 -- 09/30 | 110 | | 74 | | 184 | 03/01/99 |
| 10/01 -- 04/30 | 88 | | 73 | | 161 | 03/01/99 |
| KING SALMON | 101 | | 70 | | 171 | 03/01/99 |
| KLAWOCK | | | | | | |
| 05/01 -- 08/31 | 95 | | 66 | | 161 | 05/01/97 |
| 09/01 -- 04/30 | 79 | | 64 | | 143 | 05/01/97 |
| KODIAK | 99 | | 67 | | 166 | 03/01/99 |
| KOTZEBUE | | | | | | |
| 05/01 -- 08/31 | 137 | | 75 | | 212 | 03/01/99 |
| 09/01 -- 04/30 | 73 | | 61 | | 134 | 03/01/99 |
| KULIS AGS | | | | | | |
| 05/01 - 09/30 | 161 | | 63 | | 224 | 03/01/99 |
| 10/01 - 04/30 | 89 | | 56 | | 145 | 03/01/99 |
| MCCARTHY | 149 | | 68 | | 217 | 10/01/98 |
| METLAKATLA | | | | | | |
| 05/30 - 10/01 | 85 | | 52 | | 137 | 03/01/99 |
| 10/02 - 05/29 | 78 | | 51 | | 129 | 03/01/99 |
| MURPHY DOME | | | | | | |
| 05/15 -- 09/15 | 118 | | 58 | | 176 | 03/01/99 |
| 09/16 -- 05/14 | 81 | | 54 | | 135 | 03/01/99 |
| NOME | | | | | | |
| 03/01 - 03/31 | 117 | | 58 | | 175 | 03/01/99 |
| 04/01 - 02/29 | 92 | | 56 | | 148 | 03/01/99 |
| NUIQSUT | 120 | | 69 | | 189 | 03/01/99 |
| PETERSBURG | 87 | | 57 | | 144 | 03/01/99 |
| POINT HOPE | 130 | | 70 | | 200 | 03/01/99 |
| POINT LAY | 105 | | 67 | | 172 | 03/01/99 |
| PRUDHOE BAY | 80 | | 67 | | 147 | 03/01/99 |
| SEWARD | | | | | | |
| 05/01 -- 09/30 | 122 | | 65 | | 187 | 03/01/99 |
| 10/01 -- 04/30 | 86 | | 61 | | 147 | 03/01/99 |
| SITKA-MT. EDGECOMBE | | | | | | |
| 04/01 -- 09/04 | 101 | | 60 | | 161 | 03/01/98 |
| 09/05 -- 03/31 | 83 | | 59 | | 142 | 03/01/98 |
| SKAGWAY | | | | | | |
| 05/01 -- 09/30 | 110 | | 74 | | 184 | 03/01/99 |
| 10/01 -- 04/30 | 88 | | 73 | | 161 | 03/01/99 |

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

| LOCALITY | MAXIMUM LODGING | | M&IE RATE | MAXIMUM PER DIEM | | EFFECTIVE DATE |
|----------------------------------|--------------------|---|--------------|---------------------|-------------|-------------------|
| | AMOUNT (A) | + | | = | RATE (C) | |
| SPRUCE CAPE | 99 | | 67 | | 166 | 03/01/99 |
| TANANA | | | | | | |
| 03/01 - 03/31 | 117 | | 58 | | 175 | 03/01/99 |
| 04/01 - 02/29 | 92 | | 56 | | 148 | 03/01/99 |
| UMIAT | 107 | | 33 | | 140 | 03/01/99 |
| VALDEZ | | | | | | |
| 05/15 -- 10/01 | 110 | | 63 | | 173 | 03/01/99 |
| 10/02 -- 05/14 | 84 | | 60 | | 144 | 03/01/99 |
| WAINWRIGHT | 127 | | 82 | | 209 | 03/01/99 |
| WRANGELL | | | | | | |
| 05/01 -- 09/30 | 110 | | 74 | | 184 | 03/01/99 |
| 10/01 -- 04/30 | 88 | | 73 | | 161 | 03/01/99 |
| YAKUTAT | 110 | | 68 | | 178 | 03/01/99 |
| [OTHER] | 80 | | 57 | | 137 | 03/01/99 |
| AMERICAN SAMOA: | | | | | | |
| AMERICAN SAMOA | 73 | | 53 | | 126 | 03/01/97 |
| GUAM: | | | | | | |
| GUAM (INCL ALL MIL INSTAL) | 150 | | 79 | | 229 | 05/01/98 |
| HAWAII: | | | | | | |
| CAMP H M SMITH | 110 | | 61 | | 171 | 07/01/97 |
| EASTPAC NAVAL COMP TELE AREA | 110 | | 61 | | 171 | 07/01/97 |
| FT. DERUSSEY | 110 | | 61 | | 171 | 07/01/97 |
| FT. SHAFTER | 110 | | 61 | | 171 | 07/01/97 |
| HICKAM AFB | 110 | | 61 | | 171 | 07/01/97 |
| HONOLULU NAVAL & MC RES CTR | 110 | | 61 | | 171 | 07/01/97 |
| ISLE OF HAWAII: HILO | 80 | | 52 | | 132 | 06/01/98 |
| ISLE OF HAWAII: OTHER | 100 | | 54 | | 154 | 06/01/98 |
| ISLE OF KAUAI | | | | | | |
| 05/01 -- 11/30 | 115 | | 62 | | 177 | 06/01/98 |
| 12/01 -- 04/30 | 136 | | 64 | | 200 | 06/01/98 |
| ISLE OF KURE | 60 | | 41 | | 101 | 07/01/97 |
| ISLE OF MAUI | 112 | | 64 | | 176 | 06/01/98 |
| ISLE OF OAHU | 110 | | 61 | | 171 | 07/01/97 |
| KANEHOE BAY MC BASE | 110 | | 61 | | 171 | 07/01/97 |
| KEKAHA PACIFIC MISSILE RANGE FAC | | | | | | |
| 05/01 -- 11/30 | 115 | | 62 | | 177 | 06/01/98 |
| 12/01 -- 04/30 | 136 | | 64 | | 200 | 06/01/98 |
| KILAUEA MILITARY CAMP | 80 | | 52 | | 132 | 06/01/98 |
| LULUALEI NAVAL MAGAZINE | 110 | | 61 | | 171 | 07/01/97 |
| NAS BARBERS POINT | 110 | | 61 | | 171 | 07/01/97 |
| PEARL HARBOR [INCL ALL MILITARY] | | | | | | |
| 110 | | | 61 | | 171 | 07/01/97 |
| SCHOFIELD BARRACKS | 110 | | 61 | | 171 | 07/01/97 |

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

| LOCALITY | MAXIMUM LODGING | | M&IE RATE | MAXIMUM PER DIEM | | EFFECTIVE DATE |
|---|--------------------|---|--------------|---------------------|-----|-------------------|
| | AMOUNT (A) | + | | (B) | = | |
| WHEELER ARMY AIRFIELD | 110 | | 61 | | 171 | 07/01/97 |
| [OTHER] | 79 | | 62 | | 141 | 06/01/93 |
| JOHNSTON ATOLL: | | | | | | |
| JOHNSTON ATOLL | 13 | | 9 | | 22 | 07/01/97 |
| MIDWAY ISLANDS: | | | | | | |
| MIDWAY ISLANDS [INCL ALL MIL] | 60 | | 41 | | 101 | 07/01/97 |
| NORTHERN MARIANA ISLANDS: | | | | | | |
| ROTA | 105 | | 71 | | 176 | 05/01/97 |
| SAIPAN | 170 | | 78 | | 248 | 05/01/97 |
| [OTHER] | 61 | | 53 | | 114 | 05/01/97 |
| PUERTO RICO: | | | | | | |
| BAYAMON | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| CAROLINA | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| FAJARDO [INCL CEIBA, LUQUILLO & HUMACAO] | 82 | | 60 | | 142 | 03/01/98 |
| FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO] | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| LUIS MUNOZ MARIN IAP AGS | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| MAYAGUEZ | 94 | | 60 | | 154 | 06/01/98 |
| PONCE | 101 | | 67 | | 168 | 09/01/98 |
| ROOSEVELT ROADS & NAV STA | 82 | | 60 | | 142 | 03/01/98 |
| SABANA SECA [INCL ALL MILITARY] | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| SAN JUAN & NAV RES STA | | | | | | |
| 04/16 -- 11/14 | 117 | | 67 | | 184 | 09/01/98 |
| 11/15 -- 04/15 | 148 | | 70 | | 218 | 09/01/98 |
| [OTHER] | 66 | | 57 | | 123 | 09/01/98 |
| VIRGIN ISLANDS (U.S.): | | | | | | |
| ST. CROIX | | | | | | |
| 04/15 -- 12/14 | 107 | | 75 | | 182 | 08/01/98 |
| 12/15 -- 04/14 | 131 | | 78 | | 209 | 08/01/98 |
| ST. JOHN | | | | | | |
| 04/15 -- 12/14 | 286 | | 89 | | 375 | 08/01/98 |
| 12/15 -- 04/14 | 413 | | 102 | | 515 | 08/01/98 |

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

| LOCALITY | MAXIMUM LODGING | | M&IE RATE | MAXIMUM PER DIEM | | EFFECTIVE DATE |
|----------------|--------------------|---|--------------|---------------------|-------------|-------------------|
| | AMOUNT (A) | + | | = | RATE (C) | |
| ST. THOMAS | | | | | | |
| 04/15 -- 12/14 | 171 | | 75 | | 246 | 08/01/98 |
| 12/15 -- 04/14 | 285 | | 87 | | 372 | 08/01/98 |
| WAKE ISLAND: | | | | | | |
| WAKE ISLAND | 60 | | 32 | | 92 | 09/01/98 |

Dated: February 24, 1999.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 99-5077 Filed 3-1-99; 8:45 am]

BILLING CODE 5000-04-C

DEPARTMENT OF EDUCATION**Submission for OMB Review;
Comment Request**

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, 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 April 1, 1999.

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, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address *Pat.Sherrill@ed.gov*, or should be faxed to 202-708-9346.

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 Leader, Information Management Group, Office of the Chief Information Officer, publishes that 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: February 24, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Bilingual Education and Minority Languages Affairs.

Type of Review: New.

Title: Application for Bilingual Education: Field-Initiated Research Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't; SEAs or LEAs.

Reporting and Recordkeeping Burden:

Responses: 20

Burden Hours: 2,900.

Abstract: The Department of Education needs and uses this information to award grants for Field-Initiated Research in bilingual education. The respondents are institutions of higher education (IHEs), nonprofit organizations (NPOs), and State and local educational agencies.

[FR Doc. 99-5066 Filed 3-1-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.132A-7]

**Centers for Independent Living; Notice
Inviting Applications for New Awards
for Fiscal Year (FY) 1999**

Purpose of Program: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

Eligible Applicants: To be eligible to apply, an applicant must—(a) be a consumer-controlled, community-based,

cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4(b); (b) have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); (c) be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of section 725(b) and (c) of the Act and Subparts F and G of 34 CFR Part 366; and (d) either— (1) not currently be receiving funds under Part C of Chapter 1 of Title VII of the Act; or (2) propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the State of North Carolina.

SUPPLEMENTARY INFORMATION: The current grantee under this program that is eligible for a grant under the statute has withdrawn its application. Therefore, the funds are available to other applicants.

Deadline for Transmittal of Applications: April 30, 1999.

Deadline for Intergovernmental Review: June 29, 1999.

Applications Available: March 2, 1999.

Available Funds: \$220,000 to provide independent living services in the State of North Carolina.

Estimated Average Size of Awards: \$220,000.

Estimated Number of Awards: 1 or 2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 364 and 366.

FOR FURTHER INFORMATION CONTACT: John Nelson, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3326, Switzer Building, Washington, D.C. 20202-2741. Telephone: (202) 205-9362. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8243.

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.

FOR APPLICATIONS CONTACT: The Grants and Contracts Services Team (GCST), U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3317, Switzer Building, Washington, D.C. 20202-2550. Telephone: (202) 205-8351. 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. The preferred method for requesting applications is to FAX your request to (202) 205-8717.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the GCST. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at any of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites or at <http://www.adobe.com/prodindex/acrobat/readstep.html>. 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: 29 U.S.C. 721(c) and (e) and 796(f).

Dated: February 24, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-5067 Filed 3-1-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

AGENCY: Office of Arms Control and Nonproliferation Policy, Department of Energy.

ACTION: Subsequent Arrangement.

SUMMARY: This notice is being issued under the authority of section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM) and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning the Civil Uses of Atomic Energy.

This subsequent arrangement concerns the transfer of 5000000 grams of Normal Uranium containing grams of isotope (percent enrichment) from Canada to EURATOM for use as toll enrichment.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 24, 1999.

For the Department of Energy.

Edward T. Fei,

Deputy Director,

International Policy and Analysis Division,

Office of Arms Control and Nonproliferation.

[FR Doc. 99-5101 Filed 3-1-99; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford Site. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 25, 1999: 9:00 a.m.–5:00 p.m.; Friday, March 26, 1999: 8:30 a.m.–4:00 p.m.

ADDRESSES: Tower Inn, 1515 George Washington Way, Richland, WA 99352, phone: 509-946-4121.

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7-75), Richland, WA, 99352; Phone: (509) 373-5647; Fax: (509) 376-1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Development of the FY 2001 Draft Budget;

Office of River Protection

—Privatization issues,

—Status of Tri-Party Agencies agreement and principle, and

—Public involvement process;

Public involvement—Tri-Party Agencies response to comment;

Transportation issues—preparation for the Fernald meeting; and

Overview of the SSAB Chairs Meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments near the beginning of the meeting.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy

Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling her at (509) 373-5647.

Issued at Washington, DC on February 25, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99-5098 Filed 3-1-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah Gaseous Diffusion Plant. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 18, 1999: 5:30 p.m.-10:00 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Site-Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (502) 441-6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30 p.m. Call to Order
5:45 p.m. Approve Meeting Minutes
6:00 p.m. Public Comment/Questions
6:30 p.m. Presentations
7:30 p.m. Break
7:45 p.m. Presentations
9:00 p.m. Public Comment
9:30 p.m. Administrative Issues
10:00 p.m. Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda

items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the times indicated on the agenda.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday through Friday, or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, or by calling him at (502) 441-6804.

Issued at Washington, DC on February 24, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99-5099 Filed 3-1-99; 8:45 am]

BILLING CODE 6450-01-U

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Advisory Committee on Appliance Energy Efficiency Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advisory Committee on Appliance Energy Efficiency Standards. Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: March 17, 1999, 9:00 a.m.-4:45 p.m.

ADDRESSES: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 1E-245, Washington, DC 20585-0121.

FOR FURTHER INFORMATION CONTACT: Sandy Beall, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-7574, or Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-2945.

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:*

The Charter of the Committee has been renewed for two years to December 2000 and new members have been appointed to the Committee. The Committee will review and deliberate on DOE's activities and obtain comments on the activities for the new Committee. The meeting will focus on the following:

- review the committee charter and purpose;
- overview and status of analysis accomplishments: engineering analysis, life cycle cost methodology, energy forecasting, and manufacturing impact;
- discuss progress to date of the marginal energy prices; and
- discuss the status of the subcommittees on: economic analysis; consumer and equipment functionality/availability; screening analysis; and non-regulatory alternatives.

Tentative Agenda

| | |
|-------------------|--|
| 9:00 am-9:20 am | Introductions and Agenda Review |
| 9:20 am-9:30 am | Chairman's Opening Remarks |
| 9:30 am-10:00 am | Ground Rules |
| 10:00 am-10:30 am | Roles and Responsibilities of the Committee |
| 10:30 am-10:45 am | Break |
| 10:45 am-11:30 am | Overview of Analysis Accomplishments |
| 11:30 am-12:30 pm | Review of Rulemaking Status |
| 1:30 pm-2:30 pm | Marginal Energy Prices—Progress to Date |
| 2:30 pm-2:45 pm | Discussion of future goals, plans, roles of the Advisory Committee |
| 2:45 pm-3:00 pm | Break |
| 3:00 pm-3:30 pm | Public Comment |
| 3:30 pm-4:00 pm | New Business |
| 4:00 pm-4:15 pm | Action Items and Next Meeting |
| 4:15 pm-4:30 pm | Public Comment |
| 4:30 pm-4:45 pm | Chairman's Closing Remarks |
| 4:45 pm | Adjourn |

Please note that this draft agenda is preliminary. The times and agenda items listed are guidelines and are subject to change. A final agenda will be

available at the meeting on Wednesday, March 17, 1999.

Consumer Issues: The Department is interested in addressing consumer issues in its rulemakings. If you have any issues which you would like the Committee to address, please contact Ms. Sandy Beall at the address and phone number listed in the beginning of this notice.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. Please provide ten copies of your statement. If you would like to make oral statements regarding any of the items on the agenda, you should contact Brenda Edwards-Jones at 202-586-2945. You must make your request for an oral statement at least seven days before the meeting. Presentations will be limited to five minutes. We will try to include the statement in the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the Freedom of Information Public Reading Room, Room 1F-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-3142, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 25, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99-5100 Filed 3-1-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-190-014]

Colorado Interstate Gas Company; Notice of Compliance Filing

February 24, 1999.

Take notice on February 16, 1999, Colorado Interstate Gas Company (CIG) filed an Annual Report of Revenue Credits pursuant to the Stipulation and Agreement (S&A) in Docket No. RP96-190-000, filed August 27, 1997. CIG's S&A states in Section 1.13 that CIG shall file an annual report no later than February 15th containing the amount of all negotiated rate revenues, negotiated rate revenue credits, and interruptible

storage revenue credits it has distributed pursuant to the S&A for each twelve-month period beginning October 1, 1996.

CIG had no contacts under negotiated rates for the period October 1996 through September 1998. CIG's Interruptible Storage Revenue Credits have been included in the firm shippers' January 1998 and January 1999 invoices pursuant to CIG's FERC Gas Tariff First Revised Volume No. 1, Article 33.

CIG states that copies of this filing have been served on each shipper listed on Schedule A of the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 3, 1999.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5056 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99-719-000]

Commodore Gas & Electric, Inc.; Notice of Succession

February 24, 1999.

Take notice that on February 10, 1999, Commodore Gas & Electric, Inc., a Pennsylvania Corporation, tendered for filing a Notice of Succession pursuant to Section 35.16 and 35.151 of the Federal Energy Regulatory Commission Regulations (18 CFR 35.16 and 35.151). Commodore Gas & Electric, Inc., hereby adopts, ratifies, and makes its own, in every respect all applicable rate schedules, and supplements to FERC Electric Rate Schedule No. 1, heretofore filed with the Commission.

Commodore Gas Co., d/b/a/ Commodore Electric requests an effective date as of the date the Commission grants an order of approval.

Any person desiring to be heard or to protest such filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 5, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5049 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-205-001]

Equitrans, L.P.; Notice of Proposed Changes in FERC Gas Tariff

February 24, 1999.

Take notice that on February 17, 1999, Equitrans, L.P. (Equitrans) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet to become effective February 1, 1999:

Substitute Fifth Revised Sheet No. 314

Equitrans states that the purpose of this filing is to correct the superseding pagination and state that "Maximum Daily Quantity" instead of the "No-Notice Utilization Quantity Limitation" which is in error.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/>

rims/htm (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5061 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-70-003]

Michigan Gas Storage Company; Notice of Filing FERC Gas Tariff Sheets

February 24, 1999.

Take notice that on February 19, 1999, Michigan Gas Storage Company (MGSCO) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Third Revised Tariff Sheet No. 41A, Original Sheet No. 41B and Second Substitute Fourth Revised Tariff Sheet No. 54A.

MGSCO states that the filing is being made in compliance with order No. 587-H, regarding Gas Industry Standards Board (GISB) standards, and a letter ordered issued in this docket on February 5, 1999.

MGSCO states that copies of this filing are being served on all customers and applicable state regulatory agencies and on all those on the official service lists in Docket Nos. RP97-152-000 and RP99-70-000.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5059 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-14-002]

Midwestern Gas Transmission Company; Notice of Negotiated Rate Filing

February 24, 1999.

Take notice that on February 17, 1999, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Original Sheet No. 8. Midwestern requests that the Commission approve the revised tariff sheet effective March 1, 1999.

Midwestern states that the filed tariff sheet reflects a negotiated rate between Midwestern and TransCanada Energy Marketing USA, Inc. (TransCanada) for transportation under Rate Schedule FT-A to be effective March 1, 1999 through March 31, 1999.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 99-5058 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP99-159-000 and RP99-159-001]

Southern Natural Gas Company; Notice of Technical Conference

February 24, 1999.

In the Commission's order issued on January 29, 1999, the Commission directed that a technical conference be held to address issues raised by the filing.

Take notice that the technical conference will be held on Thursday, March 11, 1999, at 1:00 p.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5060 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-312-012]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

February 24, 1999.

Take notice that on February 17, 1999, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Twenty-First Revised Sheet No. 30, with an effective date of March 1, 1999.

Tennessee states that the filed tariff sheet reflects a negotiated rate between Tennessee and TransCanada Energy Marketing USA, Inc. (TransCanada) for transportation under Rate Schedule FT-A to be effective March 1, 1999 through March 31, 1999.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5057 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER99-1833-000, et al.]

Southern Energy Potrero, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

February 22, 1999.

Take notice that the following filings have been made with the Commission:

1. Southern Energy Potrero, L.L.C.

[Docket No. ER99-1833-000]

Take notice that on February 17, 1999, Southern Energy Potrero, L.L.C. (Southern Potrero), tendered for filing an application requesting approval of its proposed Market Rate Tariff, waiver of certain regulations, and blanket approvals. The proposed Market Rate Tariff would authorize Southern Potrero to engage in wholesale sales of capacity and energy and ancillary services to eligible customers at market rates.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Northern States Power Company (Minnesota Company) and Northern States Power Company (Wisconsin Company)

[Docket No. ER99-1823-000]

Take notice that on February 16, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (collectively known as NSP), tendered for filing a Short-Term Market-Based Electric Service Agreement between NSP and Detroit Edison Company (Customer).

NSP requests that this Short-Term Market Based Agreement be made effective on January 25, 1999.

Comment date: March 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Pool

[Docket No. ER99-1834-000]

Take notice that on February 17, 1999, the New England Power Pool Executive Committee filed for acceptance a signature page to the New England Power Pool (NEPOOL) Agreement dated September 1, 1971, as amended, signed by Entergy Nuclear Generation Company (Entergy). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Executive Committee states that the Commission's acceptance of Entergy's signature page would permit NEPOOL to expand its membership to include Entergy. NEPOOL further states

that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Entergy a member in NEPOOL. NEPOOL requests an effective date for the commencement of Entergy's participation in NEPOOL as of the date of Entergy's acquisition of the Pilgrim Nuclear Power Station currently owned by Boston Edison Company, which is anticipated to occur April 1, 1999.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Electric Power Company

[Docket No. ER99-1835-000]

Take notice that on February 17, 1999, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing unexecuted electric service agreement under its Coordination Sales Tariff (FERC Electric Tariff, Original Volume No. 2) with Avista Energy, Inc., (Avista). A refund report was also submitted for previous transactions. Refunds were calculated and paid for the time value of the money collected for service without having a service agreement in place.

Wisconsin Electric respectfully requests an effective date of sixty days from the date of filing.

Copies of the filing have been served on Avista, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Duquesne Light Company

[Docket No. ER99-1836-000]

Take notice that on February 17, 1999, Duquesne Light Company (DLC), tendered for filing a Service Agreement dated February 15, 1999 with DukeSolutions, Inc., under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds DukeSolutions, Inc., as a customer under the Tariff.

DLC requests an effective date of February 15, 1999, for the Service Agreement.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. ECONergy PA, Inc.

[Docket No. ER99-1837-000]

Take notice that on February 17, 1999, ECONergy PA, Inc. (ECONergy PA), petitions the Commission for acceptance of ECONergy PA Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates;

and the waiver of certain Commission Regulations.

ECONergy PA intends to engage in wholesale electric power and energy purchases and sales as a marketer. ECONergy Pa is not in the business of generating or transmitting electric power. ECONergy PA is a wholly-owned subsidiary of ECONergy Energy Company, Inc.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Northern States Power Company (Minnesota Company) and Northern States Power Company (Wisconsin Company)

[Docket No. ER99-1838-000]

Take notice that on February 17, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (collectively known as NSP), tendered for filing a Short-Term Market-Based Electric Service Agreement between NSP and UtiliCorp United (Customer).

NSP requests that this Short-Term Market-Based Electric Service Agreement be made effective on January 27, 1999.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Delmarva Power & Light Company

[Docket No. ER99-1839-000]

Take notice that on February 17, 1999, Delmarva Power & Light Company (Delmarva), tendered for filing a Service Agreement with Atlantic City Electric Company under its FERC Electric Tariff Second Revised, Volume No. 1.

Delmarva requests waiver of the Commission's Regulations to permit the Service Agreement to become effective on January 18, 1999.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. West Texas Utilities Company

[Docket No. ER99-1840-000]

Take notice that on February 17, 1999, West Texas Utilities Company (WTU), tendered for filing eight Delivery Points and Service Specifications sheets (Exhibit A's) providing for minor amendments to the Service Agreements between WTU and the following full requirements wholesale customers under WTU's Wholesale Power Choice (WPC) Tariff: Coleman County Electric Cooperative, Inc., Concho Valley Electric Cooperative, Inc., Golden Spread Electric Cooperative, Inc., Kimble Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc.,

Rio Grande Electric Cooperative, Inc., Southwest Electric Cooperative, Inc., and Taylor Electric Cooperative, Inc.

WTU requests an effective date of January 1, 1999. Accordingly, WTU requests waiver of the Commission's notice requirements.

WTU states that copies of this filing have been served on the affected customers and the Public Utility Commission of Texas.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Southern Energy California, L.L.C.

[Docket No. ER99-1841-000]

Take notice that on February 17, 1999, Southern Energy California, L.L.C. (Southern California), tendered for filing an application requesting approval of its proposed Market Rate Tariff, waiver of certain regulations, and blanket approvals. The proposed Market Rate Tariff would authorize Southern California to engage in wholesale sales of capacity and energy and ancillary services to eligible customers at market rates.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Southern Energy Delta, L.L.C.

[Docket No. ER99-1842-000]

Take notice that on February 17, 1999, Southern Energy Delta, L.L.C. (Southern Delta), tendered for filing an application requesting approval of its proposed Market Rate Tariff, waiver of certain regulations, and blanket approvals. The proposed Market Rate Tariff would authorize Southern Delta to engage in wholesale sales of capacity and energy and ancillary services to eligible customers at market rates.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota Company) and Northern States Power Company (Wisconsin Company)

[Docket No. ER99-1843-000]

Take notice that on February 17, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (collectively known as NSP), tendered for filing an Electric Service Agreement between NSP and UtiliCorp United Inc., (Customer). This Electric Service Agreement is an enabling agreement under which NSP may provide to Customer the electric services identified in NSP Operating Companies Electric Services Tariff original Volume No. 4.

NSP requests that this Electric Service Agreement be made effective on January 27, 1999.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Petitioning Distribution Cooperatives

[Docket No. ER99-1855-000]

Take notice that on February 17, 1999, Petitioning Distribution Cooperatives, composed of (i) Florida Keys Electric Cooperative Association, Inc., 96105 Overseas Highway, Tavernier, Florida 33070; (ii) Kandiyohi Cooperative Electric Power Association, 1311 Highway 71 NE., Willmar, Minnesota 56201; (iii) Lyon Rural Electric Cooperative, P.O. Box 629, 116 S. Marshall, Rock Rapids, Iowa 51246; and (iv) North West Rural Electric Cooperative, 415 Eighth Street, SE., Orange City, Iowa 51041-1999, filed a request for waiver of the January 15, 1999 and March 1, 1999, transmission loading relief procedure and generation redispatch filing requirements announced by the Commission in *North American Electric Reliability Council*, 85 FERC § 61,353 (1998).

Petitioning Distribution Cooperatives are Commission-jurisdictional distribution cooperatives owning only limited and discrete distribution and transmission facilities which do not constitute an integrated transmission system, and each has obtained waiver of the Commission's filing requirements for public utilities under Order Nos. 888 and 889. Their application requests that they each be granted a waiver of the filing requirements imposed by the Commission's order.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Pacific Gas and Electric Company and Southern Energy Potrero, L.L.C.

[Docket No. ER99-1856-000]

Take notice that on February 17, 1999, Southern Energy Potrero, L.L.C., tendered for filing an amendment to the Potrero Must Run Agreement. Pacific Gas and Electric Company executed a certificate of concurrence regarding the amendment.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Pacific Gas and Electric Company and Southern Energy Delta, L.L.C.

[Docket No. ER99-1857-000]

Take notice that on February 17, 1999, Southern Energy Delta, L.L.C., tendered for filing amendments to the Pittsburg

and Contra Costa Must Run Agreements. Pacific Gas and Electric Company executed certificates of concurrence regarding each amendment.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Central Vermont Public Service Corporation

[Docket No. ER99-1859-000]

Take notice that on February 17, 1999, Central Vermont Public Service Corporation (Central Vermont), tendered for filing a Service Agreement with Indeck-Pepperell Power Associates, Inc. under its FERC Electric Tariff No. 8.

Central Vermont requests waiver of the Commission's Regulations to permit the service agreement to become effective on February 1, 1999.

Comment date: March 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. RockGen Energy LLC

[Docket No. ER99-1862-000]

Take notice that on February 16, 1999, RockGen Energy LLC (RockGen Energy), tendered for filing two long-term service agreements. The first agreement, described as a Power Purchase Agreement, is between RockGen Energy and Wisconsin Power & Light Company, Interstate Power Company, and IES Utilities, Inc. (known collectively as Alliant Utilities); and the second agreement, described as a Tolling Agreement, is between RockGen Energy and an unregulated, unaffiliated gas and electric marketing company.

RockGen Energy requests confidential treatment of both agreements pursuant to 18 CFR 388.112.

Comment date: March 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Citizens Utilities Company

[Docket No. ES98-21-001]

Take notice that on February 17, 1999, Citizens Utilities Company submitted an amendment to its original application in this proceeding, under Section 204 of the Federal Power Act. The amendment seeks authorization to act as guarantor of obligations and liabilities of its subsidiaries, in an amount of up to \$1 billion. This would not increase the aggregate amount of securities previously authorized in Docket No. ES98-21-000.

Comment date: March 10, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. UtiliCorp United, Inc.

[Docket No. ES99-29-000]

Take notice that on February 11, 1999, UtiliCorp United, Inc. (Applicant), tendered for filing an application seeking an order under Section 204 of the Federal Power Act authorizing the Applicant to issue corporate guarantees in support of Debt Securities in an amount up to and including \$100,000,000 (CDN), approximately \$67.1 million U.S. based on exchange rates quoted in the Wall Street Journal on February 8, 1999, and any associated currency and interest rate hedges) to be issued by a UtiliCorp Subsidiary at some time(s) over the next two years, and for exemption from competitive bidding and negotiated placement requirements.

Comment date: March 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-5048 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 11574-000 Connecticut]

City of Norwich, Department of Public Utilities; Notice of Availability of Draft Environmental Assessment

February 24, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory

Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Hydropower Licensing has reviewed the application for original license for the Occum Hydroelectric Project, located on the Shetucket River in New London County, Connecticut, and has prepared a Draft Environmental Assessment (DEA) for the project.

Copies of the DEA are available in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 First Street, N.W., Washington, D.C. 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. For further information, contact Ed Lee at (202) 219-2809 or by E-mail at Ed.Lee@FERC.fed.us. The EA may also be viewed on the web at <http://www.ferc.fed.us/online/rims.htm>.

Please call (202) 208-222 for assistance.

Linwood A. Watson, Jr.,*Acting Secretary.*

[FR Doc. 99-5055 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP99-94-000]

Florida Gas Transmission Company; Notice of Intent to Prepare an Environmental Impact Statement for the Proposed FGT Phase IV Expansion Project, Request For Comments on Environmental Issues, and Notice of Public Scoping Meeting and Site Visit

February 24, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the FGT Phase IV Expansion Project involving construction and operation of facilities by Florida Gas Transmission Company (FGT) in Florida, Mississippi, and Alabama.¹ These facilities would consist of about 205 miles of various diameter pipeline, 48,570 horsepower (hp) of compression, four new delivery points including three meter stations and a tap, and various other miscellaneous facilities. This EIS will be used by the Commission in its decision-making process to determine

¹ FGT's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

whether the project is in the public convenience and necessity. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

Additionally, with this notice we are asking a number of Federal and state agencies (see appendix 2) with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities.

Summary of the Proposed Project

FGT wants to expand the capacity of its facilities in Florida, Mississippi, and Alabama to transport an additional 272,000 million British thermal units per day of natural gas to two private power companies, two municipal utilities, two industrial customers, two natural gas marketers and one local distribution company. See tables 1 and 2 for a listing of project facilities. The FGT Phase IV Expansion Project would also include block valves and blowdown valves. The locations of these facilities have not yet been determined.

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Several nonjurisdictional facilities would be constructed in Florida as a result of the FGT Phase IV Expansion Project. These nonjurisdictional facilities include expansion of equipment and technology resulting from fuel conversion of oil to natural gas at Florida Power and Light Company's

Ft. Myers plant in Lee County, construction of the Duke Energy—New Smyrna Beach Power Project in Volusia County, and a meter station to be constructed by Peoples Gas System in Lee County. We have made a preliminary decision to not address the impacts of the nonjurisdictional

facilities. We will describe their location and status in the Draft EIS.

The general location of the project facilities is shown in appendix 3. If you are interested in obtaining detailed maps of a specific portion of the project, write to the Office of External Affairs and include the form in appendix 5.

TABLE 1.—PROPOSED PIPELINES FOR THE FGT PHASE IV EXPANSION PROJECT

| Segment name | Pipeline diameter (inches) | County, State | Mileposts | | Segment length (miles) |
|--|----------------------------|------------------------|-----------|-------|------------------------|
| | | | Begin | End | |
| Mainline: | | | | | |
| Mainline Loop Extension | 36 | George, MS | 152.7 | 156.6 | 9.3 |
| | | Greene, MS | 156.6 | 162.0 | |
| Mainline Loop Downstream of the West Leg. | 30 | Suwannee, FL | 515.3 | 518.9 | 5.5 |
| | | Columbia, FL | 518.9 | 520.8 | |
| Mainline Loop Downstream of Compressor Station 16. | 30 | Bradford, FL | 548.1 | 562.1 | 14.0 |
| Mainline Loop Downstream of Compressor Station 17. | 30 | Marion, FL | 607.9 | 613.9 | |
| New Lateral | | | | | |
| New Smyrna Beach—Duke Energy lateral. | 16 | Lake, FL | 0.0 | 8.2 | 45.82 |
| | | Seminole, FL | 8.2 | 15.5 | |
| | | Volusia, FL | 15.5 | 45.82 | |
| Lateral Loops and Extension: | | | | | |
| Sarasota Lateral Loop | 12 | Manatee, FL | 69.53 | 73.62 | 4.09 |
| Lake Wales Lateral Loop Extension .. | 6 | Polk, FL | 2.5 | 3.4 | 0.9 |
| Tampa South Lateral Extension | 4 | Hillsborough, FL | 16.53 | 22.15 | 5.62 |
| Mainline: | | | | | |
| West Leg Extension | 30 | Hillsborough, FL | 0.0 | 22.0 | 75.6 |
| | | Polk, FL | 22.0 | 36.0 | |
| | | Hardee, FL | | 36.0 | |
| | | DeSoto, FL | | 61.3 | |
| | | | | 61.3 | |
| | | | | 75.6 | |
| | 26 | De Soto, FL | 75.6 | 88.4 | |
| | | Charlotte, FL | 88.4 | 107.0 | 38.0 |
| | | Lee, FL | 107.0 | 113.6 | |
| Total | | | | | 204.83 |

TABLE 2.—ABOVEGROUND FACILITIES FOR THE FGT PHASE IV EXPANSION PROJECT

| Facility | New horsepower | Horsepower addition | Milepost | County, State | Comments |
|--|----------------|---------------------|----------|---------------------|--|
| Compressor Stations: | | | | | |
| 11A | N/A | N/A | 190.8 | Mobile, AL | Restage two compressor units and add a gas scrubber and gas cooler at existing compressor station. |
| 12A | | 10,350 | 260.2 | Santa Rosa, FL ... | Existing compressor station. |
| 13A | | 10,350 | 324.0 | Washington, FL ... | Existing compressor station. |
| 14A | | 10,350 | 394.7 | Gadsden, FL | Existing compressor station. |
| 15A | N/A | N/A | 468.7 | Taylor, FL | Restage one compressor unit at existing compressor station. |
| 24 | 10,350 | | 25.3 | Gilchrist, FL | New compressor station. |
| 26 | | 7,170 | 89.8 | Citrus, FL | Existing compressor station. |
| Meter Stations: | | | | | |
| Duke Energy | N/A | N/A | 45.82 | Volusia, FL | Located at end of the New Smyrna Beach—Duke Energy Lateral. |
| National Gypsum | N/A | N/A | 22.15 | Hillsborough, FL .. | Located at the end of the Tampa South Lateral Extension. |
| FPL Ft. Myers | N/A | N/A | 113.6 | Lee, FL | Located at the end of the West Leg Extension. |
| Associated Pipeline Facilities: | | | | | |
| Crossover | N/A | N/A | 28.3 | Polk, FL | Crossover from the proposed West Leg Extension to the existing Agricola Lateral. |
| Agricola Lateral Interconnect | N/A | N/A | 28.3 | Polk, FL | Located at the intersection of the proposed West Leg Extension and the existing Agricola Lateral. |

TABLE 2.—ABOVEGROUND FACILITIES FOR THE FGT PHASE IV EXPANSION PROJECT—Continued

| Facility | New horse-power | Horsepower addition | Milepost | County, State | Comments |
|--|-----------------|---------------------|----------|----------------|---|
| Sarasota Lateral Regulator Station/Interconnect. | N/A | N/A | 28.3 | Polk, FL | Located at the intersection of the proposed West Leg Extension and the existing Sarasota Lateral. |
| Tap Valve and Tie-in pipeline | N/A | N/A | 111.39 | Lee, FL | Located near the end of the proposed West Leg Extension to deliver gas to the TECO-PGS Ft. Myers Meter Station. |

N/A=not applicable

Land Requirements for Construction

The pipeline route is adjacent to existing rights-of-way for approximately 92 percent of its length. Where possible, FGT's right-of-way would overlap its existing rights-of-way as much as 75 feet during construction to minimize impacts. Table 3 lists the construction and permanent right-of-way widths for each pipeline segment.

Construction of the FGT Phase IV Expansion Project would affect a total of about 2,499 acres of land including 2,475 acres required for pipeline construction and extra workspace and 24 acres for construction of the aboveground facilities. Locations of contractor yards, pipe storage yards, and access roads have not been determined. All these acreage figures are subject to change. Total land requirements for the permanent right-of-way would be about

1,275 acres. An additional 24 acres for the operation of the new aboveground facilities would be required. The remaining 1,200 acres of land affected by construction would be restored and allowed to revert to its former use.

The EIS process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public

comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Land use.
- Cultural resources.
- Air quality and noise.

TABLE 3.—RIGHT-OF-WAY (ROW) WIDTHS FOR THE FGT PHASE IV EXPANSION PROJECT

| Facility | Construction row (feet) | Permanent row (feet) | New permanent row (feet) | Construction row overlap with existing FGT row (feet) |
|--|-------------------------|----------------------|----------------------------|---|
| Mainline: | | | | |
| Mainline Loop Extension | 110 | 40 | 15 | 75 |
| Mainline Loop Downstream of the West Leg | 110 | 40 | 15 | 75 |
| Mainline Loop Downstream of Compressor Station 16. | 110 | 40 | 15 | 75 |
| Mainline Loop Downstream of Compressor Station 17. | 110 | 40 | 15 | 75 |
| New Lateral: | | | | |
| New Smyrna Beach—Duke Energy Lateral | 75 | 30 | 0 to 30 ^a | 30 ^b |
| Lateral Loop and Extension | | | | |
| Sarasota Lateral Loop | 75 | 30 | 0 | 30 |
| Lake Wales Lateral Loop Extension | 60 | 40 | 0 | Varies. |
| Tampa South Lateral Extension | 45 to 50 | 30 | 30 | Not applicable. |
| Mainline: | | | | |
| West Leg Extension | 100 ^b | 50 | 50 | Not applicable. |

^aFGT would require no new permanent right-of-way when paralleling the Sanford Lateral and 30 feet of new permanent right-of-way when not paralleling the Sanford Lateral.

^bFGT would use a 75-foot wide construction right-of-way in wetlands.

- Endangered and threatened species.
- Public safety.
- Hazardous waste.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues that we

think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by FGT. These issues are listed below. This is a preliminary list of issues and may be changed based on your comments and

our analysis. Currently identified environmental issues for the FGT Phase IV Expansion Project include:

- Potential for sinkhole formation and flooding;
- Construction through or along the edge of active or inactive surface mines;
- Effect of construction on 85 perennial waterbody crossings, including 19 waterbodies 100 feet wide or greater;
- Erosion control and potential for sediment transport to waterbodies and wetlands;
- Effect of construction on groundwater and surface water supplies;
- Effect of construction on 208 wetland crossings, including about 70 acres of permanent alteration of wetlands;
- Clearing of about 718 acres of forest;
- Effect on wildlife, fisheries and rare plant habitats;
- Impacts on 11 federally endangered and threatened species including the bald eagle, Britton's beargrass, eastern indigo snake, Florida bonamia, Florida scrub jay, gopher tortoise, pigeon-wing, red-cockaded woodpecker, sand skink, West Indian manatee, and wood stork;
- Effect on historic and prehistoric archaeological sites and historic structures;
- Impact on about 175 residences potentially within 50 feet of the construction right-of-way;
- Potentially contaminated sites may be crossed by the pipeline;
- Effect on public lands and special use areas including the Ocala National Forest, the Seminole State Forest, the Hell Ranch, Lake Manatee State Recreation Area, Wekiva Aquatic Preserve, Medard Park and Bicentennial Conservation Park;

- Crossing the Wekiva River, a designated Wild and Scenic River, and an Outstanding Florida Water;
- Consistency with local land use plans and zoning;
- Visual effect of aboveground facilities on surrounding areas;
- Effect on local air quality and noise environment as a result of compressor station operations; and
- Assessment of the combined effect of the proposed project with other projects, including other natural gas pipelines, which have been or may be proposed in the same region and similar time frames.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received and will be used by the Commission in its decision-making process to determine whether to approve the project.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Public Participation and Scoping Meetings

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE, Room 1A, Washington, DC 20426.

- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.2;
- Reference Docket No. CP99-94-000;
- Mail your comments so that they will be received in Washington, DC on or before March 26, 1999.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The locations and times for these meetings are listed below.

Schedule of Public Scoping Meetings for the FGT Phase IV Expansion Project Environmental Impact Statement

| Date | Time | Location |
|----------------------|---------------|---|
| March 15, 1999 | 7:00 pm | Sheraton Hotel, 2900 SW 13th Street, Gainesville, Florida, (352) 377-4000. |
| March 16, 1999 | 7:00 pm | Holiday Inn, 350 E. International Speedway Blvd. De Land, Florida, (904) 738-5200. |
| March 17, 1999 | 7:00 pm | Holiday Inn Select, 13051 Bell Tower Drive, Fort Myers, Florida, (941) 482-2900. |
| March 18, 1999 | 7:00 pm | Carver Recreation Center, 520 South Idlewood Avenue, Bartow, Florida, (941) 534-0161. |

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. FGT representatives will be present at the scoping meetings to describe their proposal. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of each meeting

will be made so that your comments will be accurately recorded.

On the dates of the meetings, the staff will also be visiting some project areas. Anyone interested in participating in a site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor

must provide 14 copies of its filing to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file later interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. As details of the project become established, representatives of FGT may also separately contact landowners, communities, and public agencies concerning project matters, including acquisition of permits and rights-of-way.

All commentors will be retained on our mailing list. If you do not want to send comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, you must return the Information Request (appendix 5). If you do not send comments or return the Information Request, you will be taken off the mailing list.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222. Access to the tests of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the "CIPS" link. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

David P. Boergers,

Secretary.

[FR Doc. 99-5050 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Action Acquiring Lands to Satisfy License Conditions, Soliciting Comments, Motions to Intervene, and Protests

February 24, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Notice of Action Acquiring Lands to Satisfy Articles 417 and 418.

b. *Project No.:* 1417-056 and -057.

c. *Date Filed:* February 5, 1999.

d. *Applicant:* Central Nebraska Public Power and Irrigation District.

e. *Name of Project:* Kingsley Dam Hydroelectric Project.

f. *Location:* The hydroelectric project is on the North Platte and Platte Rivers in Garden, Keith, Lincoln, Dawson, and Gosper counties in south-central Nebraska. The project does not use federal or tribal lands.

g. *Filed Pursuant to:* Articles 417 and 418.

h. *Applicant Contact:* Jay Maher, Central Nebraska Public Power and Irrigation District, 415 Lincoln Street, Holdrege, NE 68949.

i. *FERC Contact:* For more information on this notice, please contact Steve Hocking, e-mail address: Steve.Hocking@ferc.fed.us, or telephone 202-219-2656.

j. *Deadline for filing comments and or motions:* March 26, 1999. Please include the project number (1417-056 and -057) on any comments or motions filed.

k. *Description of Application:* Central Nebraska Public Power and Irrigation District (licensee) filed notice of its action acquiring about 4,037 acres of land on the Platte River known as Jeffrey Island between Lexington and Kearney, Nebraska. The licensee has entered into a lease/purchase agreement to acquire the lands and satisfy the requirements of articles 417 and 418 of its license for the Kingsley Dam Hydroelectric Project. These lands will be managed under a land management plan (to be developed later) to improve habitat for whooping cranes, piping plovers, least terns, sandhill cranes and other wildlife.

1. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be

viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title **COMMENTS, RECOMMENDATIONS FOR TERMS AND CONDITIONS, PROTEST, OR MOTION TO INTERVENE**, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5051 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Request for Extension of Time To Commence Project Construction**

February 24, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Request for Extension of Time To Commence Project Construction.
- b. Project No.: 3701-028.
- c. Date Filed: January 28, 1999.
- d. Applicant: Yakima-Tieton Irrigation District.
- e. Name of Project: Tieton Dam Hydroelectric Project.
- f. Location: The proposed project would be located at the Bureau of Reclamation's Tieton Dam and Reservoir on the Tieton River, in Yakima County, Washington. The Bureau's dam and reservoir and a portion of the project's proposed transmission line occupy U.S. Forest Service lands.
- g. Filed Pursuant to: Public Law 104-244.
- h. Applicant Contact: Richard Dieker, Secretary/Manager, Yakima-Tieton Irrigation District, Tieton Headquarters, 470 Camp 4 Road, Yakima, WA 98908, (509) 678-4101.
- i. FERC Contact: Any questions about this notice should be directed to Mr. Lynn R. Miles, at Lynn.Miles@FERC.FED.US, or (202) 219-2671.

j. Deadline for filing comments and/or motions: March 31, 1999. Please include the Project number (3701-028) on any comments or motions filed.

k. Description of Request: The licensee has requested that the deadline for commencement of project construction be extended for two years. The deadline to commence project construction for FERC Project No. 3701 would be extended to May 31, 2001. The deadline for completion of construction would be extended to May 31, 2005.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-5052 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Revised Exhibit G and Soliciting Comments, Motions to Intervene, and Protests**

February 24, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Revised Exhibit G Drawings.
- b. Project No.: 6641-029.
- c. Dated Filed: February 8, 1999.
- d. Applicant: City of Marion, Kentucky, and Smithland Hydroelectric Partners.

e. Name of Project: Smithland Lock and Dam Project.

f. Location: On the Ohio River in Livingston County, Kentucky. The project will affect federal lands at the U.S. Army Corps of Engineers' Smithland Lock and Dam.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

h. Applicant Contact: Mr. James Price, 120 Calumet Court, Aiken, SC 29803 (803) 642-2749.

i. FERC Contact: Any questions on this notice should be addressed to Paul Shannon at paul.shannon@ferc.fed.us or 202-219-2866.

j. Deadline for filing comments and/or motions: April 5, 1999. Please include the project number (6641-029) on any comments or motions filed.

k. Description of Filing: The City of Marion, Kentucky, and Smithland Hydroelectric Partners filed revised exhibit G drawings showing the proposed project boundary and alignment of the transmission line for the Smithland Lock and Dam Project. The alignment of the transmission line is similar to the alignment described in the application for license. The license application indicates the project's transmission line would extend from the dam to an existing TVA 161-kV line which leads to the Marshall substation. The licensees now propose to extend the project's transmission line directly to the Marshall substation by constructing a new line adjacent to the existing TVA line within the existing TVA right-of-way.

l. Locations of the application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 99-5054 Filed 3-1-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 23, 1999, 64 FR 8810.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 24, 1999, 10:00 a.m.

CHANGE IN THE MEETING: The following Company has been added on the Agenda scheduled for the February 24, 1999 meeting.

Item No.: CAE-21

Docket No. and Company: EL99-977-000, United Illuminating Company and Wisvest-Connecticut, L.L.C.

David P. Boergers,
Secretary.

[FR Doc. 99-5192 Filed 2-26-99; 11:55 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6305-6]

Environmental Enforcement and Compliance Assurance Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance (OECA) requests comments on its current efforts to protect public health and the environment through its national compliance and enforcement program and to solicit ideas on how it can further improve public health and the environment through new compliance and enforcement initiatives.

DATES: Written comments must be received by EPA on or before April 16, 1999.

ADDRESSES: Comments should be submitted in writing to the Enforcement and Compliance Docket and Information Center (2201A), Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460 or via electronic mail to docket.oeca@epamail.epa.gov. Interested parties may obtain copies of “Protecting Your Health and the Environment Through Innovative Approaches to Compliance—Highlights from the Past 5 Years” as well as summaries of conference discussions (available in late March) through the OECA website at <http://www.epa.gov/oeca/polguid/oeca5sum.html> or by contacting the Enforcement and Compliance Docket and Information Center at 202-564-2614 or 202-564-2119.

FOR FURTHER INFORMATION CONTACT: Peter Rosenberg (202-564-2611), Office of Enforcement and Compliance Assurance, Enforcement Capacity and Outreach Office (2201A), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: In late 1994, EPA reorganized its enforcement and compliance operations to improve their effectiveness in ensuring compliance with national environmental laws. Along with recognition that maintaining a strong enforcement presence is an important means of deterring potential violators, the reorganization reflects a belief in the value of complementary approaches in achieving compliance with public health and environmental laws. Enforcement functions were

consolidated in a single office (OECA) to ensure an efficient and effective media-specific and multi-media enforcement program. Major new compliance assistance programs were put in place to foster compliance with public health and environmental assistance laws. OECA has invested a considerable amount of its time and resources in new programs and policies to achieve its vision of a strong, integrated enforcement and compliance assurance program. An array of new tools has been developed that are designed to promote compliance with the Nation's environmental laws. Among these initiatives are EPA's nine compliance assistance centers that provide industrial sector-based assistance to small businesses and others seeking to comply with the law, its Small Business Policy and a similar self-audit policy for all companies which provide incentives for discovery of violations and prompt disclosure and correction, and the National Performance Measures Strategy, a new approach toward measuring compliance and related environmental benefits. These efforts have benefitted tremendously from extensive involvement of Americans from all walks of life—State, Tribal and local governments, businesses, professional groups, academia and citizens.

OECA is interested in the views of its various stakeholders on the actions it has taken over the past five years to make its enforcement and compliance programs more effective and to solicit ideas on how it can further improve public health and the environment through compliance assurance efforts. On January 26, 1999 and on February 3, 1999, OECA hosted conferences entitled “Protecting Public Health and the Environment Through Innovative Approaches to Compliance” in Washington, D. C. and in San Francisco, CA., respectively. In addition to a plenary roundtable discussion on how well OECA's innovative compliance and enforcement approaches have been working, participants representing the broad range of stakeholders gathered in small group discussions to address specific questions related to compliance assistance, information and accountability, compliance incentives, and innovative approaches to enforcement. In addition to the ideas offered during these conferences, OECA is interested in obtaining written comments from other stakeholders on the topics and key questions posed at the conferences. Upon receipt and consideration of the comments offered, OECA plans to issue a report,

summarizing the comments received and actions it intends to take in response.

Compliance Assistance

Small Business Compliance Challenges and Approaches to Promoting Compliance

- Is EPA developing the types of compliance assistance tools and compliance and enforcement policies that small businesses need?
- What additional activities should EPA undertake to promote compliance by small businesses?

Appropriate Roles of the States, Tribes, Localities and the Federal Government With Regard to Providing Compliance Assistance

- What should be the relative role of the Federal government, States, Tribes, localities and the private sector, with regard to providing compliance assistance? On what activities should their efforts be focused?
- What should be EPA's role with regard to providing compliance assistance? Where should Federal efforts be focused?

Integrated Compliance Assistance and Enforcement Approaches

- What types of compliance strategies are most effective for small businesses?

Information and Accountability

Making Valuable Enforcement and Compliance Information Publicly Available

- What enforcement and compliance assurance information is useful and valuable to the public? Who is in a position to provide the information? What is it about this information that makes it valuable?
- What are the most appropriate means for making valuable information publicly available?
- Given that much of EPA's information originates from external sources (e.g. states and regulated community), how can we best ensure the quality of the information?

Compliance Incentives

Compliance Incentives For Top Performers in the Field: What's the Right Mix of Elements of Incentives to Encourage Top Performers?

- Who is a top performer?
- Should rewards, recognition, or other special treatment be given to top performers?
- If so, what incentives should be conferred for what behaviors?

Encouraging Self-Evaluation and Correction

- How has EPA's principal compliance incentive, the Audit/Self-Policing Policy, worked over the three years it has been in place?
- How can it be improved?

Inspections and Enforcement as Compliance Motivators

- What influences or motivates companies to improve compliance and overall environmental performance? What specific actions or programs would you suggest be adopted by government to motivate companies to comply?

- How can EPA and the States use the full range of tools available, including inspections, enforcement, compliance assistance and compliance incentives, to maximize compliance with environmental requirements and foster improved environmental performance?

Innovative Approaches to Enforcement

- How effective are EPA enforcement policies in assuring a fair and reasonably consistent response to violations that are either self-disclosed, or discovered through traditional enforcement actions?
- How important is deterrence to compliance?
- What role should enforcement play in securing compliance with high-risk violations like wet weather discharges, and failure to permit and control air pollutants and RCRA wastes?
- Do EPA settlement policies obtain the maximum environmental benefit, consistent with fair treatment of defendants and maintaining deterrence?
- How can EPA better educate the regulated community as to how to avoid common types of violations?
- How should EPA best integrate compliance assistance, incentives, and enforcement actions into one coherent strategy? Are incentive and assistance programs more effective when combined with the perceived risk of enforcement actions?

Dated: February 19, 1999.

Sylvia Lowrance,

Principal Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 99-4970 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6237-4]

Southeastern Wood Preserving Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) proposes to enter into a cost recovery settlement pursuant to section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1) with the Madison County Mississippi Economic Development Authority. This administrative settlement would resolve the settling party's liability for past response costs incurred by EPA at the Southeastern Wood Preserving Superfund Site. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Bachelor, Waste Management Division, U.S. EPA Region 4, 61 Forsyth Street, Atlanta, GA 30303, (404) 562-8887.

Written comments may be submitted to Ms. Bachelor within 30 calendar days of the date of publication.

Dated: February 16, 1999.

Franklin E. Hill,

Chief, Program Services Branch, Waste Management Division.

[FR Doc. 99-5104 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6237-3]

Sun Laboratories SuperFund Site/ Atlanta, Georgia; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the

Sun Laboratories Site (Site) located in Atlanta, Georgia, with Nasaro Incorporated and Yoram Fishman. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Program Services Branch, Waste Management Division, 61 Forsyth

Street, S.W., Atlanta, Georgia 30303, (404) 562-8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: February 16, 1999.

Franklin E. Hill,

Program Services Branch.

[FR Doc. 99-5105 Filed 3-1-99; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

February 25, 1999.

Deletion of Agenda Items From February 25th Open Meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the February 25, 1999, Open Meeting and previously listed in the Commission's Notice of February 18, 1999. Items 1, 4 and 5 have been adopted by the Commission.

| Item No. | Bureau | Subject |
|----------|-----------------------------|---|
| 1 | Common Carrier | Title: Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services (CC Docket No. 95-20); and 1998 Biennial Regulatory Review—Review of Computer III and ONA Safeguards and Requirements (CC Docket No. 98-10). Summary: The Commission will consider action concerning its Computer III requirements. |
| 2 | Common Carrier | Title: Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96-115). Summary: The Commission will consider rules regarding carrier provision of subscriber list information to directory publishers. |
| 4 | Common Carrier | Title: Defining Primary Lines (CC Docket No. 97-181). Summary: The Commission will consider action to define "primary residential line" and "single line business line" as those terms relate to subscriber line charges and presubscribed interexchange carrier charges. |
| 5 | Common Carrier | Title: Continuing Property Records Audits. Summary: The Commission will consider action relating to audits of continuing property records. |
| 7 | Wireless Telecommunications | Title: Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (RM-9332); and Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz. Summary: The Commission will consider action concerning the Balanced Budget Act of 1997. |

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-5277 Filed 2-26-99; 3:52 pm]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202-007690-025

Title: The India, Pakistan, Bangladesh, Ceylon and Burma Outward Freight Conference

Parties:

The Bangladesh Shipping Corporation
The Shipping Corporation of India, Ltd.

Waterman Isthmian Line

Synopsis: The proposed amendment would expand the geographic scope of the Agreement to include Pacific Coast ports of the United States and also inland interior U.S. points. It also updates the Agreement's text, changing references to Ceylon to reflect that nation's present name, Sri Lanka.

Agreement No.: 202-008650-019

Title: The Calcutta, East Coast of India and Bangladesh/U.S.A. Conference Agreement

Parties:

The Bangladesh Shipping Corporation
The Shipping Corporation of India, Ltd.

Waterman Isthmian Line

Synopsis: The proposed amendment would expand the geographic scope of the Agreement to include Pacific Coast ports of the United States and also inland interior U.S. points. The amendment also includes a non-substantive, administrative change.

Agreement No.: 202-010689-081

Title: Transpacific Westbound Rate Agreement

Parties:

A.P. Moller-Maersk Line
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.

Synopsis: The proposed modification revises Article 5(b) of the Agreement to provide for flexibility in the way the members' traffics are published.

Agreement No.: 202-010776-111

Title: Asia North America Eastbound Rate Agreement

Parties:

A.P. Moller-Maersk Line
American President Lines

APL Co. PTE Ltd.
Hapag-Lloyd Container Linie GmbH
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
P&O Nedlloyd B.V.
P&O Nedlloyd Limited
Sea-Land Service, Inc.

Synopsis: The proposed modification revises Article 5.1(d) of the Agreement to provide for flexibility in the way the members' tariffs are published.

Agreement No.: 203-011325-018

Title: Westbound Transpacific Stabilization Agreement

Parties:

American President Lines, Ltd.
China Ocean Shipping (Group) Co.
Evergreen Marine Corp. (Taiwan) Ltd.
Hanjin Shipping Co., Ltd.
Hapag-Lloyd Container Linie GmbH
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
P&O Nedlloyd Limited
P&O Nedlloyd B.V.
Sea-Land Service, Inc.

Synopsis: The proposed modification provides that any party may enter into individual service contracts in the agreement trade and authorizes any two or more parties to negotiate and enter into joint service contracts, to become effective on or after May 1, 1999, with one or more shippers. The modification would also authorize adoption of voluntary contracting guidelines.

Agreement No.: 202-011579-004

Title: Inland Shipping Service Association

Parties:

Crowley American Transport, Inc.
Dole Ocean Liner Express
King Ocean
A.P. Moller-Maersk Line
Sea-Land Service, Inc.
Seaboard Marine, Ltd.
Seaboard Marine of Florida, Inc.

Synopsis: The proposed agreement amendment adds an admission fee of \$12,000 for any new member admitted after April 8, 1999.

Agreement No.: 217-011651

Title: The Maersk/Samskip Space Charter and Sailing Agreement

Parties:

A.P. Moller-Maersk Line ("Maersk")
Samskip Incorporated ("Samskip")

Synopsis: The proposed Agreement would permit Maersk to charter space aboard its vessels to Samskip on an "as needed" basis in the trade

between United States Atlantic and California ports and ports in the United Kingdom, France, Germany, Belgium, the Netherlands, and Scandinavia.

Dated: February 25, 1999.

By Order of the Federal Maritime Commission.

Bryant VanBrakle,

Secretary.

[FR Doc. 99-5083 Filed 3-1-99; 8:45 am]

BILLING CODE 6730-01-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.

International Freight Forwarding, 10734
Russett Avenue, Sunland, CA 91040,
Jose G. Otero, Sole Proprietor
Green Peace Shipping Lines, LLC, 20162
Highway 18, Suite G-260, Apple
Valley, CA 92307, Officers: Monwar
Hussain, President, M.D. Najmul
Huda, Director

Dated: February 25, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99-5082 Filed 3-1-99; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the

Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 26, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer)
230 South LaSalle Street, Chicago,
Illinois 60690-1413:

1. *Capitol Bancorp, Ltd.*, Lansing, Michigan, and Sun Community Bancorp Limited, Phoenix, Arizona; to acquire 51 percent of the voting shares of East Valley Community Bank, Chandler, Arizona.

Board of Governors of the Federal Reserve System, February 24, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-5062 Filed 3-1-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (FTC) has submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act information collection requirements contained in its Appliance Labeling Rule ("Rule"), promulgated pursuant to the Energy Policy and Conservation Act of 1975 ("EPCA"). OMB provisionally extended the expiration for clearance from September 30, 1998 to March 31, 1999. The FTC proposes that OMB extend its approval for the Rule an additional three years from the prior expiration date of September 30, 1998.

DATES: Comments must be submitted on or before April 1, 1999.

ADDRESSES: Send written comments to: Secretary, Federal Trade Commission,

Room H-159, 600 Pennsylvania Ave., NW, Washington, D.C. 20580. All comments should be identified as responding to this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to James Mills, Attorney, Bureau of Consumer Protection, Division of Enforcement, Room 4616, Federal Trade Commission, 601 Pennsylvania Ave., NW, Washington, D.C. 20580 (202-326-3035).

SUPPLEMENTARY INFORMATION: The FTC has submitted a request to OMB to extend the existing clearance to collect information associated with the Appliance Labeling Rule. A Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on December 29, 1998 (63 FR 71645). No comments were received.

Description of the collection of information and proposed use: The Rule requires manufacturers of major household appliances (refrigerators, freezers, water heaters, clothes washers, dishwashers, window air conditioners, furnaces, central air conditions, and heat pumps) to disclose energy consumption and water usage data relating to those appliances. The Rule establishes testing, reporting, recordkeeping, and labeling requirements for these disclosures. The Rule's testing and disclosure requirements enable consumers purchasing appliances to compare the

energy use of efficiency of competing models. In addition, EPCA and the Rule require manufacturers to submit relevant data to the Commission regarding energy or water usage in connection with the products they manufacture. The Commission uses this data to compile the ranges of comparability for covered appliances for publication in the **Federal Register**. The Commission may use submissions, along with required records for testing data, for comparison purposes in enforcement actions involving alleged misstatements on labels or in advertisements.

Estimated annual hours burden: Section 324 of EPCA and the Commission's Rule impose burdens for testing (620,713 hours); reporting (1,178 hours); recordkeeping (789 hours); labeling (91,735 hours); and retail catalog disclosures (*de minimis*). The total burden for these activities is 715,000 hours (rounded).

The following estimates of the time needed to comply with the requirements of the Rule are based on census data, Department of Energy figures and estimates, general knowledge of manufacturing practices, and trade association advice and figures. Because the burden of compliance falls almost entirely on manufacturers and importers (with a *de minimis* burden relating to retailers), burden estimates are calculated on the basis of the number of domestic manufacturers and/or the number of units shipped domestically in the various product categories.

A. Testing

Under the Rule, manufacturers of covered products must test each basic model they produce to determine energy usage (or, in the case of plumbing fixtures, water consumption). The burden imposed by this requirement is determined by the number of basic models produced, the average number of units tested per model, and the number of hours required to conduct the applicable test. The figures for numbers of basic models that staff received from the industry represent all of the basic models in a given product category.

Manufacturers need not subject each basic model to testing annually; they must retest only if the product design changes in such a way as to affect energy consumption. However, industry representatives state that manufacturers generally test each model at least once a year. Staff have conservatively assumed that this annual testing means all basic models were either replaced or subject to design changes during the year that necessitated testing under the Rule. The burden estimates in this Notice, which assume annual testing for all models, are accordingly conservative and likely are somewhat overstated to the extent manufacturers are actually carrying out annual tests for reasons unrelated to the Rule. The testing burden for the different categories of products covered by the Rule is estimated as follows:

| Category of manufacturer | Number of basic models | Avg. number of units tested per model | Hours per unit tested | Total annual testing burden hours |
|--|------------------------|---------------------------------------|-----------------------|-----------------------------------|
| Refrigerators, Refrigerator-freezers, and Freezers | 360 | 2 | 4 | 2,880 |
| Dishwashers | 78 | 2 | 1 | 156 |
| Clothes washers | 150 | 2 | 2 | 600 |
| Water heaters | 650 | 2 | 24 | 31,200 |
| Room air conditioners | 520 | 2 | 8 | 8,320 |
| Furnaces | 1,900 | 2 | 8 | 30,400 |
| Central A/C | 1,095 | 2 | 24 | 52,560 |
| Heat pumps | 831 | 2 | 72 | 119,664 |
| Pool heaters | 75 | 2 | 12 | 1,800 |
| Fluorescent lamp ballasts | 975 | 4 | 3 | 11,700 |
| Lamp products | 2,100 | 12 | 14 | 352,800 |
| Plumbing fittings | 1,700 | 2 | 2 | 6,800 |
| Plumbing fixtures | 22,000 | 1 | .0833 | 1,833 |
| | | | | 620,713 |

B. Reporting

Reporting burden estimates are based on information from industry representatives. Manufacturers of some products, such as appliances and HVAC equipment (furnaces, boilers, central air conditioners, and heat pumps), indicate that, for them, the reporting burden is

best measured by the estimated time required to report on each model manufactured, while others, such as makers of fluorescent lamp ballasts and lamp products, state that an estimated number of annual burden hours by manufacturer is a more meaningful way to measure. The figures below reflect

these different methodologies as well as the varied burden hour estimates provided to staff by manufacturers of the different product categories that use the latter methodology.

Appliances, HVAC Equipment, and Pool Heaters

Staff estimate that the average reporting burden for these manufacturers is approximately two minutes per basic model. Based on this estimate, multiplied by a total of 5,659 basic models of these products, the annual reporting burden for the

appliance, HVAC equipment, and pool heater industry is an estimated 188 hours (2 minutes × 5,659 models ÷ 60 minutes per hour).

Fluorescent Lamp Ballasts, Lamp Products, and Plumbing Fixtures

The total annual reporting burden for manufacturers of fluorescent lamp

ballasts, lamp products, and plumbing fixtures is based on the estimated average annual burden for each category of manufacturers, multiplied by the number of manufacturers in each respective category, as shown below:

| Category of manufacturer | Annual burden hours per manufacturer | Number of manufacturers | Total annual reporting burden hours |
|--------------------------------|--------------------------------------|-------------------------|-------------------------------------|
| Fluorescent lamp ballast | 6 | 20 | 120 |
| Lamp products | 15 | 50 | 750 |
| Plumbing fixtures | 1 | 120 | 120 |

Total Reporting Burden Hours

The total reporting burden for industries covered by the Rule is 1,178 hours annually (188+120+750+120).

C. Recordkeeping

EPCA and the Commission's Rule require manufacturers to keep records of the test data generated in performing the tests to derive information included on labels and required by the Rule. As in Section B., above, burden is calculated by number of models for appliances, HVAC equipment, and pool heaters, and by number of manufacturers for

fluorescent lamp ballasts, lamp products, and plumbing fixtures.

Appliances, HVAC Equipment, and Pool Heaters

The recordkeeping burden for manufacturers of appliances, HVAC equipment, and pool heaters varies directly with the number of tests performed. The total number of tests performed for these product categories, based on the number of basic models within each category and the average number of units tested per model, is 11,318. Staff estimate total recordkeeping burden of approximately 189 hours for these manufacturers,

based on an estimated average of one minute per record stored (whether in electronic or paper format), multiplied by 11,318 tests performed annually (1 × 11,318 ÷ 60 minutes per hour).

Fluorescent Lamp Ballasts, Lamp Products, and Plumbing Fixtures

The total annual recordkeeping burden for manufacturers of fluorescent lamp ballasts, lamp products, and plumbing fixtures is based on the estimated average annual burden for each category of manufacturers (derived from industry sources), multiplied by the number of manufacturers in each respective category, as shown below:

| Category of manufacturer | Annual burden hours per manufacturer | Number of manufacturers | Total annual recordkeeping burden hours |
|---------------------------------|--------------------------------------|-------------------------|---|
| Fluorescent lamp ballasts | 2 | 20 | 40 |
| Lamp products | 10 | 50 | 500 |
| Plumbing fixtures | .5 | 120 | 60 |

Total Recordkeeping Burden Hours

The total recordkeeping burden for industries covered by the Rule is 789 hours annually (189+40+500+60).

D. Labeling

EPCA and the Rule require that manufacturers of covered products provide certain information to consumers, through labels, fact sheets, or permanent markings on the products. The burden imposed by this requirement consists of (1) the time needed to prepare the information to be provided, and (2) the time needed to provide it, in whatever form, with the products. The applicable burden for each category of products is described below:

Appliances, HVAC Equipment, and Pool Heaters

EPCA and the Rule specify the content, format, and specifications for the required labels, so manufacturers need only add the energy consumption figures derived from testing. In addition, most larger companies use automation to generate labels, and the labels do not change from year to year. Given these considerations, staff estimate that the time to prepare labels for appliances, HVAC equipment, and pool heaters is no more than four minutes per basic model. Thus, for appliances, HVAC equipment, and pool heaters, the approximate annual drafting burden involved in labeling is 377 hours per year [5,659 (all basic models) × four minutes (drafting time per basic model ÷ 60 (minutes per hour))]

Industry representatives and trade associations have estimated that it takes

between 4 and 8 seconds to affix each label to each product. Based on an average of six seconds per unit, the annual burden for affixing labels to appliances, HVAC equipment, and pool heaters is 74,222 hours [six (seconds) × 44,533,465 (the number of total products shipped in 1997) divided by 3,600 (seconds per hour)].

The Rule also requires that HVAC equipment manufacturers disclose energy usage information on a separate fact sheet or in an approved industry-prepared directory of products. Staff have estimated the preparation of these fact sheets requires approximately 30 minutes per basic model. Manufacturers producing at least 95 percent of the affected equipment, however, are members of trade associations that produce approved directories (in connection with their certification programs independent of the Rule) that

satisfy the fact sheet requirement. Thus, the drafting burden for fact sheets for HVAC equipment is approximately 96 hours annually [3,826 (all basic models) \times .5 hours \times .05 (proportion of equipment for which fact sheets are required)].

The Rule allows manufacturers to prepare a compendium of fact sheets for each retail establishment as long as there is a fact sheet for each basic model sold. Assuming that six HVAC manufacturers (i.e., approximately 5% of HVAC manufacturers), produce fact sheets instead of having required information shown in industry directories, and each spends approximately 16 hours per year distributing the fact sheets to retailers and in response to occasional consumer requests, the total time attributable to this activity would also be approximately 96 hours.

The total annual labeling burden for appliances, HVAC equipment, and pool heaters is 377 hours for preparation plus 74,222 hours for affixing, or 74,599 hours. The total annual fact sheet burden is 96 hours for preparation and 96 hours for distribution, or 192 hours. The total annual burden for labels and fact sheets for the appliance, HVAC, and pool heater industries is, therefore, estimated to be 74,791 hours (74,599 \times 192).

Fluorescent Lamp Ballasts

The statute and the Rule require that labels for fluorescent lamp ballasts contain an "E" within a circle. Since manufacturers label these ballasts in the ordinary course of business, the only impact of the Rule is to require manufacturers to reformat their labels to include the "E" symbol. Thus the burden imposed by the Rule for labeling fluorescent lamp ballasts is *de minimis*.

Lamp Products

The burden imposed for labeling of lamp products is also *de minimis*, for similar reasons. The Rule requires certain disclosures on packaging for lamp products. Since manufacturers were already disclosing the substantive information required under the Rule prior to its implementation, the practical effect of the Rule was to require that manufacturers redesign packaging materials to ensure they include the disclosures in the manner and form prescribed by the Rule. Because this effort is now complete, there is no ongoing labeling burden imposed by the Rule for lamp products.

Plumbing Fixtures

The statute and the Rule require that manufacturers disclose the water flow rate for plumbing fixtures. Manu-

facturers may accomplish this disclosure by attaching a label to the product, through permanent markings imprinted on the product as part of the manufacturing process, or by including the required information on packaging material for the product. While some methods might impose little or no additional incremental time burden and cost on the manufacturer, other methods (such as affixing labels) could. Thus, staff estimate an overall blended average burden associated with this disclosure requirement of one second per unit sold. Staff also estimate that there are approximately 9,000,000 covered fixtures and 52,000,000 fittings sold annually in the country. Therefore, the estimated annual burden to label plumbing fixtures is 16,944 hours [61,000,000 (units) \times 1 (seconds) \div 3,600 (seconds per hour)].

Total Burden for Labeling

The total labeling burden for all industries covered by the Rule is 91,735 hours (74,791 + 16,944) annually.

E. Retail Sales Catalogs Disclosures

The Rule requires that sellers offering covered products through retail sales catalogs (i.e., those publications from which a consumer can actually order merchandise) disclose in the catalog energy (or water) consumption for each covered product. Because this information is supplied by the product manufacturers, the burden on the retailer consists of incorporating the information into the catalog presentation.

Staff estimate that there are approximately 100 sellers who offer covered products through retail catalogs. While the Rule initially imposed a burden on catalog sellers by requiring that they draft disclosures and incorporate them into the layouts of their catalogs, catalog sellers now have substantial experience with the Rule and its requirements. Energy and water consumption information has obvious relevance to consumers, so sellers are likely to disclose much of the required information with or without the Rule. Accordingly, given the small number of catalog sellers, their experience with incorporating energy and water consumption data into their catalogs, and the likelihood that many of the required disclosures would be made in the ordinary course of business, staff believe that any burden the Rule imposes on catalog sellers is *de minimis*.

Estimated annual cost burden: \$16,479,000 (\$13,351,000 in labor costs and \$3,128,000 in non-labor costs).

Labor Costs: Staff have derived labor costs by applying appropriate estimated hourly cost figures to the burden hours described above. In calculating the cost figures, staff have estimated that test procedures are conducted by skilled technical personnel at an hourly rate of \$20.00, and that recordkeeping and reporting, as well as labeling, marking, and preparation of fact sheets, are, on average, done by clerical personnel at a rate of \$10.00 per hour.

On this basis, the total annual labor costs for the five different categories of burden under the Rule, as applied to all the products covered by the Rule, is \$13,351,000 (rounded), which is derived as follows:

1. \$12,414,260 for testing all products covered by the Rule, based on 620,713 hours [620,713 \times \$20.00 per hour].
 2. \$11,780 for complying with the reporting requirements of the Rule, based on 1,178 hours [1,178 \times \$10.00 per hour].
 3. \$7,890 for complying with the recordkeeping requirements of the Rule, based on 789 hours [789 \times \$10.00 per hour].
 4. \$917,350 for complying with the labeling, marking, and fact sheet requirements of the Rule, based on 91,735 hours [91,735 \times \$10.00 per hour].
 5. *De minimis* for retail catalog disclosures, for the reasons previously noted with respect to burden hours.
- Capital or other non-labor costs:* \$3,127,500 (\$2,500 for reporting requirements and \$3,125,000 for labeling requirements), rounded to \$3,128,000.

In considering how to estimate the capital or other non-labor costs associated with compliance with the Rule, staff have examined the five distinct burdens imposed by EPCA through the Rule—testing, reporting, recordkeeping, labeling, and retail catalog disclosures—as they affect the 11 groups of products that the Rule covers. Staff have concluded that there are no current start-up costs associated with the Rule. Manufacturers have in place the capital equipment necessary—especially equipment to measure energy and/or water usage—to comply with the Rule.

Manufacturers that submit required reports to the Commission directly (rather than through trade associations) incur some nominal costs for paper and postage. Staff estimates that these costs do not exceed \$2,500. Manufacturers must also incur the cost of procuring labels and fact sheets used in compliance with the Rule. Based on estimates of 44,533,465 units shipped

and 109,500 fact sheets prepared,¹ at an average cost of seven cents for each label or fact sheet, the total (rounded) labeling cost is \$3,125,000.

Debra A. Valentine,
General Counsel.

[FR Doc. 99-5095 Filed 3-1-99; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Governmentwide Policy Advisory Board

AGENCY: General Services
Administration.

ACTION: Advisory Committee Renewal
Notice.

Renewal of Advisory Board. This notice is published in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the renewal of the GSA Governmentwide Policy Advisory Board. The Administrator of the General Services Administration has determined that the renewal of the Board is in the public interest.

Purpose of the Advisory Board. The Board provides advice and recommendations on a broad range of policy issues dealing with the acquisition, management and disposal of Governmentwide assets within GSA's areas of responsibility. Such assets include motor vehicles, aircraft, real property, and personal property. The Board also provides advice regarding policies and guidance on such issues as the deployment of smart card technologies, electronic commerce, information technology, public participation, and intergovernmental coordination.

In addition, the Board will provide advice and recommendation on such other matters as may be assigned or delegated to GSA or the Office of Governmentwide Policy.

FOR FURTHER INFORMATION CONTACT: The Office of Governmentwide Policy is the

organization within GSA that is sponsoring this board. For additional information, contact Michael Neff, Committee Management Secretariat (MC), 1800 F Street, NW., Washington, DC 20405. The telephone number is (202) 273-3564.

David J. Barram,
Administrator.

[FR Doc. 99-5063 Filed 3-1-99; 8:45 am]

BILLING CODE 6820-34-M

OFFICE OF GOVERNMENT ETHICS

Submission for OMB Review; Comment Request: Proposed Slightly Revised OGE Form 450 Executive Branch Confidential Financial Disclosure Report

AGENCY: Office of Government Ethics
(OGE).

ACTION: Notice.

SUMMARY: The Office of Government Ethics has submitted a slightly revised version of its OGE Form 450 for confidential financial disclosure reporting under its existing executive branch regulations for review and three-year approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

DATES: Comments by the agencies and the public on this proposal are invited and should be received by April 1, 1999.

ADDRESSES: Comments should be sent to Mr. Joseph F. Lackey, Jr., Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Gressman at the Office of Government Ethics, telephone: 202-208-8000, ext. 1110; TDD: 202-208-8025; FAX: 202-208-8037. A copy of the proposed slightly revised OGE Form 450 and the rest of the OGE submission package to OMB may be obtained, without charge, by contacting Mr. Gressman.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics has submitted a proposed slightly revised version of the OGE Form 450 Executive Branch Confidential Financial Disclosure Report for three-year approval (reclearance) by OMB under the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35. The OGE Form 450 (OMB control # 3209-0006) collects information from covered department and agency officials as required under OGE's executive branchwide regulatory provisions in subpart I of 5 CFR part 2634, which underlying provisions are

also the subject of this request for paperwork approval (reclearance). The revised OGE Form 450 will serve as the uniform report form for collection, on a confidential basis, of financial information required by the OGE regulation from certain new entrant and incumbent regular and special Government employees of the Federal Government executive branch departments and agencies in order to allow ethics officials to conduct conflict of interest reviews and to resolve any actual or potential conflicts found.

The basis for the OGE regulation and the report form is two-fold. First, section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990) makes OGE responsible for the establishment of a system of nonpublic (confidential) financial disclosure by executive branch employees to complement the system of public financial disclosure under the Ethics in Government Act of 1978 (the "Ethics Act"), as amended, 5 U.S.C. appendix. Second, section 107(a) of the Ethics Act, 5 U.S.C. appendix, § 107(a), further provides authority for OGE as the supervising ethics office for the executive branch of the Federal Government to require that appropriate executive agency employees file confidential financial disclosure reports, "in such form as the supervising ethics office may prescribe." The current OGE Form 450, adopted in early 1996, together with the underlying OGE 5 CFR part 2634 regulation issued in 1992 and modified since, constitute the basic format OGE has prescribed for such confidential financial disclosure in the executive branch.

The relatively minor updating revisions OGE now proposes to make to the OGE Form 450 will bring it up-to-date and will not require any rule changes to accomplish. First, OGE proposes to make a couple of revisions to the Privacy Act and public burden information statements on page 3 of the instructions to the form. The proposed revisions include addition to the Privacy Act statement of a reference to the underlying executive branchwide Privacy Act system of records, OGE/GOVT-2, for confidential disclosure reports that OGE issued in 1990 upon its separation from the Office of Personnel Management. See 55 FR 6327-6331 (February 22, 1990). Also, the indication of routine use six for such reports in judicial or administrative proceedings would be revised to more closely track the wording of the underlying routine use "f" in the OGE/GOVT-2 records system notice. Under the public burden information statement, OGE proposes to

¹ The units shipped total is based on combined actual or estimated industry figures for 1997 across all of the product categories, except for fluorescent lamp ballasts, lamp products, and plumbing fixtures. Staff has determined that, for those product categories, there are little or no costs associated with the labeling requirements. The fact sheet estimation is based on the previously noted assumption that five percent of HVAC manufacturers produce fact sheets on their own. Based on total HVAC units shipped (8,759,907), five percent amounts to 437,995 HVAC units. Because manufacturers generally list more than one unit on a fact sheet, staff have estimated that manufacturers independently preparing them will use one sheet for every four of these 437,995 units. Thus, staff estimate that HVAC manufacturers produce approximately 109,500 fact sheets.

add express mention of the OMB control number (3209-0006) and remove the reference to OMB as an additional point of contact for information collection comments on the OGE Form 450. In accordance with current procedures, OGE will henceforth be indicated as the sole contact point for such comments, on which OGE will coordinate with OMB if need be. The Office of Government Ethics is also correcting a few minor typographical errors on the form (including the instructions) and is proposing a couple of minor stylistic edits as well. Since publication of the first round paperwork notice last October (see below), OGE has decided to make a few additional proposed editorial changes. Thus, the form will provide for a block for numbering each page. In addition, OGE is proposing to revise the caption of Part IV of the report form to read "Agreements or Arrangements", as opposed to "Agreements and Arrangements" and to make all the references on the form and instructions thereto consistent. The mark-up copy of the form as proposed for slight revision, available from OGE (see the **FOR FURTHER INFORMATION CONTACT** section above), shows all of the changes that would be made.

No substantive changes to the OGE Form 450 are being proposed at this time, though OGE does note (as also referenced on the mark-up copy of the form) that the thresholds for reporting of gifts and reimbursements in Part V of the OGE Form 450, currently \$250 from any one source with a \$100 de minimis amount, may have to be adjusted sometime later this year if the General Services Administration raises "minimal value" under the Foreign Gifts and Decorations Act, 5 U.S.C. 7342(a)(5), to more than \$250. (Currently, the minimal value is set at \$245 pursuant to 41 CFR 101-49.001-5 of GSA's regulations.) Under section 102(a)(2)(A) and (B) of the Ethics Act as amended, 5 U.S.C. appendix, § 102(a)(2)(A) and (B), the public financial disclosure reporting thresholds are pegged to any such minimal value increase. The Office of Government Ethics has, in 5 CFR 2634.304 and 2634.907(a)(3), extended the statutory thresholds to confidential financial disclosure reporting for the executive branch. If the thresholds do need to be increased, OGE will revise the OGE Form 450, and the underlying part 2634 financial disclosure regulation. (Public financial disclosure reporting would also be affected.) Moreover, OGE has requested permission from OMB to make that ministerial change to the OGE Form 450 without a further paperwork

submission, with notice to OMB. In that case, OGE will also coordinate with OMB on the amendments needed to the part 2634 regulation. In addition, OGE will advise the departments and agencies of any such change and distribute the revised form with the modified gifts/reimbursements reporting thresholds.

The Office of Government Ethics expects that the currently anticipated slightly revised form should be ready, after OMB clearance, for dissemination to executive branch departments and agencies sometime in the spring of this year. Once finally cleared, OGE will make the newly revised form available to departments and agencies in paper, on OGE's ethics CD-ROM and in the Ethics Resource Library section of the OGE Internet World Wide Web site (Uniform Resource Locator (URL) address: <http://www.usoge.gov>). In addition, when time and resources permit, OGE will endeavor to make an updated electronic version of its software for the OGE Form 450 available on the OGE Web site. This will allow employees the option of preparing their forms on a computer, although a printout and manual signature of the form are still required unless specifically approved otherwise by OGE. Moreover, OGE also permits departments and agencies to develop or utilize on their own electronic versions of the OGE Form 450, provided they precisely duplicate the paper original to the extent technically possible.

Since 1992 various agencies have developed, with OGE review/approval, alternative reporting formats, such as certificates of no conflict, for certain classes of employees. Other agencies provide for additional disclosures pursuant to independent organic statutes and in certain other circumstances when authorized by OGE. In 1997, OGE itself developed the new OGE Optional Form 450-A Confidential Certificate of No New Interests for possible agency and employee use in certain years, if applicable. However, the OGE Form 450 remains the uniform executive branch report form for most of those executive branch employees who are required by their agencies to report confidentially on their financial interests. The OGE Form 450 is to be filed by each reporting individual with the designated agency ethics official at the executive department or agency where he or she is or will be employed.

Reporting individuals are regular employees whose positions have been designated by their agency under 5 CFR 2634.904 as requiring confidential financial disclosure in order to help avoid conflicts with their assigned

responsibilities; additionally, all special Government employees (SGE) are generally required to file. Agencies may, if appropriate under the OGE regulation, exclude certain regular employees or SGEs as provided in 5 CFR 2634.905. Reports are normally required to be filed within 30 days of entering a covered position (or earlier if required by the agency concerned), and again annually in the fall if the employee serves for more than 60 days in the position. As indicated in § 2634.907 of the OGE regulation, the information required to be collected includes assets and sources of income, liabilities, outside positions, employment agreements and arrangements, and (for regular incumbent filers only) gifts and travel reimbursements, subject to certain thresholds and exclusions.

Most of the persons who file this report form are current executive branch Government employees at the time they complete the forms. However, some filers are private citizens who are asked by their prospective agency to file a new entrant report prior to entering Government service in order to permit advance checking for any potential conflicts of interest and resolution thereof by agreement to recuse or divest, obtaining of a waiver, etc.

Based on OGE's annual agency ethics program questionnaire responses for 1996 and 1997, OGE estimates that an average of approximately 281,500 OGE 450 report forms will be filed each year for the next three years throughout the executive branch. This estimate is based on the average number of forms filed branchwide for the past two years, some 286,450 in 1996 and 276,444 in 1997, for a total of 562,894, with that number then divided in half and rounded. With increased use of the recent OGE Optional Form 450-A, the number of OGE Form 450 reports filed throughout the executive branch may decrease further in the years ahead; if so, OGE will adjust the branchwide estimate in three years when it again seeks paperwork renewal of the OGE Form 450.

Of the OGE Form 450 reports filed, OGE estimates that no more than between 5% and 10%, or some 14,075 to 28,150 per year at most, will be filed by private citizens, those potential (incoming) regular employees whose positions are designated for confidential disclosure filing as well as potential special Government employees whose agencies require that they file their new entrant reports prior to assuming Government responsibilities. No termination reports are required.

Each filing is estimated to take an average of one and one-half hours. The

number of private citizens whose reports are filed each year with OGE is less than 10, but pursuant to 5 CFR 1320.3(c)(4)(i), the lower limit for this general regulatory-based requirement is set at 10 private persons (OGE-processed reports). This yields an annual reporting burden of 15 hours, the same as in OGE's current OMB inventory for this information collection. The remainder of the private citizen reports are filed with other departments and agencies throughout the executive branch.

On October 21 1998, OGE published its first round notice of the forthcoming request for paperwork clearance for the proposed revised OGE Form 450. See 63 FR 56189-56191. The Office of Government Ethics received a few outside requests, from a couple of departments and an agency, for copies of the proposed revised OGE Form 450. In addition, OGE received one comment from one of the departments regarding the Privacy Act statement of routine uses in the instructions to the OGE Form 450.

In response to the comment, OGE notes that the routine uses are, under exemption (b)(3) of the Privacy Act, 5 U.S.C. 552a(b)(3), and OGE's OGE/GOVT-2 system of records, permissible situations in which the form may be divulged without the advance written consent or pursuant to the written request of the individual filer concerned. In addition, exemption (b)(1) of the Privacy Act, 5 U.S.C. 552a(b)(1), allows access to OGE Form 450 reports by officers and employees of the agency that maintains the report files (including OGE) who have a need for the records in the performance of their official duties. These uses and other permitted releases under the other Privacy Act exemptions do not themselves require the divulging of the OGE Form 450 reports. To determine whether to make a routine use or other permitted Privacy Act release of an OGE Form 450 report, a department or agency should look at all the circumstances, including other pertinent authorities, in order to determine whether release is authorized and otherwise appropriate.

In that regard, OGE emphasizes that, under section 107 of the Ethics Act, section 201(d) of E.O. 12674 (as modified by E.O. 12731) and 5 CFR 2634.604 and 2634.901(d) of OGE's implementing regulations, the OGE Form 450 is a confidential report form which is not to be disclosed to the public. However, as noted, the Government can make certain uses, including limited permitted releases, of the reports in accordance with the Privacy Act and other pertinent laws

and regulations. In some cases, release may be required by some other authority, such as pursuant to an order of a court of competent jurisdiction. If so, the agency should still examine the Privacy Act exemptions, including the published routine uses, to determine if release is authorized under that law. Thus, in the case of such a court order, exemption (b)(11) of the Privacy Act, 5 U.S.C. 552a(b)(11), authorizes the release, though a protective order may be sought.

In this second notice, public comment is again invited on the proposed slightly revised OGE Form 450 as set forth in this notice, including specifically views on: the need for and practical utility of this proposed modified collection of information; the accuracy of OGE's burden estimate; the enhancement of quality, utility and clarity of the information collected; and the minimization of burden (including the use of information technology). The Office of Government Ethics, in consultation with OMB, will consider all comments received, which will become a matter of public record.

Approved: February 24, 1999.

Marilyn L. Glynn,

General Counsel, Office of Government Ethics.

[FR Doc. 99-5045 Filed 3-1-99; 8:45 am]

BILLING CODE 6345-01-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99037]

Economic Analyses of Engineering Control Interventions for Drywall Sanding Construction Activities Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program to conduct an analyses of economic variables associated with the implementation of known engineering control interventions designed for drywall sanding construction activities. This program addresses the Healthy People 2000 priority area of Occupational Safety and Health.

The purpose of the program is to identify and evaluate the universe of financial variables which are affected by implementing known drywall sanding engineering controls designed to reduce exposures to airborne particulate.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

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 \$95,000 is available in FY 1999 to fund one award. It is expected that the award will begin on or about September 1, 1999, with a 12-month budget period within a project period of up to three years. The funding estimate is subject to change.

Continuation award within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Recipient will allocate funds for at least one annual meeting directed by the CDC/NIOSH project advisor.

D. Cooperative Activities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for activities under 1. (Recipient Activities), and CDC/NIOSH will be responsible for the activities listed under 2. (CDC/NIOSH Activities).

1. Recipient Activities

- a. Develop, implement, and evaluate a study protocol.
- b. Analyze data and interpret findings.
- c. Disseminate study results to the construction safety and health community.

2. CDC/NIOSH Activities

- a. Provide scientific and technical collaboration in the development of the study design, protocol, and data analysis.
- b. Collaborate with awardee(s) on data analysis, and interpretation of findings.

E. Application Content

Use the information in the Cooperative Activities, Other Requirements, and Evaluation Criteria

sections to develop the application content. Your application will be evaluated on the evaluation criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 double-spaced pages. The original and each copy of the application must be submitted unstapled and unbound. All materials must be typewritten, double-spaced, with unreduced type (font size 12 point) on 8½" by 11" paper, with at least 1" margins, headers, and footers, and printed on one side only. Do not include any spiral or bound materials or pamphlets.

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 PHS 398). Forms are in the application kit. On or before April 30, 1999, submit the application to: Sheryl L. Heard, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 99037, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Mail Stop E-13, Atlanta, Georgia 30341.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for orderly processing. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Plan (15 percent)

Applicant's understanding of the general objectives of the proposed cooperative agreement.

2. Background (15 percent)

The extent to which the applicant's prior work and experience in evaluating occupational safety and health intervention efforts, cost variables, and/or experience within the construction

trades affected by drywall finishing operations.

3. Goals and Objectives (35 percent)

The extent to which the proposed goals and objectives are clearly stated, time-phased, and measurable. The extent to which the methods are sufficiently detailed to allow assessment of whether the objectives can be achieved for the budget period. Clearly state the evaluation method for evaluating the accomplishments. The extent to which a qualified plan is proposed that will help achieve the goals stated in the proposal. (20 percent)

The degree to which the applicant has met the CDC policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed project. This includes: (a) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (b) The proposed justification when representation is limited or absent; (c) A statement as to whether the design of the study is adequate to measure differences when warranted; and (d) A statement as to whether the plan for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits. (15 percent)

4. Facilities and Resources (10 percent)

The adequacy of the applicant's facilities, equipment, and other resources available for performance of this project. The proposal should include a commitment from the participating institution, as evidenced by a written agreement. For applicants who have already identified potential construction site(s) to conduct the evaluation, the proposal should include a commitment, as evidenced by a written agreement, from the building owner, general contractor, or relevant subcontractors with jurisdiction over the drywall finishing and budget management operations, when such exist at the applicant's anticipated study location(s).

5. Project Management and Staffing Plan (15 percent)

The extent to which the management staff and their working partners are clearly described, appropriately assigned, and have pertinent skills and experiences. The extent to which the applicant proposes to involve appropriate personnel who have the needed qualifications to implement the proposed plan. The extent to which the applicant has the capacity to design,

implement, and evaluate the proposed intervention program.

6. Collaboration (10 percent)

The extent to which all partners are clearly described and their qualifications and the extent to which their intentions to participate are explicitly stated. The extent to which the applicant provides proof of support (e.g., letters of support and/or memoranda of understanding) for proposed activities. Evidence or a statement should be provided that these funds do not duplicate already funded components of ongoing projects.

7. Budget Justification (Not Scored)

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds.

8. Human Subjects (Not Scored)

If human subjects will be involved, how will they be protected, i.e., describe the review process which will govern their participation.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Annual progress reports including a brief program description and a listing of program goals and objectives accompanied by a comparison of the actual accomplishments related to the goals and objectives established for the period;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to: Sheryl L. Heard, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 99037, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Mail Stop E-13, Atlanta, Georgia 30341.

The following additional requirements are applicable to this program. For a complete description of each, see Addendum I (included in the application package).

AR-1—Human Subjects Requirements

AR-2—Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research

AR-9—Paperwork Reduction Act Requirements

AR-10—Smoke-Free Workplace Requirements

AR-11—Healthy People 2000

AR-12—Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 20 (a) and 22(e)(7) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a) and 671(e)(7)]. The Catalog of Federal Domestic Assistance number is 93.262 for the National Institute for Occupational Safety and Health.

J. Where to Obtain Additional Information

Please refer to CDC Announcement Number 99037 when requesting information and submitting an application.

To receive additional written information call 1-888-GRANTS4 (1-888-472-6874). You will be asked to leave your name, address, and phone number and will need to refer to NIOSH Announcement 99037. 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.

See also the CDC home page on the Internet: <http://www.cdc.gov>.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained by contacting: Sheryl L. Heard, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 99037, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Mail Stop E-13, Atlanta, Georgia 30341, Email address: slh3@cdc.gov.

Program technical assistance may be obtained by contacting: Kenneth Mead, P.E., telephone (513) 841-4319, Email kcm3@cdc.gov, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), Division of Physical Sciences and Engineering, 4676 Columbia Parkway, Mailstop R-5, Cincinnati, OH 45226.

National Occupational Research Agenda (NORA): CDC, NIOSH is committed to the program priorities developed by NORA. Copies of the publication, "The National Occupational Research Agenda" may be obtained from The National Institute of Occupational Safety and Health, Publications Office, 4676 Columbia Parkway, Cincinnati, OH 45226-1998 or telephone 1-800-356-4674, and is available through the NIOSH Home Page, "<http://www.cdc.gov/niosh/nora.html>".

Dated: February 23, 1999.

Diane D. Porter,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99-5034 Filed 3-1-99; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting**

Name: Epidemiologic Perspective on Early Hearing Detection and Intervention (EHDI).

Time and Date: 2 p.m.-3:30 p.m., (EST), March 5, 1999.

Location: Dr. Nigel Paneth, Department of Epidemiology at Michigan State University, will make a presentation at Michigan State University, East Lansing, Michigan.

Supplementary Location Information:

Teleconference Access: Participants must call to be connected to the meeting. The telephone bridge number for non-Federal participants is 1/800/713-1971. The telephone bridge number for Federal participants is 404/639-4100. The conference code is: 351926. For security and confidentiality purposes, participants will not be connected to a conference call without a valid conference code. The conference name is "Epidemiology". For problems during the teleconference, press *0 at anytime to signal the attendant. For questions concerning technical aspects of the teleconference, please call 404/639-7550. Please note, the presentation will include visual aids that may not be readily understood by telephone participants.

Videoconference Access: Invited participants may access the meeting through Envision, at the following sites:

- (1) Centers for Disease Control and Prevention, Atlanta, Georgia.
- (2) Department of Education, Hubert H. Humphrey Building, Washington, DC.
- (3) University of North Carolina, Research Triangle Park, North Carolina.
- (4) University of Colorado, Ft. Collins, Colorado.
- (5) National Institute of Child Health and Human Development, Research Triangle Park, North Carolina.
- (6) Columbia University, New York, New York.

Status: This meeting is targeted for and will be presented at the graduate level of epidemiology. It may not be readily understood by the lay public. Due to limited time, questions will not be accepted from teleconference participants.

Purpose: Dr. Nigel Paneth, Department of Epidemiology at Michigan State University, will provide an overview of the epidemiology of newborn hearing screening. The presentation will be followed by a brief question and answer period.

Contact Person for More Information: Mike Adams, M.D., Division of Child Development, Disability, and Health (proposed), NCEH, CDC, 4770 Buford Highway, NE, M/S F-34, Atlanta, Georgia 30341. Telephone 770/488-7154, fax 770/488-7356.

The Director, Management Analysis and Services Office has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 24, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 99-5086 Filed 3-1-99; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 97N-484R]

Agency Information Collection Activities; Announcement of OMB Approval; Establishment Registration and Listing for Manufacturers of Human Cellular and Tissue-Based Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Establishment Registration and Listing for Manufacturers of Human Cellular and Tissue-Based Products" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 14, 1998 (63 FR 26744), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910-0372. The approval expires on July 31, 2001. A

copy of the supporting statement for this information collection is available on the Internet at "http://www.fda.gov/ohrms/dockets".

Dated: February 23, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99-5030 Filed 3-1-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E-0839]

Determination of Regulatory Review Period for Purposes of Patent Extension; Atacand

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Atacand and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product. **ADDRESSES:** Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical

investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Atacand (candesartan cilexetil). Atacand is indicated for the treatment of hypertension. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Atacand (U.S. Patent No. 5,196,444) from Takeda Chemical Industries Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated December 16, 1998, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Atacand represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Atacand is 1,087 days. Of this time, 686 days occurred during the testing phase of the regulatory review period, while 401 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* June 15, 1995. The applicant claims May 16, 1995, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 15, 1995, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* April 30, 1997. FDA has verified the applicant's claim that the new drug application (NDA) for

Atacand (NDA 20,838) was initially submitted on April 30, 1997.

3. *The date the application was approved:* June 4, 1998. FDA has verified the applicant's claim that NDA 20,838 was approved on June 4, 1998.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 413 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before May 3, 1999, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before August 30, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the [docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 1999.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 99-5032 Filed 3-1-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-R-228]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the

Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection;

Title of Information Collection: Managed Care Adjusted Community Rate (ACR) Proposal and Supporting Regulations in 42 CFR 422.300-422.312;

Form No.: HCFA-R-228 (OMB# 0938-0742);

Use: This collection effort will be used to price the M+C plan offered to Medicare beneficiaries by an M+C organization. Organizations submitting the Adjusted Community Rate form would include all M+C organizations plus any organization intending to contract with HCFA as a M+C organization. These current M+C organization contractors will be required to submit this form no later than May 1, 1999 for the calendar year 2000.;

Frequency: Annually;

Affected Public: Businesses or other for profit, Not-for-profit institutions.;

Number of Respondents: 500;

Total Annual Responses: 500;

Total Annual Hours Requested: 50,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99-5121 Filed 3-1-99; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel I in March 1999.

A summary of the meeting and a roster of the members may be obtained from: Ms. Coral Sweeney, SAMHSA, Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17-89, Rockville, Maryland 20857. Telephone: 301-443-2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meeting will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, this meeting is concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App.2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: March 23, 1999.

Place: Parklawn Building, 5600 Fishers Lane, Room 17-89, Rockville, Maryland 20852.

Closed: March 23, 1999, 2:00 p.m.—adjournment.

Panel: Substance Abuse and Mental Health Services Administration HIV/AIDS High Risk Behavior Supplement.

Contact: Raquel Crider, Room 17-89, Parklawn Building, Telephone: 301-443-5063 and FAX: 301-443-3437.

Dated: February 16, 1999.

Sandi Stephens,

Team Leader, Extramural Activities Team, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99-5091 Filed 3-1-99; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-960-1410-00 24 1A]

Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request approval to collect certain information from Alaskan Native Vietnam Era Veterans interested in applying for up to 160 acres of Federal land in Alaska. This information will allow BLM to adjudicate the applications submitted by Alaskan Native Vietnam Era Veterans according to Public Law 105-276.

DATES: BLM must receive comments on the proposed information collection by May 3, 1999, to assure consideration of them.

ADDRESSES: Mail comments to: Director (630), Bureau of Land Management, 1849 C Street NW, Room 401 L Street, Washington, D.C. 20240.

Send comments via Internet to: WoComment@wo.blm.gov. Please include "ATTN: 1004-NEW."

You may hand deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW, Washington, D.C. 20240.

BLM will make comments available for public review at the L Street address during regular business hours (7:45 A.M. to 4:15 P.M.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dennis Benson, Bureau of Land Management, Alaska State Office, (907) 271-3248.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in BLM Form 2561-10 (March 1999) and 43 CFR Part 2561, to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanic, 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 OMB under 44 U.S.C. 3501 *et seq.*

On October 21, 1998, Section 432 of the Veterans Administration and Housing and Urban Development Appropriations Act (Public Law 105-276) amended the Alaska Native Claims Settlement Act by adding a new section which allows certain Alaska Native Vietnam Era Veterans to apply for Native allotments. After final regulations are promulgated on April 21, 2000, applicants will have 18 months to file their applications on the application form covered by this information collection. Copies of the draft application form are available from the individual identified in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The information collected on the application form will include the applicant's name, mailing address, telephone number, location of the land applied for, and how the land was used. BLM will use the information provided by the applicant(s) to adjudicate the applications in order to determine if they meet all the requirements of Public Law 105-276. If BLM did not collect this information, it could not convey up to 160 acres of Federal land to the applicants, and the agency would be unable to discharge its statutory responsibility according to Public Law 105-276.

Based on BLM's experience administering the activities described above, the public reporting burden for the information collected is estimated to average 30 (thirty) minutes per response. The respondents are Alaskan Native Vietnam Era Veterans. The frequency of response is one time for each applicant. The number of responses expected within the 18 month filing period is 1,100 applicants. The estimated total burden on new respondents is approximately 550 hours. BLM is specifically requesting your comments on its estimate of the amount of time that it takes to prepare a response. BLM's estimate is 30 (thirty) minutes per response.

BLM will summarize all responses to this notice and include them in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: February 23, 1999.

Carole Smith,

Bureau of Land Management, Information Clearance Officer.

[FR Doc. 99-5122 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-JA-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-050-1220-04]

Limits of Acceptable Change, Gulkana River, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to hold planning and scoping meetings to discuss and develop limits of acceptable change for the Gulkana River, AK and to comply with the National Environmental Policy Act (NEPA) of 1969 and the Alaska National Interest and Conservation Act (ANILCA) of 1980.

SUMMARY: The Bureau of Land Management (BLM) proposes to conduct a Limits of Acceptable Change (LAC) planning process for the Gulkana River area. The recommendations developed during the LAC planning process will be used to update the Gulkana National Wild River Management Plan and develop a Lower Gulkana River Management Plan. The LAC process will be conducted by a third party contractor. Based on the recommendations developed during the LAC process, the BLM will determine the appropriate level of compliance required under Section 102 (2)(c) of the National Environmental Policy Act of 1969.

DATES: Public meetings will be held in Fairbanks, AK on March 8, 1999 beginning at 2:00 P.M. for open house and 3:00 meeting; and, 5:30 P.M. for open house and 6:30 meeting, at the North Star Borough (Noel Wien) Public Library, Fairbanks, AK (459-1020). In Anchorage, AK on March 9, 1999 meetings will be held at 2:00 P.M. for open house and 3:00 meeting; and, 5:30 P.M. open house and 6:30 meeting, at the Z.J. Loussac Public Library Conference Room, 3600 Denali St., Anchorage, AK (343-2906). In Gulkana Village on March 11, 1999 meetings will be held at 2:00 P.M. open house and 3:00 meeting; and, 5:30 P.M. open house and 6:30 meeting, at the Gulkana Village Community Hall, Mile 127 Richardson Highway, Gulkana, AK.

ADDRESSES: Comments should be addressed to the Gulkana River Studies Team, P.O. 2372, Durango, CO 81302.

The e-mail address is info@gulkanariver.com. A website with pertinent information has been established at www.gulkanariver.com.

FOR FURTHER INFORMATION CONTACT: Gulkana River Studies Team. 1-800-439-0410; Kathy Liska, Glennallen Field Office, Bureau of Land Management (907) 822-3217.

SUPPLEMENTARY INFORMATION: The Gulkana LAC planning process is being coordinated by a third party consultant to the Bureau of Land Management, Glennallen Field Office. The purpose of this contract is to conduct a Limits of Acceptable Change planning process for the Gulkana River, AK. The West and Middle Forks and the mainstem of the Gulkana River are included in the National Wild and Scenic River system. In 1980 Congress designated 181 miles of the Gulkana River as "Wild" pursuant to the 1968 Wild and Scenic River Act. The three stretches of river exhibit general inaccessibility, except by trails, with watersheds essentially primitive with unpolluted waters and represent vestiges of primitive America. The Limits of Acceptable Change study includes the existing Wild River Corridor and the following areas: (1) A 9,840 acre area along the South Branch West Fork, west of the existing Wild River Corridor. This stretch has been considered for additional designation as a wild river; and, (2) The Gulkana River from the southern limits of the existing Wild River Corridor at Sourdough Creek to the confluence with the Copper River, plus adjacent land generally between the river and the Richardson Highway and about 1 mile west of the river. The objectives of the Limits of Acceptable Change process include three components: (1) Provide recommendations to update the Gulkana National Wild River Management Plan and create a citizen-driven Lower Gulkana River Management Plan; (2) Produce documents required to comply with potential National Environmental Policy Act (NEPA) actions and ANILCA Sec 810; and, (3) Develop and implement a monitoring program to measure and evaluate changes in natural and social conditions, with corresponding management actions that may be needed to maintain or achieve desired future conditions. The desired outcome of the Limits of Acceptable Change planning process is to develop a consensus among the various stakeholders as to the best ways to manage the Gulkana River corridor within legislative constraints. Existing regulatory guidance for management of the Gulkana River corridor is provided by the Wild and Scenic Rivers Act

(1968) and the Alaska National Interest Lands and Conservation Act (1980). In December 1983 the Bureau of Land Management completed the initial River Management Plan for the Gulkana River. That report was entitled "Gulkana River. A Component of the National Wild and Scenic Rivers System". In that document the specific boundaries and management policies were established for the Gulkana National Wild River. With increasing use and improved access to the Gulkana River system, the Bureau of Land Management proposes to update the River Management Plan through the use of the Limits of Acceptable Change. Results from the LAC planning process will be utilized by the Bureau of Land Management to determine what level of NEPA compliance and environmental analysis will be required to implement the proposed recommendations.

Publication of this notice was delayed due to transport and delivery problems to the Office of the Federal Register.

Dated: February 8, 1999.

Kathy J. Liska,

*District Outdoor Recreation Planner,
Glennallen Field Office.*

[FR Doc. 99-5165 Filed 2-26-99; 11:39 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-610-09-1220-00]

Clarification Regarding the Meeting of Advisory Council on Historic Preservation

SUMMARY: Notice is hereby given, in accordance with Public Laws 92-463 and 94-579, that the Advisory Council on Historic Preservation with assistance from the Bureau of Land Management will hold a fact-finding public hearing to gather comments specifically regarding potential impacts to Native American cultural and archaeological resources within the site of the proposed Imperial Gold Mine Project from 2 p.m. to 5 p.m. and 6:30 p.m. to 9 p.m. on Thursday, March 11, 1999. The hearing will be held in Ballroom A at the Barbara Worth Resort, located at 2050 Country Club Drive in Holtville, California.

The Advisory Council on Historic Preservation was created by the 1966 National Historic Preservation Act to advise the President and the Congress on matters related to historic preservation. In its role with the Glamis/Imperial project, the Council will be

assisting the BLM to fulfill its obligations under the National Preservation Act in understanding the importance of the resources affected by the proposed mining project. The Council will listen to testimony and work with the State Historic Preservation Office, BLM, the tribe, and the company in developing a memorandum of understanding which will establish procedures on how best to protect the resources.

The site for the proposed mining project is eligible for the National Register of Historic Places. Archaeological and cultural inventories indicate the site has scientifically important archeological, cultural, and spiritual value. The hearing will focus on the Native American cultural and archaeological values within the proposed mine site.

All public comments will be recorded, and the transcript will become part of the record. If you are interested in providing comments, please notify Carole Levitzky at (909) 697-5217 or Doran Sanchez at (909) 697-5220, BLM California Desert District Public Affairs.

The proposed Imperial Project, an open pit, heap leach gold mine, would be located in eastern Imperial County, approximately 45 miles northeast of El Centro and 20 miles northwest of Yuma, Arizona. The proposed project area would encompass approximately 1,625 acres of public lands administered by the BLM, of which 1,392 acres would be disturbed. The proposed project would be operated by the Glamis Imperial Corporation, formerly known as Chemgold Corporation.

The Bureau of Land Management and the County of Imperial released a joint draft environmental impact statement/environmental impact report for the proposed project on December 8, 1997. Public comment on the draft ended April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Carole Levitzky at (909) 697-5217 or Doran Sanchez at (909) 697-5220, BLM California Desert District Public Affairs.

Dated: February 24, 1999.

Carole Levitzky,

Assistant District Manager, External Affairs.

[FR Doc. 99-5074 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-030-1220-00]

Notice of Use Fee Collection at Sportsman's Beach

SUMMARY: Notice is given that public lands located in Mineral County, Nevada, along the west shore of Walker Lake at Sportsman's Beach Recreation Area, constitute a developed recreation site and will be subject to fee collection. **EFFECTIVE DATES:** Fee collections will go into effect at 2:00 P.M. on Monday, March 15, 1999.

FOR FURTHER INFORMATION OR TO COMMENT CONTACT: Arthur Callan, Outdoor Recreation Planner, 5665 Morgan Mill Road, Carson City, Nevada 89701. Telephone (775) 885-6141.

SUPPLEMENTARY INFORMATION: The lands included in this fee collection site are those public lands on the east side of Highway 95 within Mt. Diablo Meridian, Sections 29 and 32, T. 10 N., R. 29E. The authority for fee collection is 36 CFR 71.9. Any person failing to comply with fee payment shall be subject to applicable provisions of 36 CFR 71.12. Any violations of the rules governing conduct and use of the developed recreation site under 43 CFR 8365.2 shall be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 U.S.C. 3571, or both.

Dated: February 16, 1999.

John O. Singlaub,

Carson City Field Manager.

[FR Doc. 99-5094 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-HC-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-030-1220-00]

Land Ownership and Boundary Adjustment, Organ/Franklin Mountains Area of Critical Environmental Concern (ACEC), New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability and 60-day Public Comment Period.

SUMMARY: The BLM, Las Cruces Field Office, announces the availability of a draft Resource Management Plan (RMP) Amendment/preliminary Finding of No Significant Impact (FONSI) and supporting Environmental Assessment (EA). The document discusses the adjustment of the boundary of the

Organ/Franklin Mountains ACEC to exclude 320 acres of BLM-administered public land and making that parcel available for possible disposal by direct sale at fair market value. The document discusses impacts of removal of the land from ACEC designation and management and impacts from future use under private ownership.

DATES: Written comments related to removal of the land from ACEC designation and management and the preliminary FONSI will be accepted on or before May 5, 1999.

ADDRESSES: Comments should be sent to Tim Sanders, Acting Assistant Field Manager, Multi-Resources, BLM Las Cruces Field Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Tim Sanders, Acting Assistant Field Manager, at (505) 525-4393.

SUPPLEMENTARY INFORMATION: ACECs are land designations unique to BLM. The purpose of ACECs is to recognize, protect, and manage unique or sensitive resources or potential hazards. Each area is managed according to its unique resources and needs, in consultation and coordination with the public. The Organ/Franklin Mountains ACEC was designated in the Mimbres RMP in 1993. The 320 acres in the S $\frac{1}{2}$, Section 13, T. 25 S., R. 3 E., was included within the boundary of the ACEC. Specific resources to be protected by the designation include significant scenic values, endangered wildlife and plant species, National register eligible prehistoric and historic resources, and natural hazards such as cliffs and mine shafts. One of the numerous planned actions identified in the RMP to protect these resources is to retain all public land within the ACEC.

In 1975, Our Lady's Youth Center of El Paso, Texas received a Recreation and Public Purposes (R&PP) lease with option to purchase for the 320 acres. The lease was issued for a period of 25 years and was to be used as part of the Youth Center's Lord's Ranch, which is headquartered on adjacent land owned by Our Lady's Youth Center. The Lord's Ranch is a youth camp and retreat primarily for underprivileged children from El Paso, Texas.

In June 1997, the lease was cancelled for lack of development and maintenance. The Youth Center is seeking to acquire the property to continue to use it as part of the Lord's Ranch. The Youth Center contends that this land is an integral part of the ranch and is necessary for its continued operation.

This RMP Amendment would adjust the boundary to remove the 320 acres

from the Organ/Franklin Mountains ACEC and make it available for disposal if that is the alternative chosen. None of the values for which the ACEC was designated to protect would be affected by the removal of the parcel from the ACEC.

Public participation has occurred throughout the RMP Amendment process. A Notice of Intent was filed in the **Federal Register** on December 8, 1998 inviting public comments on the proposal. Comments received during this 60-day comment period will be considered in preparing the Proposed Mimbres RMP Amendment and supporting EA. Single copies of the draft Mimbres RMP Amendment/preliminary FONSI and supporting EA for the Land Ownership and Boundary Adjustment in the Organ/Franklin Mountains ACEC may be obtained from the BLM Las Cruces Field Office, 1800 Marquess, Las Cruces, NM 88005.

Dated: February 24, 1999.

Linda S.C. Rundell,

Field Manager, Las Cruces.

[FR Doc. 99-5084 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-VC-P

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1988), that a meeting of the Native American Graves Protection and Repatriation Review Committee will be held on May 3, 4, and 5, 1999, in Silver Spring, Maryland.

The Committee will meet at the Town Center Hotel; telephone: 301/589-5200, fax: 301/588-1841, located at 8727 Colesville Road in Silver Spring, Maryland. Meetings will begin at 8:30 a.m. and will end no later than 5:00 p.m. each day.

The Native American Graves Protection and Repatriation Review Committee was established by Public Law 101-601 to monitor, review, and assist in implementation of the inventory and identification process and repatriation activities required under the Native American Graves Protection and Repatriation Act.

The agenda for this meeting will include: Federal compliance with the statute; disposition of culturally

unidentifiable human remains; and the status of national implementation.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Persons will be accommodated on a first-come, first-served basis. Persons wishing to make a presentation to the committee should submit a request to do so by April 5, 1999. Please clearly state what you would like to discuss, how much time you estimate that you will need, and your contact information. Any member of the public may also file a written statement for consideration by the committee by April 16, 1999. Both written requests and statements should be addressed to the committee in care of the Departmental Consulting Archeologist.

A block of lodging rooms has been set aside at the Town Center Hotel, at a significantly reduced rate. Reservations must be booked with the hotel by April 10 to guarantee the reduced rate. Please reference the National Park Service and mention that you are attending the NAGPRA Review Committee Meeting.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact Dr. Francis P. McManamon, Departmental Consulting Archeologist, National Park Service, 1849 C St. NW, NC340/MS 2275, Washington, DC 20240; telephone: (202) 343-4101. Transcripts of the meeting will be available for public inspection approximately eight weeks after the meeting at the office of the Departmental Consulting Archeologist, 800 North Capitol St., NW, Suite 340, Washington, DC.

Dated: February 19, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99-5069 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 20, 1999. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be

forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 17, 1999.

Carol D. Shull,

Keeper of the National Register.

DISTRICT OF COLUMBIA

District of Columbia State Equivalent

Yale Steam Laundry,
437-443 New York Ave., NW,
Washington, 99000332

FLORIDA

Dade County

Stiltsville Historic District,
1.5 mi. SW of the southern tip of Key
Biscayne,
Key Biscayne vicinity, 99000333

KENTUCKY

Fayette County

United States Post Office and Court House,
101 Barr St.,
Lexington, 99000335

Jefferson County

United States Post Office, Court House and
Custom House,
601 W. Broadway,
Louisville, 99000334

MARYLAND

Frederick County

Stancioff House (Boundary Decrease),
MD 355 and MD 80,
Urbana, 99000336

MICHIGAN

Genesee County

Toledo, Saginaw and Mackinaw Railroad
Flushing Depot,
431 W. Main St.,
Flushing, 99000339

Muskegon County

Central Fire Station,
75 W. Walton Ave.,
Muskegon, 99000341

Ottawa County

Morrissey, Thomas and Anna, House,
190 W. 9th St.,
Holland, 99000337

Washtenaw County

Palmer, William B. and Mary Shuford,
House,
227 Orchard Hills Dr.,
Ann Arbor, 99000340

Wayne County

Capitol Park Historic District,
Roughly bounded by Grand River Ave.,
Woodward Ave., Michigan Ave., and
Washington Blvd.,
Detroit, 99000338

MONTANA

Big Horn County

Annashisee Iisaxpuatahcheeaashisee—
Medicine Wheel on Bighorn River,

Address Restricted,
Fort Smith vicinity, 99000343

Gallatin County

Lewis, Samuel, House,
308 S. Bozeman Ave.,
Bozeman, 99000342

Lake County

St. Joseph's Catholic Church,
D'Aste Townsite,
Moiese vicinity, 99000345

Madison County

Hutchins Bridge,
Across Madison R.,
Cameron vicinity, 99000344

NEW YORK

Cayuga County

Thompson AME Zion Church
(Harriet Tubman in Auburn, New York MPS),
33 Parker St.,
Auburn, 99000349
Tubman Home for the Aged
(Harriet Tubman in Auburn, New York MPS),
180 South St.,
Auburn, 99000346
Tubman, Harriet, Grave
(Harriet Tubman in Auburn, New York MPS),
Fort Hill Cemetery,
Auburn, 99000348
Tubman, Harriet, House
(Harriet Tubman in Auburn, New York MPS),
182 South St.,
Auburn vicinity, 99000347

Fulton County

Log Cabin Church,
408 Progress Rd.,
Progress, 99000350

OKLAHOMA

Oklahoma County

Automobile Alley Historic District,
Roughly along Broadway Ave., from NW 4th
St. to W. Park Place, and roughly along NW
10th St.,
Oklahoma City, 99000351

Rogers County

Ed Galloway's Totem Pole Park,
OK 28A, 3.5 mi. E of US 66,
Foyil vicinity, 99000354

Tulsa County

Page Memorial Library,
6 E. Broadway,
Sand Spring, 99000352

OREGON

Multnomah County

Davis Block
(Eliot Neighborhood MPS)
801-813 N. Russell St.,
Portland, 99000360
McDougall, Alexander D., House,
3814 Northwest Thurman St.,
Portland, 99000359
McDougall, Natt and Christena, House,
3728 Northwest Thurman St.,
Portland, 99000358
Torgler, Frederick, Building
(Eliot Neighborhood MPS)
816-820 N. Russell St.,
Portland, 99000357

Polk County

Harritt, Jesse and Julia, House,
2280 Wallace Rd. NW,
Salem vicinity, 99000356

Yamhill County

Paulson—Gregory House,
509 S. College,
Newberg, 99000355

TENNESSEE

Dickson County

Dickson County War Memorial Building,
225 Center Ave.,
Dickson, 99000365

Knox County

Peters House
(Knoxville and Knox County MPS)
1319 Grainger Ave.,
Knoxville, 99000364

McMinn County

Turley, John A., House,
505 E. Madison St.,
Athens, 99000366

Obion County

Capitol Theatre
(Union City, Tennessee MPS)
118 S. First St.,
Union City, 99000363
Central Elementary School
(Union City, Tennessee MPS)
512 E. College St.,
Union City, 99000362
Union City Armory
(Union City, Tennessee MPS)
415 W. Main St.,
Union City, 99000361

Sevier County

Keener—Johnson Farm,
1112 Boyd's Creek Highway,
Seymour vicinity, 99000367

VIRGINIA

Arlington County

Fairlington Historic District,
Roughly bounded by Quaker Lane, King St.,
I-395, S. Walter Reed Dr., and S. Abingdon
St.,
Arlington, 99000368

Richmond Independent City

Rice House,
1000 Old Locke Lane,
Richmond, 99000369

[FR Doc. 99-5068 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

**Notice of Intent to Repatriate Cultural
Items in the Possession of the Arizona
State Museum, The University of
Arizona, Tucson, AZ**

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Arizona State Museum (ASM) which meet the definition of "object of cultural patrimony" under Section 2 of the Act.

The cultural items consist of 38 Chapayeka masks (*hiisam*) constructed of hide, paper, and paint and 12 Chapayeka spears, swords, and daggers constructed of wood and paint.

In 1932, one Chapayeka mask was purchased by the Arizona State Museum at Old Pascua. In 1939, one mask and one sword were donated to ASM by Mrs. Josephine Shelby of Sahuarita, AZ. In 1942, one spear was collected by Edward Spicer in Huirivis, Sonora, Mexico. Between 1969-1971, 16 masks were obtained by ASM through Richey Elementary School, Tucson, AZ. Around 1970, three masks were made by an unknown person for use in a School Loan Kit program. In 1976, three masks were purchased by ASM from Tom Bahti Indian Arts, Tucson, AZ. During 1980-1982, eleven masks, one spear, six swords, and three daggers were donated to ASM by William Hawes Smith. At unknown dates, two masks were purchased by ASM from the maker; and one mask was collected by Donna Laney and Candelaria Carvajal at Loma de Guamuchil, Sonora, Mexico.

Museum documentation and consultation with representatives of the Pascua Yaqui Tribe indicate that these cultural items are Pascua Yaqui. The two Sonoran cultural items are being claimed by the Pascua Yaqui Tribe on behalf of the Sonoran Yaqui communities. These cultural items have been identified as consistent with known ceremonial and sacred items as recorded in ethnographic sources. Representatives of the Pascua Yaqui Tribe have also identified these cultural items as having ongoing traditional and cultural importance central to the tribe itself, and could not have been alienated by any individual.

Based on the above-mentioned information, officials of the Arizona State Museum have determined that, pursuant to 43 CFR 10.2 (d)(4), these 50 cultural items have ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the Arizona State Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Pascua Yaqui Tribe.

This notice has been sent to officials of the Pascua Yaqui Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Alyce Sadongei, American Indian Programs Coordinator, Arizona State Museum, University of Arizona, Tucson, AZ 85721; telephone: (520) 621-4609 before April 1, 1999. Repatriation of these objects to the Pascua Yaqui Tribe may begin after that date if no additional claimants come forward.

Dated: February 24, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99-5096 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Kansas State Historical Society, Topeka, KS.

A detailed assessment of the human remains was made by Kansas State Historical Society professional staff and a forensic osteologist in consultation with representatives of the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa.

In 1968, human remains representing three individuals were recovered from site 14DP26, Doniphan County, KS during excavations conducted by members of the Great Plains Archeological Field School sponsored by the University of Kansas, Kansas State University, and Wichita State University. No known individuals were identified. The 103 associated funerary objects include a brass bell, a gun barrel and pistol ramrod, a pocket knife, a strike-a-light, part of a metal tankard, shell and glass beads, glass, shell, textile

and metal fragments, pieces of flint, and pottery sherds.

Based on the types and style of the associated funerary objects, these burials are estimated to date to between 1840 to 1860 A.D. Based on manner of interment and burial location, these individuals have been identified as Native American, specifically of Sac and Fox affiliation. Consultation with representatives of the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa confirmed this information.

Based on the above mentioned information, officials of the Kansas State Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least three individuals of Native American ancestry. Officials of the Kansas State Historical Society have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 103 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Kansas State Historical Society have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa.

This notice has been sent to officials of the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Randall Thies, Archeologist, Kansas State Historical Society, 6425 SW Sixth Avenue, Topeka, KS 66606-1099; telephone: (913) 272-8681, ext. 267, before April 1, 1999. Repatriation of the human remains and associated funerary objects to the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa may begin after

that date if no additional claimants come forward.

Dated: February 24, 1999.

Violetta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99-5097 Filed 3-1-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

In accordance with Department of Justice policy, 28 CFR section 50.7, notice is hereby given that a proposed consent decree in the action entitled *United States of America v. AlliedSignal Inc., et al.*, Civil Action No. 99-CV-0214 (LEK/GLS) (N.D.N.Y.), was lodged on February 16, 1999 with the United States District Court for the Northern District of New York. The proposed consent decree resolves claims of the United States, on behalf of the U.S. Environmental Protection Agency, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, against defendants AlliedSignal Inc., Amphenol Corporation, Alexandra V. Spizziri, and John A. Spizziri, Sr. These claims are for injunctive relief and recovery of response costs incurred and to be incurred by the United States with respect to the Richardson Hill Road Landfill Superfund Site ("Site"), located in Delaware County, New York.

Under the terms of the proposed consent decree, defendants AlliedSignal and Amphenol will perform the remedy selected by the U.S. Environmental Protection Agency for cleanup of the Site, and will reimburse the United States for \$166,705.94 in oversight costs plus accrued interest through the date of payment. Defendants John and Alexandra Spizziri will provide access and institutional controls with respect to the portions of the Site which they own. Each of the defendants is also obligated to reimburse the United States for any future response costs (other than oversight costs) attributable to that defendant's performance obligations with respect to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be

addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. AlliedSignal Inc., et al.*, Civil Action No. 99-CV-0214 (LEK/GLS) (N.D.N.Y.), DOJ Ref. No. 90-11-2-1225.

The proposed consent decree may be examined at the Office of the United States Attorney, 445 Broadway, Room 231, Albany, New York 12207; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866; and the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, telephone (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$57.00 (25 cents per page reproduction costs for the Decree and Appendices) made payable to Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 99-5047 Filed 3-1-99; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. Sheridan Area Water Supply Joint Powers Board* (D. Wyo.), was lodged with the United States District Court for the District of Wyoming on February 5, 1999. This Consent Decree concerns a complaint filed by the United States against Sheridan Area Water Supply Joint Powers Board, Barcon, Inc. and Fisher Sand and Gravel Co., Inc., pursuant to section 309 of the Clean Water Act, 33 U.S.C. § 1319, to obtain injunctive relief and impose civil penalties upon the Defendants for discharge of dredged or fill material in violation of CWA section 301(a), 33 U.S.C. § 1311(a).

The Consent Decree prohibits additional illegal discharges by the Defendants, and requires appropriate injunctive relief and the payment of civil penalties.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to

Carol A. Statkus, Assistant United States Attorney for the District of Wyoming, United States Department of Justice, Office of the United States Attorney, Post Office Box 668, Cheyenne, WY 82003-0668 and refer to *United States v. Sheridan Area Water Supply Joint Powers Board*, USATTY-WY-1998V00019.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Wyoming, 2120 Capitol Avenue, Room 2131, Cheyenne, WY 82003.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 99-5046 Filed 3-1-99; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

DNA Advisory Board Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the DNA Advisory Board (DAB) will meet on April 23, 1999, from 10:00 am until 4:00 pm at The Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, Virginia, 22202. All attendees will be admitted only after displaying personal identification which bears a photograph of the attendee.

The DAB's scope of authority is: To develop, and if appropriate, periodically revise, recommended standards for quality assurance to the Director of the FBI, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analysis of DNA; To recommend standards to the Director of the FBI which specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analysis used by forensic laboratories, including statistical and population genetics issues affecting the evaluation of the frequency of occurrence of DNA profiles calculated from pertinent population database(s); To recommend standards for acceptance of DNA profiles in the FBI's Combined DNA Index System (CODIS) which take account of relevant privacy, law enforcement and technical issues; and, To make recommendations for a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

The topics to be discussed at this meeting include: a review of minutes from the November 18, 1998, meeting; a discussion concerning "Developing

Criteria for Model External DNA Proficiency Testing; Final Report and Recommendations;" an update on certification issues; a discussion on the grading of proficiency tests; a presentation on privacy issues and a discussion of topics for the next DNA Advisory Board meeting.

The meeting is open to the public on a first-come, first seated basis. Anyone wishing to address the DAB must notify the Designated Federal Employee (DFE) in writing at least twenty-four hours before the DAB meeting. The notification must include the requestor's name, organizational affiliation, a short statement describing the topic to be addressed, and the amount of time requested. Oral statements to the DAB will be limited to five minutes and limited to subject matter directly related to the DAB's agenda, unless otherwise permitted by the Chairman.

Any member of the public may file a written statement for the record concerning the DAB and its work before or after the meeting. Written statements for the record will be furnished to each DAB member for their consideration and will be included in the official minutes of a DAB meeting. Written statements must be type-written on 8½" × 11" xerographic weight paper, one side only, and bound only by a paper clip (not stapled). All pages must be numbered. Statements should include the Name, Organizational Affiliation, Address, and Telephone number of the author(s). Written statements for the record will be included in minutes of the meeting immediately following the receipt of the written statement, unless the statement is received within three weeks of the meeting. Under this circumstance, the written statement will be included with the minutes of the following meeting. Written statements for the record should be submitted to the DFE.

Inquiries may be addressed to the DFE, Dr. Dwight E. Adams, Chief, Scientific Analysis Section, Laboratory Division—Room 3266, Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, DC 20535-0001, (202) 324-4416, FAX (202) 324-1462.

Dated: February 22, 1999.

Dwight E. Adams,

Chief, Scientific Analysis Section, Federal Bureau of Investigation.

[FR Doc. 99-5033 Filed 3-1-99; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

**Violence Against Women Grants Office
Agency Information Collection
Activities: Proposed Collection;
Comment Request**

ACTION: Notice of Information Collection Under Review; New collection.

Certification of Compliance with Eligibility Requirements of Section 826 of the Higher Education Amendments of 1998.

The Department of Justice, Office of Justice Programs, Violence Against Women Grants Office has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by February 22, 1999. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Mr. Alex Hunt, (202) 395-7860, Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Preet Kang, Information Specialist, OJP Violence Against Women Grants Office, 810 Seventh Street, NW, Sixth Floor, Washington, DC 20531, or facsimile at (202) 305-2589.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection 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, including whether the information will have practical utility;

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including 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

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Certification of Compliance with the Statutory Eligibility Requirements of Section 826 of the Higher Education Amendments of 1998.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Violence Against Women Grants Office, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be as or required to respond, as well as a brief abstract: Primary:* Institutions of Higher Education. *Other:* None.

The Grants to Combat Violent Crimes Against Women on Campuses were authorized through Section 826 of the Higher Education Amendments of 1998, to make funds available to institutions of higher education to combat domestic violence, sexual assault, and stalking crimes against women on campuses.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The time burden of the 25 respondents to complete the certification form is estimated to be 30 minutes per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the certification form is 12.5 hours.

IF ADDITIONAL INFORMATION IS REQUIRED contact: Ms. Brenda E. Dyer, Deputy, Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 850, Washington Center, 1001 G Street N.W., Washington, DC 20530.

Dated: February 25, 1999.

Brenda E. Dyer,

*Department Deputy Clearance Officer,
Department of Justice.*

[FR Doc. 99-5081 Filed 3-1-99; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF JUSTICE**Office of Justice Programs****Bureau of Justice Statistics; Agency Information Collection Activities: Existing Collection; Comment Request**

ACTION: Extension of a currently approved collection: The Parole Data Survey and the Probation Data Survey.

Office of Management and Budget approval is being sought for the information collection listed below. This proposed collection was previously published in the **Federal Register** on November 4, 1998, allowing for a 60-day public comment period. No comments were received by the Bureau of Justice Statistics.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 1, 1999. This process is conducted in accordance with 5 CFR 1320.10.

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:* The Parole Data Survey and the Probation Data Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Forms: CJ-7; and CJ-8. Corrections Statistics, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal, State, and Local government. The Parole Data Survey and The Probation Data Survey are the only national source of information on the number of persons under parole or probation supervision at yearend, the number and type of admissions and releases; counts by sex, race and Hispanic origin, severity of offense, status of supervision, type of entry to parole or probation for the standing population, and numbers of parolees or probationers in special programs.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond.* Three hundred and forty-three respondents each taking an average 1.5 hours to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Five hundred and fifteen annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instruction, or additional information, please contact Ms. Brenda E. Dyer, Deputy 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: February 25, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99-5111 Filed 3-1-99; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL INDIAN GAMING COMMISSION**Fee Rates**

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminarily annual fee rates of 0.00% for tier 1 and 0.08% (.008) for tier 2 for calendar year 1999. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission.

FOR FURTHER INFORMATION CONTACT: Cindy Altimus, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC 20005; telephone

202/632-7003; fax 202/632-7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the rate being adopted today are effective for calendar year 1999. Therefore, all gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees that are due to the Commission by March 31, 1999.

Montie R. Deer,

Chairman, National Indian Gaming Commission.

[FR Doc. 99-5065 Filed 3-1-99; 8:45 am]

BILLING CODE 7565-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400-LA; ASLBP No. 99-762-02-LA]

Carolina Power & Light Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

Carolina Power & Light Company
Shearon Harris Nuclear Power Plant

This Board is being established pursuant to the request for hearing submitted by the Board of Commissioners of Orange County, North Carolina. The petition for leave to intervene was filed in response to issuance by the NRC staff of a proposed no significant hazards consideration notice with respect to a license amendment request of Carolina Power & Light Company to amend the operating

license for the Shearon Harris Nuclear Power Plant. The proposed amendment would modify the plant to increase the spent fuel storage capacity by adding rack modules to spent fuel pools "C" and "D" and placing those pools in service. A notice of the proposed amendment was published in the **Federal Register** at 64 FR 2237 (Jan. 13, 1999).

The Board is comprised of the following administrative judges:

G. Paul Bollwerk, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001
 Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001
 Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

All correspondence, documents, and other materials shall be filed with the Judges in accordance with 10 CFR § 2.701.

Issued at Rockville, Maryland, this 24th day of February, 1999.

G. Paul Bollwerk, III,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 99-5080 Filed 3-1-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of March 1, 8, 15, and 22, 1999.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 1

Tuesday, March 2

9:30 a.m.—Meeting with Commonwealth Edison (Public Meeting)
 11:30 a.m.—Affirmation Session (Public Meeting)

(*Please Note: These items will be affirmed immediately following the conclusion of the preceding meeting.)

a: Commonwealth Edison Company—Commission Review of Atomic Safety and Licensing Board Order LBP 98-27 (Nov. 5, 1998).

b: Kansas Gas & Electric Corp., et al., (Wolf Creek Generating Station, Unit 1),

Docket No. 50-482, Draft Commission Memorandum and Order Addressing Intervention Petition and Hearing Request of the Kansas Electric Power Cooperative (tentative).

2:00 p.m.—Briefing on Status of 10 CFR 50.59 Issues (Public Meeting)

Wednesday, March 3

9:00 a.m.—Briefing by Executive Branch (Closed—Ex. 1)

Week of March 8—Tentative

Wednesday, March 10

11:00 a.m.—Affirmation Session (Public Meeting) (If needed)

Week of March 15—Tentative

Tuesday, March 16

1:00 p.m.—Briefing on Status of DOE High Level Waste Viability Assessment (Public Meeting) (Contact: Mike Bell, 301-415-7252)

Wednesday, March 17

9:00 a.m.—Meeting with Advisory Committee on Nuclear Waste and Nuclear Waste Technical Review Board (Public Meeting) (Contact: John Larkins, 301-415-7360)

11:30 a.m.—Affirmation Session (Public Meeting) (If needed)

1:30 p.m.—Briefing on Part 50 Decommissioning Issues (Public Meeting) (Contact: Seymour Weiss, 301-415-2170)

Week of March 22—Tentative

Thursday, March 25

1:00 p.m.—Briefing on Part 35 Rulemaking (Public Meeting)

Friday, March 26

9:00 a.m.—Briefing on Proposed Reactor Oversight Process Improvements & Enforcement (Public Meeting) (Contact: William Dean, 301-415-2240)

12:30 p.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.

William M. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary, 2/26/99.

[FR Doc 99-5278 Filed 2-26-99; 3:55 pm]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Standard Review Plan on Foreign Ownership, Control, or Domination

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard Review Plan.

SUMMARY: The NRC is seeking public comment on a Standard Review Plan (SRP) on Foreign Ownership, Control, or Domination. The SRP documents procedures and guidance to be used by the staff to analyze applications for reactor licenses, or applications for the transfer of control of such licenses, with respect to the statutory bar contained in sections 103 and 104 of the Atomic Energy Act of 1954, as amended, against issuing a license to an entity that is owned, controlled, or dominated by foreign interests. Because the SRP describes internal agency procedures and is based on existing Commission guidance in this area, the SRP is being published for interim use. However, the Commission is inviting public comment on the SRP and is interested in possible improvements to it. Public comments will be considered in evaluating the NRC review process in this area.

DATES: The public is invited to submit comments on the SRP by April 1, 1999. 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. On the basis of the submitted comments, the Commission will determine whether to modify the SRP before issuing it in final form.

ADDRESSES: *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, *Attention:* Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m., Federal workdays.

Examine copies of comments received at: The NRC Public Document Room, 2120 L Street, N.W. (lower level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steven R. Hom, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-1537, e-mail srh@nrc.gov.

SUPPLEMENTARY INFORMATION: The SRP on Foreign Ownership, Control, or Domination, attached hereto, contains the review procedures to be used by the staff to evaluate applications against the prohibitions in sections 103d and 104d of the Atomic Energy Act against issuing reactor licenses to entities that the Commission "knows or has reason to believe" are owned, controlled, or dominated by foreign interests. The procedures expressly provide for requests for additional information and consideration of a negation action plan if the information described in 10 C.F.R. § 50.33(d) initially required to be provided in an application indicates that there may be some degree of foreign control of the applicant. The SRP also sets forth substantive guidance consistent with existing Commission precedent on what may constitute foreign control. This SRP supersedes Section III.3 of NUREG-1577, Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance (Draft Report for Comment) (containing review procedure regarding foreign ownership) in its entirety.

Dated at Rockville, Maryland, this 24th day of February, 1999.

For the Nuclear Regulatory Commission,
Annette L. Vietti-Cook,
Secretary of the Commission.

Standard Review Plan on Foreign Ownership, Control and Domination

1. Areas of Review

1.1 General

The NRC is issuing this Standard Review Plan (SRP) to describe the process it uses to review the issue of whether an applicant for a nuclear facility license under sections 103 or 104 of the Atomic Energy Act of 1954, as amended (AEA or Act), is owned, controlled, or dominated by an alien, a foreign corporation or a foreign government. This SRP will be used as the basis for such reviews in connection with license applications for new facilities, or applications for approval of direct or indirect transfers of facility licenses.

Where there are co-applicants, each intending to own an interest in a new facility as co-licensees, each applicant must be reviewed to determine whether it is owned, controlled, or dominated by an alien, foreign corporation or foreign

government. If a co-licensee of an existing facility owns a partial interest in the facility and is transferring that interest, the acquirer must be reviewed to determine whether it is owned, controlled, or dominated by an alien, foreign corporation or foreign government.

The foreign control determination is to be made with an orientation toward the common defense and security. However, this SRP does not address all matters relating to the determination of whether issuance of a license to a person would be inimical to the common defense and security.

This SRP reflects current NRC regulations and policy.

1.2 Relevant Statutory And Regulatory Provisions

Sections 103d and 104d of the Act provide, in relevant part, that no license may be issued to:

any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

(Section 103d also states that no license may be issued to an alien.)

Section 184 of the Act provides, in relevant part:

No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

10 CFR § 50.33(d), in relevant part, provides:

Each application shall state:

(d)(1) If applicant is an individual, state citizenship.

(2) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.

(3) If applicant is a corporation or an unincorporated association, state:

(i) The state where it is incorporated or organized and the principal location where it does business;

(ii) The names, addresses and citizenship of its directors and of its principal officers;

(iii) Whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and, if so, give details.

(4) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and

furnish information required under this paragraph with respect to such principal.

10 CFR § 50.38 provides:

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

10 CFR § 50.80 provides, in pertinent part:

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

* * *

(c) * * * [T]he Commission will approve an application for the transfer of a license, if the Commission determines:

* * *

(2) That the transfer of the license is otherwise consistent with applicable provisions of the law, regulations, and orders issued by the Commission pursuant thereto.

2. Information to be Submitted by Applicant

2.1 Information Required By Regulation

At the time the applicant submits its application for a license or for approval of the transfer of a license, the applicant must submit information sufficient to comply with 10 CFR § 50.33(d).

2.2 Additional Information

If the reviewer, based on the information required to be submitted by 10 C.F.R. § 50.33(d), has reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the following additional information:

1. If the applicant's equity securities are of a class which is registered pursuant to the Securities Exchange Act of 1934, copies of all current Securities and Exchange Commission Schedules 13D and 13G, which are required to be filed by owners of more than 5% of such a class with the Securities and Exchange Commission, the security issuer (applicant), and the exchange on which the issuer's securities are traded.

2. Management positions held by non-U.S. citizens.

3. The ability of foreign entities to control the appointment of management personnel.

2.3 Negation Action Plan

If applicable under Section 4.4 *infra*, the applicant should also submit a Negation Action Plan, which is described in detail in Section 4.4.

3. Acceptance Criteria

3.1 Basic Statutory and Regulatory Limitations

License applications for new facilities or applications for approval of transfers of licenses required in the case of proposed new ownership of existing facilities may involve foreign entities proposing to own all or part of a reactor facility. Sections 103d and 104d of the AEA prohibit the NRC from issuing a license to an applicant if the NRC knows or has reason to believe that the applicant is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (or is an alien, in the case of section 103d).

Likewise, under 10 CFR 50.38,

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

3.2 Guidance On Applying Basic Limitations

The Commission has not determined a specific threshold above which it would be conclusive that an applicant is controlled by foreign interests through ownership of a percentage of the applicant's stock. Percentages held of outstanding shares must be interpreted in light of all the information that bears on who in the corporate structure exercises control over what issues and what rights may be associated with certain types of shares.

An applicant is considered to be foreign owned, controlled, or dominated whenever a foreign interest has the "power," direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the applicant. The Commission has stated that the words "owned, controlled, or dominated" mean relationships where the will of one party is subjugated to the will of another. *General Electric Co.*, 3 AEC at 101.

A foreign interest is defined as any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the U.S. or its possessions and trust territories; any person who is not a citizen or national of the U.S.; and any U.S. interest effectively controlled by one of the above foreign entities.

The Commission has stated that in context with the other provisions of

Section 104d, the foreign control limitation should be given an orientation toward safeguarding the national defense and security. Thus, an applicant that may pose a risk to national security by reason of even limited foreign ownership would be ineligible for a license.

Even though a foreign entity contributes 50%, or more, of the costs of constructing a reactor, participates in the project review, is consulted on policy and cost issues, and is entitled to designate personnel to design and construct the reactor, subject to the approval and direction of the non-foreign applicant, these facts alone do not require a finding that the applicant is under foreign control.

An applicant that is partially owned by a foreign entity, for example, partial ownership of 50% or greater, may still be eligible for a license if certain conditions are imposed, such as requiring that officers and employees of the applicant responsible for special nuclear material must be U.S. citizens.

Where an applicant that is seeking to acquire a 100% interest in the facility is wholly owned by a U.S. company that is wholly owned by a foreign corporation, the applicant will not be eligible for a license, unless the Commission knows that the foreign parent's stock is "largely" owned by U.S. citizens. If the foreign parent's stock is owned by U.S. citizens, and certain conditions are imposed, such as requiring that only U.S. citizens within the applicant organization be responsible for special nuclear material, the applicant may still be eligible for a license, notwithstanding the foreign control limitation. If the applicant is seeking to acquire less than a 100% interest, further consideration is required.

4. Review Procedures

4.1 Threshold Review and Determination

The reviewer should first analyze all of the information submitted by the applicant sufficient to comply with 10 C.F.R. § 50.33(d), as well as other relevant information of which the reviewer is aware, to determine whether there is any reason to believe that the applicant is an alien or citizen, national, or agent of a foreign country, or an entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government. If there is no such reason to believe based on the foregoing information, no further review is required and the reviewer should proceed to make a recommendation regarding whether

there is any foreign control obstacle to granting the application. On the other hand, if there is any reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the additional information specified in Section 2.2.

4.2 Supplementary Review

If it is necessary to obtain the additional information specified in Section 2.2, the reviewer should consider the acceptance criteria above, and consult with the Office of the General Counsel on Commission precedent. Information related to the items listed below may be sought and may be taken into consideration in determining whether the applicant is foreign owned, controlled, or dominated. The fact that some of the below listed conditions may apply does not necessarily render the applicant ineligible for a license.

1. Whether any foreign interests have management positions such as directors, officers, or executive personnel in the applicant's organization.

2. Whether any foreign interest controls, or is in a position to control the election, appointment, or tenure of any of the applicant's directors, officers, or executive personnel. If the reviewer knows that a domestic corporation applicant is held in part by foreign stockholders, the percentage of outstanding voting stock so held should be quantified. However, recognizing that shares change hands rapidly in the international equity markets, the staff usually does not evaluate power reactor licensees to determine the degree to which foreign entities or individuals own relatively small numbers of shares of the licensees' voting stock. The Commission has not determined a specific threshold above which it would be conclusive that an applicant is controlled by foreign interests.

3. Whether the applicant is indebted to foreign interests or has contractual or other agreements with foreign entities that may affect control of the applicant.

4. Whether the applicant has interlocking directors or officers with foreign corporations.

5. Whether the applicant has foreign involvement not otherwise covered by items 1-4 above.

4.3 Supplementary Determination

After reviewing the additional information specified in Section 2.2, if the reviewer continues to conclude that the applicant may be an alien or owned, controlled, or dominated by foreign interests, or has some reason to believe

that may be the case, the reviewer shall determine:

1. The nature and extent of foreign ownership, control, or domination, to include whether a foreign interest has a controlling or dominant minority position.

2. The source of foreign ownership, control, or domination, to include identification of immediate, intermediate, and ultimate parent organizations.

3. The type of actions, if any, that would be necessary to negate the effects of foreign ownership, control, or domination to a level consistent with the Atomic Energy Act and NRC regulations.

On the other hand, if the reviewer determines after reviewing the additional information specified in Section 2.2 that there is no further reason to believe that the applicant is an alien or owned, controlled, or dominated by a foreign person or entity, no additional review is necessary.

4.4 Negation Action Plan

If the reviewer continues to conclude following the Supplementary Determination that an applicant may be considered to be foreign owned, controlled, or dominated, or that additional action would be necessary to negate the foreign ownership, control, or domination, the applicant shall be promptly advised and requested to submit a negation action plan. When factors not related to ownership are present, the plan shall provide positive measures that assure that the foreign interest can be effectively denied control or domination. Examples of such measures that may be sufficient to negate foreign control or domination include:

1. Modification or termination of loan agreements, contracts, and other understandings with foreign interests.

2. Diversification or reduction of foreign source income.

3. Demonstration of financial viability independent of foreign interests.

4. Elimination or resolution of problem debt.

5. Assignment of specific oversight duties and responsibilities to board members.

6. Adoption of special board resolutions.

5. Evaluation Findings

The reviewer should verify that sufficient information has been provided to satisfy the regulations and this Standard Review Plan. In consideration of the guidance of this Standard Review Plan, the reviewer should then draft an analysis and

recommendation, based on the applicable information specified in Sections 2 and 4 above, concerning whether the reviewer knows, or has reason to believe that the applicant is an alien, or is a corporation or other entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and whether there are conditions that should be imposed before granting the application so as to effectively deny foreign control of the applicant.

6. References

1. Sections 103, 104, and 184 of the Atomic Energy Act of 1954, as amended (42 USC 2133, 2134, and 2234).

2. Part 50 "Domestic Licensing of Production and Utilization Facilities" of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50).

3. *General Electric Co. and Southwest Atomic Energy Associates*, Docket No. 50-231, 3 AEC 99 (1966).

4. Letter from W. Dircks to J. MacMillan (Dec. 17, 1982) (Re: Babcock & Wilcox/McDermott).

5. Letter from N. Palladino to A. Simpson (Sept. 22, 1983) w/attachment (Re: Union Carbide/Cintichem).

[FR Doc. 99-5079 Filed 3-1-99; 8:45 am]

BILLING CODE 7590-01-P

PEACE CORPS

Information Collection Requests Under OMB Review

AGENCY: The Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget. (0420-0513).

SUMMARY: The Associate Director for Management invites comments on information collection requests as required pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35). This notice announces that the Peace Corps has submitted to the Office of Management and Budget a request to approve the continued use of the Peace Corps World Wise Schools enrollment form. A copy of the information collection may be obtained from Betsi Shays, Director of World Wise Schools, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Mrs. Shays may be contacted by telephone at 202-692-1455. The Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; 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;

ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden the collection of information those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on these forms should be addressed to Victoria Becker Wassmer, Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503.

Information Collection Abstract

Title: Educator Information Enrollment Form.

Need for and Use of this Information: The Peace Corps needs this information to officially enroll educators in the World Wise Schools Global Education Program. The information is used to match Educators with currently serving Peace Corps Volunteers.

Respondents: Educators interested in bringing the awareness of Global Education to the classroom.

Respondents Obligation to Reply: Voluntary.

Burden on the Public:

a. *Annual reporting burden:* 833 hours.

b. *Annual record keeping burden:* 250 hours.

c. *Estimated average burden per response:* 10 min.

d. *Frequency of response:* annually.

e. *Estimated number of likely respondents:* 10,000.

f. *Estimated cost to respondents:* \$4,466.

This notice is issued in Washington, DC, on February 22, 1999.

Doug Greene,

Associate Director for Management.

[FR Doc. 99-5102 Filed 3-1-99; 8:45 am]

BILLING CODE 6051-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-12799]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (InfoCure Corporation, Common Stock, \$.001 Par Value)

February 23, 1999.

InfoCure Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities and Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Board of Directors of the Company unanimously approved a resolution on February 13, 1999, to withdraw the Company's Security from listing on the Amex.

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company believes: (i) Their market capitalization can now support an over-the-counter trading system like that offered by the Nasdaq Stock Market ("Nasdaq"); (ii) Nasdaq is the preferred stock market for high-technology companies; and (iii) other companies in the Company's market sector that most closely compare to the Company are listed on Nasdaq.

The Company has complied with the rules of the Exchange by notifying the Exchange of its intention to withdraw its Security from listing on the Exchange by letter dated January 14, 1999. The Exchange replied by letter dated January 14, 1999, advising the Company that they would not interpose any objection to the withdrawal of the Company's Security from listing on the Exchange.

On January 29, 1999, the Company's Security started trading on the Nasdaq under the "INCX" symbol.

Any interested person may, on or before, March 16, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 5th 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.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-5044 Filed 3-1-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41087; File No. SR-MBSCC-99-01]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Eliminating the Investment Service Fee

February 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on January 29, 1999, the MBS Clearing Corporation ("MBSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by MBSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change eliminates the investment service fee that MBSCC charges a participant to recover the handling costs associated with investing the cash the participant has on deposit in the participants fund.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to eliminate the investment service fee that MBSCC charges its participants. MBSCC's rules allow it to charge this fee to recover the handling costs associated with investing the cash that a participant has on deposit in the participants fund.³ MBSCC has

historically charged a flat fee of one half of one percent of the amount invested.⁴

MBSCC has determined that the investment service fee significantly exceeds the actual cost to MBSCC of handling investments. In addition, MBSCC does not charge participants for handling costs associated with other forms of collateral such as securities or letters of credit deposited to the participants fund. Accordingly, the proposed rule change deletes the provision of MBSCC's rules that allows it to recover its handling costs.

MBSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act⁵ and the rules and regulations thereunder because it provides for the equitable allocation of reasonable dues, fees, and other charges among MBSCC participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No Written comments relating to the proposed rule change have been solicited or received. MBSCC will notify the Commission of any written comments received by MBSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of Act⁶ and pursuant to Rule 19b-4(f)(2)⁷ promulgated thereunder because the proposal changes a due, fee, or other charge imposed by MBSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is

any, on cash deposits in excess of required basic deposits, less an amount to compensate the corporation for its handling costs, shall be paid to participants at such intervals, in such manner, and in such amounts as the corporation from time to time may determine. Under the proposed rule change, the provision "less an amount to compensate the corporation for its handling costs," has been deleted.

⁴ Telephone conversation between Anthony Davidson, Vice President and Associate General Counsel, MBSCC; Jeffrey Mooney, Special Counsel, Division of Market Regulation ("Division"), Commission; and Jessie L. Nice, Attorney, Division, Commission (February 2, 1999).

⁵ 15 U.S.C. 78q-1(b)(3)(D).

⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

⁷ 17 CFR 240.19b-4(f)(2).

¹ 15 U.S.C. 78s(b)(1).

² The Commission has modified the text of the summaries prepared by MBSCC.

³ Specifically, Article IV, Rule 2, Section 7 of MBSCC's rules provides that investment income, if

necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC.

All submissions should refer to File No. SR-MBSCC-99-01 and should be submitted by March 23, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-5088 Filed 3-1-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41086; File No. SR-NSCC-99-01]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising the Fee Schedule for the Annuity Processing Service

February 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on February 4, 1999, the National Securities Clearing Corporation ("NSCC") filed with the Securities and

Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises NSCC's fee schedule with regard to its Annuity Processing Service ("APS").²

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.³

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

On December 28, 1998, NSCC filed with the Commission its fee schedule for certain APS transactions, which became effective upon filing.⁴ In that filing, NSCC erroneously stated that the fee to be charged for the transmission of a financial activity report ("FAR") by insurance carriers to distributors was \$0.50 per FAR transmitted or received.⁵ The proposed rule change corrects NSCC's fee schedule to reflect that the fee for the transmission of a FAR by insurance carriers to distributors is \$.05 per each FAR transmitted or received.⁶

² For a detailed description of APS, refer to Securities Exchange Act Release Nos. 39096 (September 19, 1997), 62 FR 50416 [File No. SR-NSCC-96-21] (order approving the establishment of APS and the implementation of phase one of APS) and 40799 (December 16, 1998), 63 FR 71175 [File No. SR-NSCC-98-07] (order approving the implementation of phase two of APS).

³ The Commission has modified the text of the summaries prepared by NSCC.

⁴ Securities Exchange Act Release No. 40975 (January 25, 1999), 64 FR 4920 [File No. SR-NSCC-98-16].

⁵ NSCC has not charged its members any fee for such transactions since NSCC filed its fee schedule with the Commission on December 28, 1998. For transactions submitted on or after February 1, 1999, NSCC will charge its member the corrected fee.

⁶ The text of the proposed revision to NSCC's fee schedule is attached as Exhibit A to NSCC's rule filing, which is available for inspection and copying

NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act⁷ and the rules and regulations thereunder because it provides for the equitable allocation of reasonable dues, fees, and other charges among NSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of Act⁸ and pursuant to Rule 19b-4(f)(2)⁹ promulgated thereunder because the proposal changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

in the Commission's Public Reference Room and through NSCC.

⁷ 15 U.S.C. 78q-1(b)(3)(D).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4(f)(2).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC-99-01 and should be submitted by March 23, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-5089 Filed 3-1-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41088; File No. SR-OCC-98-10]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Regarding Supplementary Exercise Notices

February 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on September 10, 1998, The Options Clearing Corp. ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposed rule change, OCC will amend its expiration date exercise procedures to impose filing fees for exercise notices that are tendered after OCC's prescribed deadlines.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B),

and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify OCC's rules that govern the submission of supplementary exercise notices on an expiration date.

Rule 805 governs the submission of expiration date exercise instructions. The rule states that if a clearing member tenders an exercise notice in response to an expiration exercise report after OCC's deadline, the tender is in violation of OCC's procedures. Rule 805 further provides that the clearing member shall be subject to disciplinary procedures unless the clearing member was prevented from submitting timely exercise instructions due to one of the circumstances specified in the rule.

Supplementary exercise notices require special processing that is manually intensive. Therefore, OCC is in the process of reviewing the effectiveness of its rules and procedures relating to expiration date exercise processing. As a result of this ongoing review, OCC believes it is necessary to modify Rule 805 to more closely align the treatment of supplementary exercise notices that are submitted on expiration dates with the treatment of late exercise instructions that are submitted on other dates.

Rule 801 imposes a graduated schedule of filing fees for any request to file exercise instructions after the applicable deadline. Rule 801 fees increase at specified times depending on when the filing is made in relation to OCC's nightly processing cycle.

Under the proposed rule change, OCC will institute a similar schedule of fees for the submission of supplementary exercise notices on expiration dates. These fees will also increase depending on when the request was made in relation to the expiration processing cycle. Under the rule change, OCC will impose a filing fee of \$2,000 per clearing member for any supplementary exercise notice tendered after the deadline prescribed pursuant to subparagraph (b) of Rule 805 but before the start of critical expiration processing. A filing fee of \$10,000 per line item per clearing member will be charged for any supplementary exercise notice tendered after the start of critical expiration processing. OCC's board of directors will be authorized to remit any filing fee if it finds that the circumstances that

gave rise to the fee were beyond the clearing member's or its customer's control or that remission would be otherwise equitable under the circumstances. OCC will further modify Rule 805 to delete the required institution of disciplinary procedures for the unexcused tender of supplementary exercise notices. Instead, the institution of such procedures will be permissive as is the case under Rule 801(e)(4).

Finally, OCC will amend Rule 805 to add a provision that will require that the tender of supplementary exercise notices be in accordance with the procedures prescribed by OCC from time to time. Under the rule change, failure to follow the procedures prescribed by OCC will result in the supplemental exercise notice being deemed null and void. This requirement is intended to ensure that supplemental exercise notices are received by the appropriate personnel who can act on them in a timely fashion in order to prevent undue delays in providing assignment information to clearing members.

The proposed rule change is consistent with Section 17A of the Act³ and the rules and regulations thereunder because it enhances OCC's procedures for expiration processing of options contracts.

(b) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(c) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which OCC consents, the Commission will:

(A) by order approve such proposed rule change or

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² The Commission has modified the text of the summaries prepared by OCC.

³ 15 U.S.C. 78q-1(b)(3)(A).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549.

Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-09-10 and should be submitted by March 23, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-5087 Filed 3-1-99; 8:45 am]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION PRIVACY ACT OF 1974, AS AMENDED; NEW SYSTEM OF RECORDS

AGENCY: Social Security Administration (SSA).

ACTION: New system of records and proposed routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. § 552a(e)(4)), we are issuing public notice of our intent to establish a new system of records. The proposed system of records is entitled the Medicare Part B Buy-In Information System, SSA/OPB, SSA-100. The proposed system will maintain information collected for use in connection with implementation of the Medicare Part B buy-in demonstration program. We are also proposing routine

uses of information that will be maintained in the system in accordance with 5 U.S.C. § 552a(e)(11). We invite public comment on the proposed system and the routine uses.

DATES: We filed a report of the proposed system with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget on February 22, 1999. We also requested a waiver of the OMB 40-day advance notice requirements. If OMB does not grant the waiver we will not implement the proposal before April 3, 1999.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3-B-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Priscilla Rieger, Social Insurance Policy Specialist, Social Security Administration, 3-D-1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (410) 965-3953.

SUPPLEMENTARY INFORMATION:

I. Purpose and Background of The System

Under the provisions of the Medicare Part B Buy-in programs described in titles XVIII and XIX of the Social Security Act (Act), Medicare beneficiaries with very low incomes and few assets may qualify for State assistance in paying health care costs. Title IV of Division A, Social Security Administration, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law 105-277, directs the Commissioner of Social Security to expend \$6,000,000 for Federal-State partnerships which will evaluate means to promote the Medicare buy-in programs targeted to elderly and disabled individuals. Enrollments in the Medicare Part B buy-in programs are low. A lack of awareness about the Medicare Part B buy-in programs appears to be one of the major obstacles to enrollments.

SSA will conduct a Medicare Part B buy-in demonstration to identify and overcome the obstacles to Medicare Part B buy-in enrollments for: (1) certain qualified Medicare beneficiaries (QMB) who are eligible for Medicaid payment of their Medicare premiums, deductibles and coinsurance; (2) specified low-income Medicare

beneficiaries (SLMB) who would be QMBs but for income which exceeds the Federal poverty level (FPL) but is less than 120 percent of the FPL after application of Supplemental Security Income (SSI) income exclusions; and (3) subject to the availability of funding, qualified individuals who would be QMBs or SLMBs but for income which exceeds the allowable limit but is less than 135 percent of the FPL after application of SSI income exclusions. The demonstration will assist these beneficiaries who are or could be eligible for Medicaid benefits to help pay their Medicare costs. SSA intends to work with the Health Care Financing Administration to identify and investigate barriers and to foster enrollment of these beneficiaries in the Medicare buy-in programs. See 63 FR 64137 (1998) for more detailed information concerning the demonstration and the Medicare Part B buy-in programs.

In order to conduct the demonstration, SSA must collect and maintain personally identifiable information. The information will be maintained in the system of records we are proposing to establish, the Medicare Part B Buy-In Information System, OPB, SSA-100. The information will be collected during screening interviews conducted by SSA staff. Once gathered, the information will be used to assess a beneficiary's knowledge of the Medicare buy-in programs and to determine his or her potential eligibility for the buy-in programs. SSA will employ the services of a contractor to assist in designing and evaluating the effectiveness of the demonstration methodology. The amount of personal information maintained on each individual is the minimum necessary to provide factual research and statistical data for an evaluation of the net outcomes (e.g., increased applications to and enrollments in the buy-in programs) of the demonstration.

II. Collection and Maintenance of Data in the Proposed System

The proposed system will maintain information about all persons screened during the Medicare Part B buy-in demonstration. This will include information about beneficiaries potentially eligible for a buy-in program as well as those deemed not potentially eligible. Information will be collected from Social Security beneficiaries and, as necessary, from existing SSA systems of records such as the Master Beneficiary Record (09-60-0090) and the Supplemental Security Income Record (09-60-0103). The specific information maintained will include the

⁴ 17 CFR 200.30-3(a)(12).

beneficiary's name, Social Security number, date of birth, marital status, and such other information as may be supplied by the beneficiary regarding income, resources and living arrangements during a screening interview with an SSA staff contact. Statistical data as to how a beneficiary learned about the Medicare Part B buy-in demonstration will also be maintained to assist development of future publicity campaigns. The information will be retrieved by Social Security number and date.

III. Proposed Routine Uses of Information in The Proposed System

We are proposing to establish routine uses of information which will be maintained in the system as discussed below.

1. *Disclosure to third parties such as State Agencies and/or a beneficiary's representative payee in situations where the third party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when relevant data maintained in this system of records are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:*

- (a) his or her eligibility for benefits under a Social Security program;
- (b) the amount of his or her benefit payment; or
- (c) any case in which the evidence is being verified as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

We will disclose information under this routine use only as necessary to enable SSA to obtain information that will assist in determining individuals' entitlement to Medicare Part B buy-in programs.

2. *Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.*

We will disclose information under this routine use in situations in which an individual may contact the Office of the President, seeking that office's assistance in an SSA matter on his or her behalf. Information would be disclosed when the Office of the President makes an inquiry and presents evidence that the office is acting on behalf of the individual whose record is requested.

3. *Disclosure to a congressional office in response to an inquiry from that*

office made at the request of the subject of a record.

We will disclose information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in an SSA matter on his or her behalf. Information would be disclosed when the congressional representative makes an inquiry and presents evidence that he or she is acting on behalf of the individual whose record is requested.

4. *Disclosure to State or local agencies, (or agents on their behalf) for administering the Medicaid program.*

We will disclose information under this routine use to State, or local agencies to assist such agencies in administration of the Medicaid program. The purpose of this disclosure is to assist the agencies in establishing individuals' eligibility for such programs, to provide information necessary to enforce eligibility restrictions in such programs, and to combat and prevent fraud, waste and abuse in those programs.

5. *Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.*

We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records (e.g., designing and evaluating the effectiveness of the methodologies tested in the Medicare Part B buy-in demonstration.)

6. *Disclosure to the Department of Justice (DOJ), a court or other tribunal, or other third-party before such tribunal when:*

- (a) SSA, or any component thereof; or
- (b) Any SSA employee in his/her official capacity; or
- (c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or
- (d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation.

We will disclose information under this routine use only, as necessary, to enable DOJ, a court or other tribunal, to effectively defend SSA, its components or employees in litigation involving the proposed system of records.

7. *Information may be disclosed to student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.*

Under certain Federal statutes, SSA is authorized to use the services of volunteers and participants in certain educational, training, employment and community service programs. Examples of such statutes and programs are: 5 U.S.C. § 3111 regarding student volunteers; and 42 U.S.C. § 2753 regarding the College Work Study Program. We contemplate disclosing information under this routine use only when SSA uses the services of these individuals and they need access to information in this proposed system of records to perform their assigned duties.

8. *Nontax return information, the disclosure of which is not expressly restricted by Federal law, may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. § 2904 and § 2906, as amended by the National Archives and Records Administration Act of 1984, for the use of those agencies in conducting records management studies.*

The Administrator of GSA and the Archivist of NARA are charged by 44 U.S.C. § 2904 with promulgating standards, procedures, and guidelines regarding records management and conducting records management studies. Section 2906 of that law, also amended by the NARA Act of 1984, provides that GSA and NARA are to have access to Federal agencies' records and that agencies are to cooperate with GSA and NARA. In carrying out these responsibilities, it may be necessary for GSA and NARA to have access to this proposed system of records. In such instances, the routine use will facilitate disclosure.

IV. Compatibility of The Proposed Routine Uses

The Privacy Act (5 U.S.C. § 552a(b)(3)) and our disclosure regulations (20 CFR part 401) permit us to disclose information under a published routine use for a purpose which is compatible with the purpose for which we collected the information. Section 401.150(c) of title 20 of the Code of Federal Regulations (CFR) permits us to disclose information under a routine use where necessary to assist in carrying out SSA programs. Section 401.120 of title 20 C.F.R. provides that we will disclose

information when a law specifically requires the disclosure. The proposed routine uses numbered 1-7 will ensure efficient administration of SSA's Medicare Part B buy-in project, and would allow other disclosures, as necessary, to administer SSA programs that may involve this proposed system of records. The proposed routine use number 8 will allow GSA or NARA to inspect our records, as required by 44 U.S.C. § 2904 and § 2906, when those agencies conduct records management studies. Thus, all of the routine uses are appropriate and meet the relevant statutory and regulatory criteria.

V. Records Storage Medium and Safeguards

We will maintain information in the proposed system in computer data systems and in paper form. Only authorized SSA, State and private evaluation contractor personnel who have a need for the information in the performance of their official duties will be permitted access to the information. Security measures include the use of access codes to enter the computer system which will maintain the data, and storage of the computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. Any paper records will be kept in locked cabinets or in otherwise secure areas. Also, all entrances and exits to SSA buildings and facilities are patrolled by armed security guards. Contractor personnel having access to data in the system of records will be required to adhere to SSA rules concerning safeguards, access and use of the data. SSA and contractor personnel having access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. See 5 U.S.C. § 552a(i)(1).

VI. Effect of The System of Records on Individuals

The proposed system will maintain information to determine if the methodologies used in the Medicare Part B buy-in demonstration were effective in increasing awareness of, and applications and enrollments in, the buy-in programs. This information will also be used to identify and investigate barriers to such enrollments, thereby benefiting elderly and disabled Social Security beneficiaries who may be eligible for the buy-in programs. Thus, we do not anticipate that the proposed system of records will have any unwarranted adverse effect on individuals.

Dated: February 22, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

Social Security Administration Notice of System of Records Required by the Privacy Act of 1974, As Amended, 5 U.S.C. § 552a

System number: SSA-100.

System name: Medicare Part B Buy-In Information System, SSA/OPB, SSA-100.

Security classification: None.

System location: Social Security Administration, Office of Research, Evaluation and Statistics, ITC Building, 9th Floor, 500 E. Street, SW, Washington, D.C. 20254.

Categories of individuals covered by the system: All persons screened in the Medicare Part B buy-in demonstration program for potential eligibility for Medicare buy-in programs. This includes Social Security beneficiaries who have attained age 65, disabled Social Security beneficiaries who have received 24 consecutive months of Social Security benefits, and certain individuals who suffer from end stage renal disease.

Categories of records in the system: The system contains information supplied by a beneficiary during a screening interview conducted by SSA staff to determine potential eligibility for Medicare Part B buy-in programs. This information may include the individual's name, Social Security number (SSN), date of birth, address, marital status and such other information as may be supplied by the beneficiary regarding income, resources and living arrangements. Information may also be obtained from the Master Beneficiary Record and from the Supplemental Security Income Record, as needed. The beneficiary will also be surveyed as to how he or she learned about the Medicare Part B buy-in programs.

Authority for maintenance of the system: Title IV of Division A, Social Security Administration, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law (P.L.) 105-277.

Purpose(s): All information on the system will be maintained under the beneficiary's Social Security number. The system will be designed to determine a beneficiary's potential eligibility for Medicare Part B buy-in and gather information to be used in evaluating the effectiveness of the methodologies tested under the demonstration authority in P.L. 105-277 to increase Medicare buy-in applications and enrollments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made for routine uses as indicated below:

1. Disclosure to third parties in situations where the party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when the data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(a) his or her eligibility for benefits under a Social Security program;

(b) the amount of his or her benefit payment;

(c) any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

2. Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his or her behalf.

3. Disclosure to a congressional office in response to an inquiry from that office made at the request of the subject of a record.

4. Disclosure to State or local agencies, (or agents on their behalf), for administering the Medicaid program.

5. Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.

6. Disclosure to the Department of Justice (DOJ), a court or other tribunal, or other third-party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his or her official capacity; or

(c) Any SSA employee in his or her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

7. Information may be disclosed to student volunteers and other workers, who technically do not have the status

of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

8. Nontax return information, the disclosure of which is not expressly restricted by Federal law, may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. § 2904 and § 2906, as amended by the National Archives and Records Administration Act of 1984, for the use of those agencies in conducting records management studies.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Data may be stored in paper form and on magnetic media (e.g., magnetic tape and magnetic diskette).

Retrievability: Records in this system are indexed and retrieved by the SSN.

Safeguards: Security measures include the use of access codes to enter the computer system which will maintain the data, and storage of the computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. Any paper records will be kept in locked cabinets or in otherwise secure areas. Contractor personnel having access to data in the system of records will be required to adhere to SSA rules concerning safeguards, access and use of the data. SSA and contractor personnel having access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system of records.

Retention and disposal: Magnetic discs and other files with personal identifiers are retained in secure areas accessible only to authorized personnel and will be disposed of as soon as they are determined to be no longer needed for contractor or SSA analysis. Means of disposal will be appropriate to the storage medium (e.g., deletion of magnetic discs or shredding of paper records). Records used in administering the demonstration and experimental programs will be retained indefinitely.

System manager and address: Director, Division of Representative Payment and Evaluation, Office of Program Benefits, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record about him or her by writing to the system manager at the above address

and providing his or her name, address and SSN.

An individual requesting notification of records in person need not provide any special documents of identity. Documents he or she would normally carry on his or her person would be sufficient (e.g., credit cards, drivers license, or voter registration card.) See 20 C.F.R. § 401.45(b) (1998). If an individual does not have identification papers sufficient to establish his or her identity that individual must certify in writing that he or she is the person claimed to be and that he or she understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense. *Id.*

If notification is requested by telephone, an individual must verify his or her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. *Id.* at § 401.45(b)(2)(1998). If a request for notification is submitted by mail, an individual must include a notarized request to SSA to verify his/her identity or must certify in the request that he or she is the person claimed to be and that he or she understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense. *Id.* at § 401.45(b)(3)(1998).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. See 20 C.F.R. § 401.40(b)(1998).

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA regulations 20 C.F.R. § 401.65(1998).

Record source categories: Data for the system are secured primarily from individual beneficiaries (or their representative payees if applicable) who are screened for eligibility for Medicare Part B buy-in as part of SSA's demonstration. Records in this system may also be derived in part from other SSA systems of records (e.g., the Master Beneficiary Record (09-60-0090) and the Supplemental Security Income Record (09-60-0103)).

Systems exempted from certain provisions of the Privacy Act: None.
[FR Doc. 99-5193 Filed 3-1-99; 8:45 am]
BILLING CODE 4190-11-P

TENNESSEE VALLEY AUTHORITY

Establishment of Land Between The Lakes Advisory Committee

Notice is hereby given that, in consultation with the General Services Administration, it has been determined that the establishment of an advisory committee on the Tennessee Valley Authority's (TVA) Land Between The Lakes National Recreation Area (LBL) is necessary and in the public interest. Accordingly, TVA has chartered the Land Between The Lakes Advisory Committee (LBLAC).

The LBLAC will be an effective instrument to provide advice and recommendations to TVA. LBL is a 170,000-acre area located in western Kentucky and Tennessee bounded by the Tennessee River on the west and the Cumberland River on the east. It is one of the largest tracts of Federal land in the eastern United States. It is managed by TVA for multiple purposes to optimize a wide variety of outdoor recreation uses and to provide a national resource for environmental education. At LBL, innovative programs in these fields can be tested and carried out. LBL is also a significant economic stimulus for the surrounding region. TVA is establishing the LBLAC to broaden representation of diverse interests and increase the frequency of advice TVA receives from the public and private sectors in regard to its management and operation of LBL. TVA anticipates that the LBLAC will add important perspectives in the management and operation of LBL to the benefit of its resources, its visitors, and the economy of the region.

In order to attain a diverse and balanced membership, the LBLAC will consist of 17 members appointed by the TVA Board of Directors as follows:

- 5 persons selected by the TVA Board;
- 2 persons selected by the Governor of Tennessee;
- 2 persons selected by the Governor of Kentucky;
- 1 person selected by the Commissioner of the Kentucky Department of Fish and Wildlife Resources;
- 1 person selected by the Director of the Tennessee Wildlife Resources Agency;
- 2 persons selected by the Judge Executive of Lyon County, Kentucky;

- 2 persons selected by the Judge Executive of Trigg County, Kentucky; and
- 2 persons selected by the County Executive of Stewart County, Tennessee.

The LBLAC will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter is being filed at this time in accordance with approval by the General Services Administration Secretariat pursuant to 41 CFR 101-6.1015(a)(2).

For further information, please contact Ann W. Wright, General Manager, Land Between The Lakes, (502) 924-2001.

Authority: 41 CFR 101-6.1015(a).

Dated: February 19, 1999.

O.J. Zeringue,

*President and Chief Operating Officer,
Tennessee Valley Authority.*

[FR Doc. 99-5123 Filed 3-1-99; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engines Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engines.

DATES: The meeting is scheduled for March 16-17, beginning at 8:30 a.m. on March 16. Arrange for oral presentations by March 8, 1999.

ADDRESSES: Boeing Commercial Airplane Group, 535 Garden Avenue, N., Building 10-16, Renton, WA.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM-209, FAA, 800 Independence Avenue, SW, Washington, DC 20591, Telephone (202) 267-7626, FAX (202) 267-5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held March 16-17, 1999, at the Boeing Commercial Airplane Group, 535 Garden Avenue, N., Building 10-16, Renton, WA.

The agenda will include:

Opening Remarks
FAA Report
Joint Aviation Report

Transport Canada Report
Executive Committee Meeting Report
Harmonization Management Team Report
Seat Test Harmonization Working Group (HWG) Report
Flight Test HWG Report
Ice Protection HWG Report
Engine HWG Report and Vote
Airworthiness Assurance Working Group Report
Powerplant Installation HWG Report
Systems Design and Analysis HWG Report
Flight Guidance System HWG Report
Avionics Systems HWG Report
General Structures HWG Report
Loads and Dynamics HWG Report
Flight Controls HWG Report
Electrical Systems HWG Report
Mechanical System HWG Report

The Engine HWG is requesting a vote for annual legal review of a draft advisory circular on fire protection requirements for aircraft engines.

Attendance is open to the public, but will be limited to the space available. The public must make arrangements by March 8, 1999, to present oral statements at the meeting. Written statements may be presented to the Committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be voted upon may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

In addition, sign and oral interpretation as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on February 24, 1999.

Brenda D. Courtney,

Acting Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 99-5109 File 3-1-99; 8:45 pm.]

BILLING CODE 4910-13 a

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Assessment or Environmental Impact Statement: Mahoning and Trumbull Counties, Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an

environmental assessment or environmental impact statement will be prepared for a proposed project in Mahoning and Trumbull Counties, Ohio.

FOR FURTHER INFORMATION CONTACT: Michael B. Armstrong, Field Operations Engineer, Federal Highway Administration, 200 N. High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280-6855.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation (ODOT), will prepare an environmental assessment (EA) or environmental impact statement (EIS) on a proposal to construct a four-lane, limited access, divided highway connecting Interstate 680 to Interstate 80 via an approximately 1.5 mile extension of State Route 711, in Mahoning and Trumbull Counties, Ohio.

Construction of this connector highway is considered necessary to provide a missing link in the regional transportation system and to reduce congestion on existing roadways that serve traffic in the absence of this connection. This proposal needs to provide this connectivity while serving existing and proposed commercial and industrial development.

Alternatives under consideration include: (1) taking no action; (2) constructing a highway on new alignment. The alternative on new alignment has sub-alternatives providing for various access options.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in the project area in March and December of 1999. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The EA or draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EA or EIS 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 program)

Issued on: February 24, 1999.

Michael B. Armstrong,

Field Operations Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 99-5071 Filed 3-1-99; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-209793-95]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-209793-95 (TD 8697), Simplification of Entity Classification Rules (sec. 301.7701-3).

DATES: Written comments should be received on or before May 3, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622-6665, Internal Revenue Service, room 5577, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Simplification of Entity Classification Rules.

OMB Number: 1545-1486.

Regulation Project Number: REG-209793-95.

Abstract: This regulation provides rules to allow certain unincorporated business organizations to elect to be treated as corporations or partnerships for federal tax purposes. The election is made by filing Form 8832, Entity Classification Election. The information collected on the election will be used to verify the classification of electing organizations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and state, local or tribal governments.

The burden for the collection of information in this regulation is reflected in the burden estimates of Form 8832.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 19, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99-5124 Filed 3-1-99; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[GL-238-88]

Proposed Collection; Comment Request For Regulation Project.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, GL-238-88 (TD 8549), Preparer Penalties—Manual Signature Requirement (sec. 1.6695-1(b)).

DATES: Written comments should be received on or before May 3, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622-6665, Internal Revenue Service, room 5577, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Preparer Penalties—Manual Signature Requirement.

OMB Number: 1545-1385.

Regulation Project Number: GL-238-88.

Abstract: This regulation provides that persons who prepare U.S. fiduciary income tax returns for compensation may, under certain conditions, satisfy the manual signature requirements by using a facsimile signature. However, they will be required to submit to the IRS a list of the names and identifying numbers of all fiduciary returns which are being filed with a facsimile signature.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 1 hour and 17 minutes.

Estimated Total Annual Burden Hours: 25,825 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 18, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99-5125 Filed 3-1-99; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF VETERANS AFFAIRS

Scientific Review and Evaluation Board for Health Services Research and Development Service, Notice of Meeting

The Department of Veterans Affairs, Veterans Health Administration, gives notice under Pub. L. 92-463, that a meeting of the Scientific Review and Evaluation Board for Health Services Research and Development Service will be held at the Omni Ambassador East, 1301 North State Parkway, Chicago, IL, June 24 through 26, 1999, from 8:00 a.m. until 5:00 p.m. each day. The purpose of the meeting is to review research and development applications concerned with the measurement and evaluation of health care services and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit. Recommendations regarding

funding are prepared for the Chief Research and Development Officer.

This meeting will be open to the public at the start of the June 24 session for approximately one half-hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols and similar documents. During this portion of the meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would be likely to frustrate significantly implementation of proposed agency action regarding such research projects). As provided by the subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Those who plan to attend the open session should contact the Review Program Manager (124F), Health Services Research and Development Service, Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C., at least five days before the meeting. For further information, call (202) 273-8287.

Dated: February 22, 1999.

By Direction of the Secretary:

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99-5073 Filed 3-1-99; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Women Veterans will be held on March 16-19, 1999, at the Department of Veterans Affairs, 810 Vermont Avenue, NW, in conference room 230. The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs, and activities administered by the Department of Veterans Affairs designed to meet such needs. The Committee will make recommendations to the Secretary regarding such activities.

All sessions will be open to the public. Those who plan to attend should contact Ms. Maryanne Carson, Department of Veterans Affairs, Center for Women Veterans, 810 Vermont Avenue, NW, Washington, DC 20420, at (202) 273-6193. A tentative agenda follows:

Tuesday, March 16, 1999

8:30 AM Opening Remarks—Dr. Linda Schwartz Review September 1998 Minutes, Review March Agenda
9:00 AM Briefing: Center for Women Veterans—Ms. Joan Furey
10:00 AM Break
10:15 AM Briefing: VA Homeless Initiatives—Mr. Peter Dougherty
11:15 AM Briefing: Readjustment Counseling Service—Dr. Alfonso Batres
11:45 AM General Discussion
12:15 PM Lunch
1:30 PM Briefing: Veterans Health Administration—Ms. Kathleen Zeiler
3:30 PM Break
4:00 PM General Discussion
5:00 PM Adjourn

Wednesday, March 17, 1999

8:30 AM Briefing: National Cemetery System—Ms. Lynn Howell
9:00 AM Briefing: Veterans Benefits Administration—Ms. Lynda Petty
10:30 AM Break
11:00 AM Briefing: Women Veterans' Research—Dr. Jessica Wolfe
12:00 N Lunch
1:30 PM Briefing: Center for Minority Veterans—Col. Willie Hensley
2:00 PM Briefing: State Veterans Homes—Col. Christine Cook
2:30 PM Briefing: Sexual Trauma Brochure—Ms. Veronica A'Zera
3:00 PM Break
3:30 PM Review: 1998 Report & VA Response (if available)
5:00 PM Adjourn

Thursday, March 18, 1999

8:30 AM General Discussion—Dr. Linda Schwartz
10:00 AM Subcommittee Meetings—Dr. Linda Schwartz, Dr. Lois Johns
12:00 N Lunch
1:30 PM Subcommittee Meetings
4:00 PM Executive Session—Dr. Linda Schwartz
5:00 PM Adjourn

Friday, March 19, 1999

9:00 AM General—Dr. Linda Schwartz, 2000 Report, Committee Assignments, Agenda Items—Next Meeting, Dates—Next Meeting
62:00 N Adjourn

Dated: February 22, 1999.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99-5072 Filed 3-1-99; 8:45 am]

BILLING CODE 8320-01-M

Corrections

Federal Register

Vol. 64, No. 40

Tuesday, March 2, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Chief of Engineers Environmental Advisory Board

Correction

In notice document 99-4380 appearing on page 8800, in the issue of Tuesday, February 23, 1999, make the following correction:

On page 8800, in the third column, under the heading **SUPPLEMENTARY INFORMATION**, in the 11th line, "decision" should read "discussion".
[FR Doc. C9-4380 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2588-004]

City of Kaukauna Electric and Water Department; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

Correction

In notice document 99-3814, appearing on page 7878, in the issue of Wednesday, February 17, 1999, the heading is corrected by adding the project number.

[FR Doc. C9-3814 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File an Application for a New License

Correction

In notice document 99-3815, appearing on page 7878, in the issue of Wednesday, February 17, 1999, make the following correction:

On page 7878, in the first column, in paragraph b, "700" should read "7000".
[FR Doc. C9-3815 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 77, 80-83, 152, 207, 220-222, 301, 303, 306, 308, 320, 324, 325, 328, 333, and 336

RIN 3067-AC91

Removal of Certain Parts of Title 44 CFR

Correction

In proposed rule document 99-3879, beginning on page 8048 in the issue of Thursday, February 18, 1999, make the following correction:

On page 8050, under **List of Subjects** the "15 CFR" title headings throughout the first, second and third columns should read "44 CFR".

[FR Doc. C9-3879 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities; Proposed Collection; Comment Request

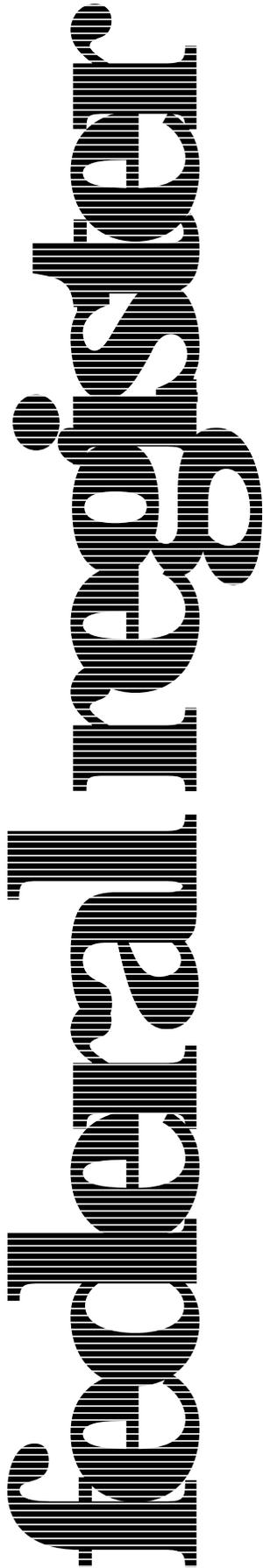
Correction

In notice document 99-4211 beginning on page 8572, in the issue of Monday, February 22, 1999, make the following correction:

On page 8573, in the first column, under the heading **DATES:**, the second line, "[Insert date 60 days from publication in the Federal Register]." should read "April 23, 1999".

[FR Doc. C9-4211 Filed 3-1-99; 8:45 am]

BILLING CODE 1505-01-D



Tuesday
March 2, 1999

Part II

**Department of
Education**

34 CFR Part 694

**Office of Postsecondary Education;
Gaining Early Awareness and Readiness
for Undergraduate Programs; Final Rule**

**Office of Postsecondary Education;
Notice Inviting Applications for New
Awards for Fiscal Year 1999—Gaining
Early Awareness and Readiness for
Undergraduate Programs—GEAR UP;
Notice**

DEPARTMENT OF EDUCATION**34 CFR Part 694**

RIN 1840-AC59

Gaining Early Awareness and Readiness for Undergraduate Programs**AGENCY:** Office of Postsecondary Education, Department of Education.**ACTION:** Final regulations.**SUMMARY:** The Secretary amends the Code of Federal Regulations to add regulations necessary to implement certain provisions of the Higher Education Amendments of 1998. The regulations only apply to the fiscal year 1999 grant competition.**EFFECTIVE DATE:** These regulations take effect April 1, 1999.**FOR FURTHER INFORMATION CONTACT:** Lisa Aserkoff, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-2110. Telephone: (202) 401-6296. 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, audiotope, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:**Background**

These final regulations implement certain provisions of the Higher Education Amendments of 1998 (Amendments), (Public Law 105-244), enacted October 7, 1998, amending the Higher Education Act of 1965 (HEA).

Section 403 of the Amendments established the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), a program designed to give more low-income students the skills, encouragement, and preparation needed to pursue postsecondary education, and to strengthen academic programs and student services at participating schools. GEAR UP provides two types of competitive grants: State grants and Partnership grants. State grants must provide early college preparation and awareness activities through the early intervention component of the GEAR UP program and scholarships for participating students through the scholarship component of GEAR UP. Partnerships must provide early college

preparation and awareness activities through the early intervention component, and are encouraged to provide college scholarships, although they are not required to include a scholarship component in their GEAR UP projects.

Under its principles for regulating, the Department of Education (Department) regulates only when it improves the quality and equality of services to its customers—learners of all ages. The Department regulates only when absolutely necessary, and then in the most flexible, most equitable, and least burdensome way possible. The Department regulates if a demonstrated problem exists and cannot be resolved without regulation or if necessary to provide legally binding interpretation to resolve an ambiguity. The Department does not regulate if entities or situations to be regulated are so diverse that a uniform approach does more harm than good.

These final regulations are necessary to implement the GEAR UP program. In some instances, the Amendments require the Secretary to regulate. In others, regulations are necessary to clarify certain provisions in the statute.

The regulations set a maximum amount that the Secretary may award each year to a Partnership or a State under GEAR UP. For Partnership grants, the maximum amount that the Secretary may award each year is calculated by multiplying the number of students the Partnership proposes to serve that year, as stated in the Partnership's plan, by \$800. The Secretary has determined that this is an appropriate average per student, per year, Federal dollar amount to spend under GEAR UP. The Secretary believes that this average maximum Federal dollar amount per student will ensure that the Department can fund a substantial number of projects nationwide each year, while still providing for a broad range of services for those students served.

The final regulations set the maximum dollar amount that the Secretary may award each year for State grants under GEAR UP at \$5 million. As with Partnership grants, the Secretary believes that this will ensure that the Department can fund a substantial number of projects each year, while providing the services necessary to ensure a successful program.

Under the statute, a Partnership must, and a State may, conduct its early intervention component by serving entire grade levels, or cohorts, of students. The final regulations clarify the statutory requirements regarding which students a Partnership, or a State that chooses to use the cohort approach,

must serve under the GEAR UP early intervention component. After outlining the statutory requirements, the regulations explain what happens if there are changes in the cohort.

A Partnership or State must include in the cohort of students receiving direct services any additional students at the grade level of the students in the cohort who begin attending the school where the cohort began. For example, if a Partnership or State starts with a 6th grade cohort, and several new students arrive at the school the following year, when the cohort has reached 7th grade, the Partnership or State must serve as part of the cohort any new 7th grade students. The Secretary believes that any new student who begins attending a school participating in a GEAR UP program, before the cohort leaves the school with a 7th grade at which the cohort began to receive GEAR UP services, should have the opportunity to benefit from the direct services other students are receiving. On the other hand, some students who began in the cohort are likely to leave the participating school as well. Students who depart the participating school are not required to be served. Thus, this requirement should not cause the size of the cohort to increase significantly in the years before the cohort leaves the school with a 7th grade at which the cohort began to receive GEAR UP services.

As the cohort moves on to a subsequent participating school (for example, a high school), it is possible that a single middle-grades school could feed into more than one high school. Some cohorts may therefore eventually have their students distributed among several schools.

These regulations provide that if not all the students in the cohort attend the same school after the cohort completes the last grade level offered by the school at which the cohort began to receive GEAR UP services, the Partnership or the State may, but is not required to, provide services to all of those students. However, the Partnership or State must continue to provide GEAR UP services to at least those students in the cohort who attend subsequent participating schools that enroll a substantial majority of the students in the cohort.

For example, a cohort could graduate from its middle-grades school after the 8th grade, and the students from that cohort could then begin attending three different high schools. If 40% of the cohort attends one high school, 30% attends another high school, and another 30% attends a third high school, the Partnership or State would be required to serve the students from

the original cohort in at least two of the high schools in order to meet the substantial majority requirement.

The Secretary believes that requiring Partnerships or States to provide services to at least those students in the cohort who attend subsequent participating schools that enroll a substantial majority of the students in the cohort is the best way to ensure that the maximum number of students from the original cohort continue to receive services, without placing an undue burden on Partnerships or States.

The regulations outline the requirements a Partnership or State must meet if it chooses to provide services to private school students under the program's early intervention component. The regulations are based on private school student participation requirements generally applicable to most elementary and secondary education programs carried out by the Department and are designed to ensure that Federal funds are used for educational services that are secular, neutral, and nonideological.

The regulations establish the matching requirements for GEAR UP Partnerships. Under the regulations, a Partnership must state in its application the percentage of the cost of the GEAR UP project for each year that the Partnership will provide from non-Federal funds, and then comply with the matching percentage stated in the application for each year of the project period. However, a Partnership must provide at least 20% of the cost of the project from non-Federal funds for any year in the project period, and the non-Federal share of the cost of the GEAR UP project must be at least 50% of the total cost over the project period.

The Secretary believes that these matching requirements give Partnerships broad flexibility in terms of the amount of the project cost that the Partnership must provide each year. The Secretary also believes that a Partnership should be responsible for at least 20 percent of the cost of the project for any given year, and for at least 50 percent of the entire cost of the project. The Secretary believes that the success of any project depends in part upon strong community support. The 50 percent requirement helps to ensure that the GEAR UP project can be sustained, even after Federal funds are no longer available, through strong community Partnerships, with support from all partners.

These regulations also address the requirements for the scholarship component of the project for States, and for any Partnership that chooses to include a scholarship component in its

project. The regulations outline the minimum scholarship amount that a State or Partnership must award under the scholarship component. Under the statute, the minimum amount of the scholarship for each fiscal year is not less than the lesser of: 75 percent of the average cost of attendance for an in-State student, in a 4-year program, at public institutions of higher education in that State; or the maximum Federal Pell Grant funded under section 401 of the HEA for that year. The statute gives the Secretary the authority to decide how to determine 75 percent of the average cost of attendance. These regulations specify that the percentage will be determined using section 472 of the HEA, the cost of attendance provisions for Title IV of the HEA. As GEAR UP is a Title IV program, the Secretary believes the general cost of attendance provisions for Title IV should apply. This provision is also based on the regulations for cost of attendance under the National Early Intervention Scholarship and Partnership Program (NEISP), the program which GEAR UP replaced.

The regulations also detail the relationship of a GEAR UP scholarship to other financial assistance received by a student, and the GEAR UP scholarship amount provided to a part-time student. As provided in the statute, GEAR UP scholarships must not be considered when awarding other Title IV grant assistance (for example, Federal Pell Grants or Federal Supplemental Educational Opportunity Grants). However, the statute also provides that the total amount of Title IV assistance awarded to a student must not exceed the student's total cost of attendance. A student's cost of attendance is, in part, related to whether the student attends an institution on a full-time or part-time basis. The regulations clarify that a State or Partnership that awards a GEAR UP scholarship to a student attending an institution on a less than full-time basis must reduce the scholarship amount proportionately. This proportionate reduction is similar to the reduction of Federal Pell Grants awarded to part-time students. The Secretary believes that it is important to clarify the GEAR UP scholarship amount for part-time students in the regulations in order to ensure that these nontraditional students are appropriately served under GEAR UP.

As required by the statute, the regulations also give a priority under the scholarship component to students who will receive Federal Pell grants for the academic year in which the GEAR UP scholarship is being awarded. The regulations also address how to award

any remaining scholarship funds, once eligible students who will receive Federal Pell Grants have received their awards. Under the regulations, if a State or Partnership has GEAR UP scholarship funds remaining after awarding scholarships to all eligible Federal Pell Grant recipients, the State or Partnership must award those funds to eligible students after considering the need of those students for GEAR UP scholarships. Since this program is targeted at students at schools in low-income areas, the Secretary believes it is important that scholarship funds go to the students with the greatest need.

The regulations state that a State or Partnership must award continuation scholarships in successive award years to each student who received an initial scholarship, and who continues to be eligible. This is a provision from the NEISP regulations that the Secretary believes is important to apply also to the GEAR UP program. The Secretary believes that, once students receive a GEAR UP scholarship, they should be confident that they will continue to receive their scholarship money for as long as they remain eligible.

In order to assist institutions of higher education package the amounts and types of aid that a particular student receives, the regulations also outline the order in which financial assistance should be given to help institutions of higher education package the amounts and types of aid that a particular student receives. These regulations are also based on the NEISP regulations. Specifying the order in which financial aid is awarded is necessary because the Secretary intends that GEAR UP scholarships be "last dollar" grant assistance, and not be used to reduce any other grants (Federal or non-Federal) or tuition discounts.

The regulations also address the circumstances under which a Partnership may provide scholarship assistance to students who have participated in the GEAR UP early intervention component, if the Partnership decides not to participate in the GEAR UP scholarship component. Under the statute, only States are required to participate in the scholarship component. Partnerships may offer scholarships using GEAR UP funds to students who have participated in the GEAR UP early intervention component. However, if they choose to offer scholarships without participating in the scholarship component, they may offer scholarships using GEAR UP funds only if certain requirements are met. The regulations address those requirements.

Under the regulations, the Partnership may provide financial assistance for postsecondary education to students who participate in the early intervention component only if the financial assistance is directly related to, and in support of, other activities of the Partnership under the early intervention component of GEAR UP. The Secretary believes that it would be inconsistent with the statutory requirements applicable to the scholarship component for a Partnership to use its GEAR UP funds under the early intervention component to provide financial assistance unless there is a strong link between that financial assistance and the particular GEAR UP activities in which the student has participated.

For example, students could be awarded financial assistance based on the successful completion of academic milestones they specifically committed themselves to as part of the GEAR UP project. However, students may not be awarded financial assistance as part of a GEAR UP project that is independent of the GEAR UP early intervention component activities, or that does not meet the requirements of the GEAR UP scholarship component.

The Secretary recognizes that since GEAR UP projects must start not later than the 7th grade, scholarships for postsecondary education won't be a concern for most GEAR UP students for at least six years. However, under the statute, students who have been participating in either the NEISP or TRIO programs may be eligible to receive scholarship money during the first years of the program. Additionally, the Secretary feels that it is important that applicants are aware of any requirements that might affect the way in which they shape their projects, even if the requirements do not have an immediate impact.

The regulations also provide that the Governor of a State must designate which State agency shall apply for, and administer, a State grant under GEAR UP. As with the NEISP program, the Secretary believes that the best way to ensure that the Department receives the best possible application from each State is to ask the Governor to designate which State agency will apply on behalf of that State. The Secretary believes that Governors are in a unique position to bring about coordination among State and local agencies, educational institutions, and others to develop State GEAR UP plans that marshal resources and add support to States' efforts to raise academic standards.

The regulations also state the requirements that a Partnership or State

participating in GEAR UP must meet with respect to 21st Century Scholarship Certificates. Under the statute, the Secretary must ensure that each student participating in a GEAR UP program receives a 21st Century Scholarship Certificate that is personalized, and that indicates the amount of Federal financial aid for college that the student may be eligible to receive. The regulations therefore require that a State or Partnership must provide each student with a certificate. The Secretary believes that the best and most efficient way to award the certificates, which will be from the Secretary, is to involve the States and Partnerships in awarding them. The Secretary believes that the students' personalized information is most readily available to the project grantees and that awarding the students their certificates complements other early college awareness activities by States and Partnerships as part of their GEAR UP projects.

Finally, the regulations address the priorities the Secretary must establish, and the priorities that the Secretary may choose to establish each year in making GEAR UP awards. Under the statute, the Secretary is required to give a priority to any State grant applicant that had carried out successful educational opportunity programs under NEISP, and that has a demonstrated commitment to early intervention leading to college access. In addition to that priority, the Secretary may also give a funding priority to a Partnership or State applicant that proposes to serve a substantial number or percentage of students who reside in an Empowerment Zone, including a Supplemental Empowerment Zone, or Enterprise Community, as designated by the U.S. Department of Housing and Urban Development or the U.S. Department of Agriculture. The Secretary believes that applicants proposing to serve Empowerment Zones or Enterprise Communities demonstrate a commitment to serving the students with the greatest need for encouragement and motivation to attend institutions of higher education and may decide to give applicants who serve those students a priority.

The Secretary may also give a priority to a Partnership that establishes or maintains a financial assistance program to award scholarships either under the GEAR UP scholarship component, or in accordance with the regulations that apply to Partnerships. The Secretary believes that the knowledge that scholarships will be available is a powerful way to encourage students to go on to postsecondary education. The

Secretary may therefore decide to give Partnership applicants that show a commitment to providing scholarships to GEAR UP students a funding priority.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action. The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of the regulations justify the costs. Potential costs and benefits of the final regulations are discussed elsewhere in this preamble under the heading "Supplementary Information".

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations would not have a significant economic impact on a substantial number of small entities. Entities that would be affected by these regulations are States and State agencies, local educational agencies (LEAs), local community organizations, and institutions of higher education. States and state agencies are not "small entities" under the Regulatory Flexibility Act.

Institutions of higher education are defined as "small entities," according to U.S. Small Business Administration Size Standards if they are for-profit or nonprofit institutions with total annual revenue below \$5,000,000 or if they are institutions controlled by governmental entities with populations below 50,000. Small LEAs and local community organizations are small entities for the purposes of the Regulatory Flexibility Act. The final regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision.

The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control numbers assigned to the collections of information in these final regulations are displayed at the end of the affected sections of the regulations.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

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.

Waiver of Rulemaking

In accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553), it is generally the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. However, section 437(d) of the General Education Provisions Act exempts from these rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, the Secretary has decided to publish this regulation in final under the authority of section 437(d). Further, the Secretary has determined that, to make grants under this competition before the funds expire, the use of negotiated rulemaking would be impracticable and contrary to the public interest under section 492(b)(2) of the HEA. The Department did consult with the public, however, throughout the development of this program.

Electronic Access to This Document

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Note: The official version of this document is the document published in the **Federal Register**.

List of Subjects in 34 CFR Part 694

Colleges and universities, Elementary and secondary education, Grant programs—education, Student aid.

(Catalog of Federal Domestic Assistance Number: 84.334 Gaining Early Awareness and Readiness for Undergraduate Programs)

Dated: February 19, 1999.

Maureen A. McLaughlin,

Acting Assistant Secretary for Postsecondary Education.

The Secretary amends Chapter VI of Title 34 of the Code of Federal Regulations by adding the following new part:

PART 694—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

Sec.

- 694.1 To what fiscal year do these regulations apply?
- 694.2 What is the maximum amount that the Secretary may award each year to a Partnership or a State under this program?
- 694.3 Which students must a Partnership, or a State that chooses to use the cohort approach in its project, serve under the program's early intervention component?
- 694.4 What are the requirements for a cohort?
- 694.5 Which students must a State or Partnership serve when there are changes in the cohort?
- 694.6 What requirements must be met by a Partnership or State that chooses to provide services to private school students under the program's early intervention component?
- 694.7 Who may provide GEAR UP services to students attending private schools?
- 694.8 What are the matching requirements for a GEAR UP partnership?

- 694.9 What are the requirements that a Partnership must meet in designating a fiscal agent for its project under this program?
- 694.10 What are the requirements regarding the amount of a GEAR UP scholarship, and its relationship to other Federal student financial assistance?
- 694.11 What requirements must a State, or a Partnership that chooses to include a scholarship component in its project, follow in awarding scholarships under the program's scholarship component?
- 694.12 Under what conditions may a Partnership that does not participate in the GEAR UP scholarship component provide financial assistance to students under the GEAR UP early intervention component?
- 694.13 How does a State determine which State agency will apply for, and administer, a State grant under this program?
- 694.14 What requirements must be met by a Partnership or State participating in GEAR UP with respect to 21st Century Scholar Certificates?
- 694.15 What requirements apply to a State that served students under the National Early Intervention Scholarship and Partnership Program (NEISP) and that receives a GEAR UP grant?
- 694.16 What priority must the Secretary establish?
- 694.17 What priorities may the Secretary establish?
- Authority:** 20 U.S.C. 1070a-21 to 1070a-28, unless otherwise noted.

§ 694.1 To what fiscal year do these regulations apply?

The regulations in this part apply to the fiscal year 1999 grant competition. (Authority: 20 U.S.C. 1070a-21)

§ 694.2 What is the maximum amount that the Secretary may award each year to a Partnership or a State under this program?

(a) *Partnership grants.* The maximum amount that the Secretary may award each year for a GEAR UP Partnership grant is calculated by multiplying—

- (1) Eight hundred dollars (\$800); by
- (2) The number of students the Partnership proposes to serve that year, as stated in the Partnership's plan.

(b) *State grants.* The maximum amount that the Secretary may award each year for a GEAR UP State grant is \$5 million.

(Authority: 20 U.S.C. 1070a-23)

§ 694.3 Which students must a Partnership, or a State that chooses to use the cohort approach in its project, serve under the program's early intervention component?

A Partnership, or a State that chooses to use the cohort approach in its GEAR UP early intervention component, must, except as provided in § 694.5—

(a) Provide services to at least one entire grade level (cohort) of students

(subject to § 694.04(b)) beginning not later than the 7th grade; and

(b) Ensure that services are provided through the 12th grade to those students.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.4 What are the requirements for a cohort?

(a) *In general.* Each cohort to be served by a Partnership or State must be from a participating school—

(1) That has a 7th grade; and

(2) In which at least 50 percent of the students are eligible for free or reduced-price lunch under the National School Lunch Act; or

(b) *Public housing exception.* If the Partnership or State determines it would promote program effectiveness, a cohort may consist of all of the students in a particular grade level at one or more participating schools who reside in public housing, as defined in section 3(b)(1) of the United States Housing Act of 1937.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.5 Which students must a State or Partnership serve when there are changes in the cohort?

(a) *At the school where the cohort began.* A Partnership or State must serve, as part of the cohort, any additional students who—

(1) Are at the grade level of the students in the cohort; and

(2) Begin attending the participating school at which the cohort began to receive GEAR UP services.

(b) *At a subsequent participating school.* If not all of the students in the cohort attend the same school after the cohort completes the last grade level offered by the school at which the cohort began to receive GEAR UP services, a Partnership or a State—

(1) May continue to provide GEAR UP services to all students in the cohort; and

(2) Must continue to provide GEAR UP services to at least those students in the cohort that attend participating schools that enroll a substantial majority of the students in the cohort.

(Authority: 20 U.S.C. 1070a-22)

§ 694.6 What requirements must be met by a Partnership or State that chooses to provide services to private school students under the program's early intervention component?

(a) *Secular, neutral, and nonideological services or benefits.* Educational services or other benefits, including materials and equipment, provided under GEAR UP by a Partnership or State that chooses to provide those services or benefits to

students attending private schools, must be secular, neutral, and nonideological.

(b) *Control of funds.* In the case of a Partnership or State that chooses to provide services under GEAR UP to students attending private schools, the fiscal agent (in the case of a Partnership) or a State agency (in the case of a State) must—

(1) Control the funds used to provide services under GEAR UP to those students; and

(2) Hold title to materials, equipment, and property purchased with GEAR UP funds for GEAR UP program uses and purposes related to those students; and

(3) Administer those GEAR UP funds and property.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.7 Who may provide GEAR UP services to students attending private schools?

(a) GEAR UP services to students attending private schools must be provided—

(1) By employees of a public agency; or

(2) Through contract by the public agency with an individual, association, agency, or organization.

(b) In providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be independent of the private school that the students attend, and of any religious organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.

(c) Federal funds used to provide GEAR UP services to students attending private schools may not be commingled with non-Federal funds.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.8 What are the matching requirements for a GEAR UP Partnership?

(a) *In general.* A Partnership must—

(1) State in its application the percentage of the cost of the GEAR UP project the Partnership will provide for each year from non-Federal funds, subject to the requirements in paragraph (b) of this section; and

(2) Comply with the matching percentage stated in its application for each year of the project period.

(b) *Matching requirements.* (1) A Partnership must provide not less than 20 percent of the cost of the project from non-Federal funds for any year in the project period.

(2) The non-Federal share of the cost of the GEAR UP project must be not less than 50 percent of the total cost over the project period.

(3) The non-Federal share of the cost of a GEAR UP project may be provided in cash or in-kind.

(Authority: 20 U.S.C. 1070a-23)

(Approved by the Office of Management and Budget under control number 1840-0740)

§ 694.9 What are the requirements that a Partnership must meet in designating a fiscal agent for its project under this program?

A Partnership must designate as the fiscal agent for its project under GEAR UP—

(a) A local educational agency; or

(b) An institution of higher education that is not pervasively sectarian.

(Authority: 20 U.S.C. 1070a-22)

§ 694.10 What are the requirements regarding the amount of a GEAR UP scholarship, and its relationship to other Federal student financial assistance?

(a) *In general.* Except as provided in paragraph (b) of this section, a State, or a Partnership that chooses to include a scholarship component in its GEAR UP project—

(1) Must award a scholarship under the scholarship component that is at least the lesser of—

(i) Seventy-five (75) percent of the average cost of attendance, as determined under section 472 of the Higher Education Act of 1965, as amended (HEA), for in-State students in a 4-year program of instruction at public institutions of higher education in the State; or

(ii) The maximum Federal Pell Grant award funded for that fiscal year.

(2) Must not award a GEAR UP scholarship to a student in an amount that, in combination with other student financial assistance awarded under title IV of the HEA, exceeds the student's cost of attendance, as defined in section 472 of that Act.

(b) If a student who is awarded a GEAR UP scholarship attends an institution on a less than full-time basis during any academic year, the State or Partnership awarding the GEAR UP scholarship must reduce the scholarship amount proportionately.

(c) A GEAR UP scholarship must not be considered in the determination of a student's eligibility for other grant assistance provided under title IV of the HEA.

(Authority: 20 U.S.C. 1070a-25)

§ 694.11 What requirements must a State, or a Partnership that chooses to include a scholarship component in its project, follow in awarding scholarships under the program's scholarship component?

(a) *Pell Grant recipient priority.* A State, or a Partnership that chooses to

include a scholarship component in its GEAR UP project, must award GEAR UP scholarships—

(1) To students who—
 (i) Are eligible for a GEAR UP scholarship; and
 (ii) Will receive a Federal Pell Grant for the academic year for which the GEAR UP scholarship is being awarded; and

(2) If the State or Partnership has GEAR UP scholarship funds remaining after awarding scholarships to students under paragraph (a)(1) of this section, to other eligible students (who will not receive a Federal Pell Grant) after considering the need of those students for GEAR UP scholarships.

(b) *Continuation scholarships.* A State or a Partnership must award continuation scholarships in successive award years to each student who received an initial scholarship and who continues to be eligible for a scholarship.

(c) *Order of scholarships.* In awarding GEAR UP scholarships, a State or Partnership must ensure that, for each recipient of a scholarship under this part who is eligible for and receiving other postsecondary student financial assistance, a Federal Pell Grant be awarded first, other public and private grants, scholarships, or tuition discounts be awarded second, a GEAR UP scholarship be awarded third, and then other financial assistance be awarded.

(Authority: 20 U.S.C. 1070a-25)

§ 694.12 Under what conditions may a Partnership that does not participate in the GEAR UP scholarship component provide financial assistance to students under the GEAR UP early intervention component?

A GEAR UP Partnership that does not participate in the GEAR UP scholarship

component may provide financial assistance for postsecondary education to students who participate in the early intervention component only if the financial assistance is directly related to, and in support of, other activities of the Partnership under the early intervention component of GEAR UP.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.13 How does a State determine which State agency will apply for, and administer, a State grant under this program?

The Governor of a State must designate which State agency applies for, and administers, a State grant under GEAR UP.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

§ 694.14 What requirements must be met by a Partnership or State participating in GEAR UP with respect to 21st Century Scholar Certificates?

(a) A State or Partnership must provide, in accordance with such procedures as the Secretary may specify, a 21st Century Scholar Certificate from the Secretary of Education to each student participating in the early intervention component of its GEAR UP project.

(b) 21st Century Scholar Certificates must be personalized and indicate the amount of Federal financial aid for college that a student may be eligible to receive.

(Authority: 20 U.S.C. 1070a-26)

§ 694.15 What requirements apply to a State that served students under the National Early Intervention Scholarship and Partnership program (NEISP) and that receives a GEAR UP grant?

Any State that receives a grant under this part and that served students under the NEISP program on October 6, 1998

must continue to provide services under this part to those students until they complete secondary school.

(Authority: 20 U.S.C. 1070a-21)

§ 694.16 What priority must the Secretary establish?

For any fiscal year, the Secretary must select any State grant applicant that—

(a) On October 6, 1998, carried out successful educational opportunity programs under the National Early Intervention Scholarship and Partnership program (as that program was in effect on that date); and

(b) Has a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies.

(Authority: 20 U.S.C. 1070a-21)

§ 694.17 What priorities may the Secretary establish?

For fiscal year 1999, the Secretary may select one or more of the following priorities:

(a) Projects by Partnerships or States that serve a substantial number or percentage of students who reside in an Empowerment Zone, including a Supplemental Empowerment Zone, or Enterprise Community designated by the U.S. Department of Housing and Urban Development or the U.S. Department of Agriculture.

(b) Partnerships that establish or maintain a financial assistance program that awards scholarships to students either in accordance with section 404E of the HEA, or in accordance with § 694.12.

(Authority: 20 U.S.C. 1070a-21 to 1070a-28)

[FR Doc. 99-4886 Filed 3-1-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[CFDA NO. 84.334]

**Office of Postsecondary Education;
Notice Inviting Applications for New
Awards for Fiscal Year 1999—Gaining
Early Awareness and Readiness for
Undergraduate Programs—GEAR UP**

Purpose of Program: The purpose of this program is to give more low-income students the skills, motivation, and preparation needed to pursue postsecondary education. Through early college preparation and awareness activities, eligible students are provided comprehensive mentoring, counseling, outreach and supportive services, including information to students and their parents about the benefits of postsecondary education and the availability of Federal financial assistance to attend college. Through the scholarship component, which is mandatory for State grants and optional for Partnership grants, eligible students are provided scholarships for higher education.

Eligible Applicants

1. Partnerships with at least—
 - One institution of higher education. This may be any degree-granting two-year or four-year college or university;
 - One local educational agency (school district) on behalf of one or more schools with a 7th grade and the high school(s) that the students at these middle schools would normally attend. Generally, at least 50 percent of the students attending the participating school with a 7th grade must be eligible for free or reduced-price lunches. However, as an alternative, Partnerships may choose to work with one or more grade levels of students, beginning not later than the 7th grade, who reside in public housing; and
 - Two additional organizations, such as businesses, professional associations, community-based organizations, State Agencies, elementary schools, philanthropic organizations, religious groups, and other public or private organizations.
2. State Agencies as designated by the State's Governor, one per State.

Applications Available: February 19, 1999.

Deadline for Transmittal of Applications: April 30, 1999.

Deadline for Intergovernmental Review: June 30, 1999.

Available Funds: \$120,000,000.

Estimated Average Awards: No minimum, maximum or average award has been established for Partnership

grants. The size of each Partnership grant will depend on the number of students served. However, there is a maximum annual Federal contribution of \$800 per student for Partnership grants.

For State grants, the estimated average award is \$1.5 million to \$2 million with a \$5 million maximum and no minimum award.

Estimated Number of Awards: We estimate that the Department will make approximately 20–30 State grant awards and between 300 to 700 Partnership grant awards, depending on the size and configuration of each Partnership.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months unless the Department announces that Congress has passed a technical amendment to the contrary.

Selection Criteria

The Secretary uses the selection criteria in accordance with 34 CFR 75.209 and 75.210 to evaluate applications for Gaining Early Awareness and Readiness for Undergraduate Programs. The application package includes selection criteria and the points assigned to the criteria

Priorities

Competitive Priorities: Competitive Preference Priority—Prior Experience (*For State grants only*)—Under 34 CFR 75.105(c)(2)(i) and 34 CFR 694.16, the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards up to five (5) bonus points to a State grant application depending upon how well the application meets the priority. These bonus points are in addition to any points the application earns under the selection criteria for the program. Under this program the Secretary gives competitive preference to any State grant applicant that—

- (1) As of October 6, 1998, carried out successful educational opportunity programs under the National Early Intervention Scholarship and Partnership Program; and
- (2) has a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies.

Competitive Preference Priority—Providing Program Services in an Empowerment Zone or Enterprise Community (*For Partnership or State grants*)—Under 34 CFR 75.105(c)(2)(i) and 34 CFR 694.17(a), the Secretary

gives competitive preference to an application for a Partnership or State grant that serves a substantial number or percentage of students who reside in an Empowerment Zone, a Supplemental Empowerment Zone, or an Enterprise Community.

The Secretary will select an application that meets this priority over an application of comparable merit that does not meet the priority.

Invitational Priority—Scholarships (For Partnerships grants only)—Under 34 CFR 75.105(c)(1) and 34 CFR 694.17(b) the Secretary is particularly interested in applications that meet the invitations priority for establishing or maintaining a financial assistance program that awards scholarships to students either in accordance with section 404E of the Higher Education Act of 1965, as amended, or in accordance with 34 CFR 694.12.

However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

For Applications or Information Contact: Karen W. Johnson by mail at: Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Room 6252, Portals Building, Washington, DC 20202. Telephone 1-800-USA-LEARN, email gearup@ed.gov, or fax your request to (202) 260-4269. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain the GEAR UP application in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) upon request to Karen W. Johnson, whose contact information is listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Technical Assistance Workshops

The Department plans to conduct eleven (11) workshops, sponsored by the Ford Foundation. At these workshops, Department of Education staff, with the assistance of the National Center for Urban Partnerships, will offer technical assistance at a series of one-day regional workshops. These workshops will feature:

- Information about how to plan, establish, and develop effective college-school partnerships;

- Guidance about where to obtain additional information about educational partnerships, best practices, research studies, and program evaluation;

- Technical assistance to prospective applicants on how to prepare the GEAR UP Partnership and State grant applications; and

- Budget information for GEAR UP projects.

To register on-line, visit the NCUP website at <http://www.gearup.org> and click on the workshop you would like to attend. For more information, call Johnson Niba at (202) 619-0741. The dates, times, and locations of the workshops are as follows (all workshops will be held from 8:00 a.m. to 5:30 p.m.):

- Monday, March 1, 1999, Miami, Florida, Wyndham Hotel 4833 Collins Avenue, contact Oscar Gomez (305) 535-2034.

- Wednesday, March 3, 1999, Atlanta, Georgia, Clark Atlanta University.

- Thursday, March 4, 1999, Albuquerque, New Mexico, The Pyramid Crowne Plaza, 5151 San Francisco Road, N.E., contact Pam Yarmer (505) 821-3333.

- Friday, March 5, 1999, San Juan, Puerto Rico, Sacred Heart University.

- Monday, March 8, 1999, Seattle, Washington, Sheraton Seattle, 1400 Sixth Avenue, contact Audrey Beavert (206) 447-5538.

- Tuesday, March 9, 1999, Houston, Texas, Braeswood Hotel, 2100 S.

Braeswood, contact Dawn (713) 797-9000.

- Wednesday, March 10, 1999, St. Louis, Missouri, The Adams Mark Hotel, 4th and Chestnut, contact Brenda Roderick (314) 342-4675.

- Thursday, March 11, 1999, Philadelphia, Pennsylvania, Penn Tower, Civic Center Boulevard at 34th Street, contact Ron Purndun (215) 898-1517.

- Friday, March 12, 1999, Boston, Massachusetts, Boston Park Plaza, 64 Arlington Street, contact Susan Foster (617) 456-2457.

- Friday, March 12, 1999, Los Angeles, California, Westin Bonaventure, 404 Figueroa Street, contact Rosanna (213) 624-1000.

- Monday, March 15, 1999, Denver, Colorado, Adams Mark Hotel, 1550 Court Place, contact Inga (303) 626-2518.

- Last week in March, workshop that will be broadcast across the country via teleconference. For more information about how to connect to the teleconference, call 1-800-USA-LEARN, email gearup@ed.gov, or check the GEARUP website.

Workshop sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the workshop (e.g. interpreting service, assistive listening device, or materials in an alternate format) should notify the contact persons listed for each workshop in this application notice at least two weeks before the scheduled workshop date. Although the Department will attempt

to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

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<http://ocfo.ed.gov.fedreg.htm>, <http://www.ed.gov/new.html>, <http://www.ed.gov/gearup>

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Note: The official version of a document is the document published in the **Federal Register**.

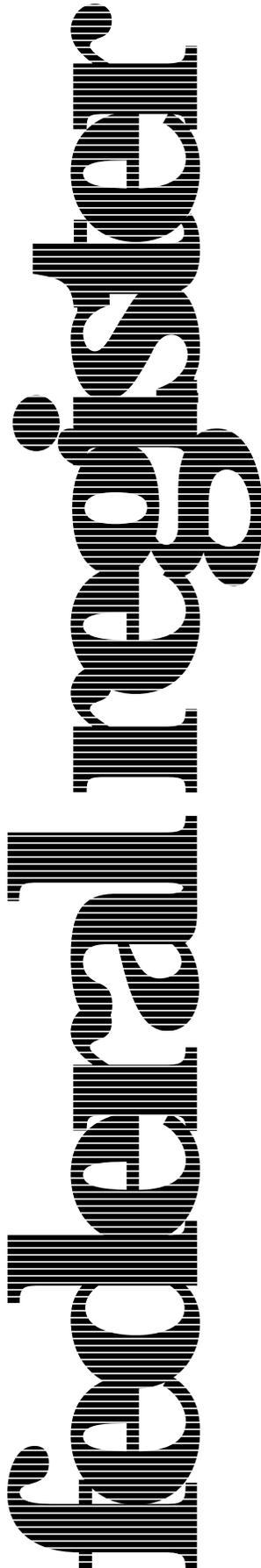
Program Authority: 20 U.S.C. 1070a-21.

Dated: February 22, 1999.

Maureen A. McLaughlin,
Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 99-4887 Filed 3-1-99; 8:45 am]

BILLING CODE 4000-01-M



Tuesday
March 2, 1999

Part III

Department of the Treasury

Office of the Comptroller of the Currency
12 CFR Part 3

Federal Reserve System

12 CFR Part 208, 225

**Federal Deposit Insurance
Corporation**

12 CFR Part 325

Department of the Treasury

Office of Thrift Supervision
12 CFR Part 567

**Risk-Based Capital Standards:
Construction Loans on Presold
Residential Properties; Junior Liens on 1-
to 4-Family Residential Properties; and
Investments in Mutual Funds; Leverage
Capital Standards: Tier 1 Leverage Ratio;
Final Rules**

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****12 CFR Part 3**

[Docket No. 99-01]

RIN 1557-AB14

FEDERAL RESERVE SYSTEM**12 CFR Part 208**

[Regulation H; Docket No. R-0947]

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Part 325**

RIN 3064-AB 96

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****12 CFR Part 567**

[Docket No. 98-125]

RIN 1550-AB11

Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1-to 4-Family Residential Properties; and Investments in Mutual Funds; Leverage Capital Standards: Tier 1 Leverage Ratio

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the agencies) are amending their respective risk-based and leverage capital standards for banks and thrifts (institutions).¹ This final rule represents a significant step in implementing section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994, which requires the agencies to work jointly to make uniform their regulations and guidelines implementing common

statutory or supervisory policies. The intended effect of this final rule is to make the risk-based capital treatments for construction loans on presold residential properties, real estate loans secured by junior liens on 1-to 4-family residential properties, and investments in mutual funds consistent among the agencies. It is also intended to simplify and make uniform the agencies' Tier 1 leverage capital standards.

EFFECTIVE DATE: This final rule is effective April 1, 1999. The agencies will not object if an institution wishes to apply the provisions of this final rule beginning with the date it is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

OCC: Roger Tufts, Senior Economic Advisor (202/874-5070), Capital Policy Division; or Ronald Shimabukuro, Senior Attorney (202/874-5090), Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, DC 20219.

Board: Norah Barger, Assistant Director (202/452-2402), Barbara Bouchard, Manager (202/452-3072), T. Kirk Odegard, Financial Analyst (202/530-6225), Division of Banking Supervision and Regulation. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Diane Jenkins (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551.

FDIC: For supervisory issues, Stephen G. Pfeifer, Examination Specialist (202/898-8904), or Carol L. Liquori, Examination Specialist (202/898-7289), Accounting Section, Division of Supervision; for legal issues, Jamey Basham, Counsel, Legal Division (202/898-7265), Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, DC 20429.

OTS: Michael D. Solomon, Senior Program Manager for Capital Policy (202/906-5654), Supervision Policy; or Vern McKinley, Senior Attorney (202/906-6241), Regulations and Legislation Division, Office of the Chief Counsel, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:**I. Background**

Section 303(a)(1) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4803(a)) (CDRI Act) requires the agencies to review their regulations and policies and to streamline those regulations where possible. Section 303(a)(3) of the CDRI Act directs the agencies, consistent with the principles

of safety and soundness, statutory law and policy, and the public interest, to work jointly to make uniform all regulations and guidelines implementing common statutory or supervisory policies. Although the agencies' risk-based and leverage capital standards are already very similar, the agencies have nevertheless reviewed these standards, internally and on an interagency basis, to fulfill the CDRI Act section 303 mandate and identify areas where they have different capital treatments or where streamlining is appropriate.

As a result of this review, the agencies identified inconsistencies in their respective risk-based capital treatments for certain types of transactions and determined that their minimum Tier 1 leverage capital standards could be streamlined and made uniform. Accordingly, on October 27, 1997, the agencies issued a joint proposal (62 FR 55686) to amend their respective risk-based and leverage capital standards to address the following: (1) construction loans on presold residential properties; (2) junior liens on 1-to 4-family residential properties; (3) investments in mutual funds; and (4) the Tier 1 leverage ratio.

The agencies received 15 public comments on the proposal (six from industry trade groups, two each from thrifts, bank holding companies, and national banks, and one each from a savings bank, a state nonmember bank, and a concerned individual). These comments are discussed in greater detail in the material that follows.

After consideration of these comments and further deliberation of the issues involved, the agencies are adopting this final rule to make their risk-based and leverage capital standards uniform with respect to the aforementioned items. The capital treatments for construction loans on presold residential properties, investments in mutual funds, and the Tier 1 leverage ratio are adopted essentially as proposed. The capital treatment for junior liens on 1- to 4-family residential properties, however, differs from the proposed treatment.

II. Proposal, Comments Received, and Final Rule**A. Construction Loans on Presold Residential Properties****Proposal**

Certain qualifying construction loans on presold residential properties currently are eligible for the 50 percent

¹ An amended risk-based capital standard for bank holding companies is included in a separate Board notice published elsewhere in today's **Federal Register**; references to "institutions" in this final rule generally do not apply to bank holding companies.

risk weight.² Under OCC and OTS rules, a qualifying construction loan on presold residential property is eligible for a 50 percent risk weight if, prior to the extension of credit to the builder, the property is sold to an individual who will occupy the residence upon completion of construction. In contrast, the Board and FDIC consider such a loan to be eligible for a 50 percent risk weight once the property is sold, regardless of whether the institution made the loan to the builder before or after the individual purchased the residence from the builder. Consistent with the capital treatment accorded such loans by the Board and FDIC, the agencies proposed that qualifying construction loans on presold residential property would be eligible for a 50 percent risk weight at the time the property was sold, regardless of when the institution made the loan to the builder.

Comments Received

The nine commenters who addressed this issue expressed unanimous support for the proposal. Four commenters noted that presold residential loans were equally safe whether the property was sold before or after the initial extension of credit to the builder. One of these commenters added that the quality of the loan was of greater importance than the timing of the property sale. Five commenters did not provide reasons for supporting the proposal.³

Final Rule

The agencies concur with commenters and believe that qualifying construction loans on presold residential property have the same credit risk regardless of the timing of the property sale. Consequently, as proposed, the agencies will permit a qualifying residential construction loan to be eligible for the 50 percent risk category at the time the property is sold, regardless of when the institution made the loan to the builder. The OCC and OTS are revising their risk-based capital standards to permit this treatment. The Board is revising its regulatory language to conform its

² Qualifying construction loans on presold residential property generally are those in which the borrower has substantial equity in the project, the property has been presold under a binding contract, the purchaser has a firm commitment for a permanent qualifying mortgage loan, and the purchaser has made a substantial earnest money deposit.

³ One commenter noted that the OTS, through guidance in the Thrift Financial Report, interprets the earnest money deposit requirement more stringently than guidance in the Call Report. On an ongoing basis, the agencies review their reporting instructions to move toward greater consistency among the agencies.

discussion of qualifying construction loans to that of the FDIC.

B. Junior Liens on 1- to 4-Family Residential Properties

Proposal

The current agency rules are not uniform with respect to the risk based capital treatment for junior liens on 1- to 4-family residential properties. Under Board and FDIC rules, first and junior liens on 1- to 4-family residential properties are combined to determine loan-to-value (LTV) ratios.⁴ The Board treats these liens as a single extension of credit and assigns the combined loan to either the 50 percent or 100 percent risk category, depending on whether or not the loan is "qualifying" under other criteria in the capital standards.⁵ The FDIC risk-weights the first lien at 50 percent, unless the combined loan amount is not qualifying, in which case the first lien is risk-weighted at 100 percent. All junior liens are risk-weighted at 100 percent. The OCC also risk-weights all junior liens at 100 percent, qualifying first liens at 50 percent, and nonqualifying first liens at 100 percent, but does not combine liens when calculating LTV ratios. The OTS definition of qualifying loans parallels that of the OCC, but in response to specific inquiries, the OTS has interpreted this provision to treat first and second mortgage loans to a single borrower with no intervening liens as a single extension of credit secured by a first lien.

Under the proposal, when an institution holds a first lien and junior lien(s) on a 1- to 4-family residential property, and no other party holds an intervening lien, the liens would be treated separately for LTV and risk-weighting purposes. Liens would not be combined for LTV purposes. Qualifying first liens would be risk-weighted at 50 percent and nonqualifying first liens and all junior liens would be risk-weighted at 100 percent. This is the capital treatment currently accorded by the OCC. The agencies note that this rulemaking does not affect the risk-

⁴ As the LTV ratio increases, the risk profile of a loan is generally considered to increase as well. In the event of a loan default, a high LTV may indicate that the value of the underlying collateral will not be sufficient to cover the amount of the loan. In addition, borrowers who have a greater equity stake in their property are generally less willing to default on their loans. Since high-LTV loans are considered to carry greater risk, institutions are expected to hold more capital against these loans.

⁵ Generally, a loan is qualifying when it meets prudent underwriting criteria, including appropriate LTV ratios, and is considered to be performing adequately. A loan that is 90 days or more past due, or is in nonaccrual status, is not considered to be performing adequately.

based capital treatment of junior liens where an institution does not hold the first lien, or where there are intervening liens; such junior liens remain subject to the 100 percent risk weight.

Comments Received

The agencies received ten comments on the junior lien component of the proposal. Three commenters supported the proposed capital treatment for junior liens, six commenters were opposed, and one commenter expressed neither support nor opposition.

Of the three commenters that supported the proposal, one offered support without explanation. The other two agreed with the proposal's simplicity and ease of understanding and implementation, but disagreed about whether first and junior liens should be combined for LTV purposes. One supported the separate treatment for first and junior liens for the purposes of calculating LTV ratios, while the other suggested that the liens should be combined.

Of the six commenters opposing the junior lien proposal, two opposed the separate treatment of loans for LTV purposes, stating that all liens should be combined when calculating the LTV ratio for a single borrower. According to these commenters, failure to combine liens when calculating LTV ratios would increase the incentive for lenders to utilize creative lending arrangements to reduce capital charges without a corresponding reduction of risk. One further suggested that the presence of any form of junior financing should result in the entire loan receiving a 100 percent risk weight.

The other four commenters opposing the junior lien proposal indicated that the degree of risk associated with junior liens varies widely and that a 100 percent risk weight for all junior liens could be too high in some instances. Two of these commenters essentially endorsed the current approach taken by the Board, suggesting that first and junior liens held by the same lender should be treated as a single extension of credit that would be risk-weighted in its entirety at either 50 percent or 100 percent, depending on LTV ratios and loan performance. Another commenter suggested that the definition of "qualifying mortgage loans" should include junior liens that meet the same performance criteria as first liens, and that qualifying junior liens with a combined LTV of 80 percent or less—regardless of who holds the first lien—should receive a 50 percent risk weight. A fourth commenter suggested that first and junior liens by the same lender be combined and placed in the 50 percent

risk category if the combined LTV ratio at loan inception is below 75 percent.

Finally, one commenter neither supported nor opposed the proposal, but indicated that it was inappropriate because a 100 percent risk weight was too high for a single-family first mortgage loan. This commenter suggested that limitations, such as a \$200 thousand maximum, could be placed on certain nonqualifying first liens that would allow them to be risk-weighted at 50 percent.

Final Rule

The agencies are adopting a capital treatment for junior liens on 1-to 4-family residential properties that differs from the proposal. Although the proposed treatment is the simplest of the agencies' current approaches to apply, the agencies believe that the goal of simplicity is outweighed by other concerns. The agencies believe that, when an institution holds first and junior liens to a single borrower with no intervening liens, placing all of these junior liens in the 100 percent risk category—regardless of the quality of the individual loans—places an unfair capital burden on institutions. Where junior liens held by the first lienholder (with no intervening liens) do not pose an undue risk, the agencies agree with the commenters that the 100 percent risk weight may be excessive.

The agencies also agree with the commenters who believe that it is appropriate to combine first and junior liens when calculating the LTV ratio. The agencies are concerned that institutions could use creative lending arrangements to reduce capital charges without reducing risk. Moreover, where an institution holds first and junior liens to a single borrower with no intervening liens, it is the economic equivalent of a single extension of credit that is secured by the same collateral and should be treated accordingly. The agencies believe that it is therefore appropriate that first and junior liens be combined when calculating the LTV ratio.

Consequently, the agencies are adopting the current Board treatment for such loans. When a lending institution holds the first lien and junior liens on a 1-to 4-family residential property and no other party holds an intervening lien, the loans will be viewed as a single extension of credit secured by a first lien on the underlying property for the purpose of determining the LTV ratio, as well as for risk weighting. The institution's combined loan amount will be assigned to either the 50 percent or 100 percent risk category, depending on

whether the credit satisfies the criteria for a 50 percent risk weighting.

To qualify for the 50 percent risk category, the combined loan must be made in accordance with prudent underwriting standards, including an appropriate LTV ratio.⁶ In addition, none of the combined loans may be 90 days or more past due, or be in nonaccrual status. Loans that do not meet all of these criteria must be assigned in their entirety to the 100 percent risk category. The OCC, FDIC, and OTS are revising their respective risk-based capital standards to conform with this capital treatment.

C. Investments in Mutual Funds

Proposal

The current agency rules are not uniform with respect to the risk-based capital treatment for investments in mutual funds. The Board, FDIC, and OCC generally assign a risk weight to an institution's mutual fund investment according to the highest risk-weighted asset allowable under the fund's prospectus. The OCC also permits institutions, on a case-by-case basis, to allocate mutual fund investments among the various risk weight categories based on a pro rata distribution of allowable investments under the fund's prospectus. The OTS assigns a risk weight to a mutual fund investment based on the highest risk-weighted asset actually held by the fund, but also allows, on a case-by-case basis, an institution's investment in a mutual fund to be allocated among risk weight categories based on a pro rata distribution of actual fund holdings. All four agencies apply a 20 percent minimum risk weight to such investments.

Mirroring the OCC's treatment for investments in mutual funds, the agencies proposed that an institution's investment in a mutual fund generally would be assigned a risk weight according to the highest risk-weighted asset allowable in the fund's prospectus. The proposal also would permit

⁶ Prudent underwriting standards include an appropriate ratio of the loan balance to the value of the property. A loan secured by a 1-to 4-family residential property has such a ratio if the loan complies with the Interagency Guidelines for Real Estate Lending (guidelines). See 12 CFR part 34, subpart D (OCC); 12 CFR part 208, subpart C (Board); 12 CFR part 365 (FDIC); and 12 CFR 560.100-101 (OTS). A loan may comply with these guidelines despite having a ratio above the supervisory limit if, for example, the loan is supported by other credit factors, is an excluded transaction, or is a prudently underwritten exception to the lender's policies. The aggregate amount of (1) all loans in excess of the supervisory loan-to-value limits, and (2) all loans made via exceptions to the general lending policy is limited to 100 percent of total capital.

institutions the option of assigning mutual fund investments on a pro rata basis to different risk weight categories according to the limits set forth in the fund's prospectus. In no case could the risk weight of a mutual fund investment be less than 20 percent. If, for purposes of liquidity, a fund holds an insignificant amount of its assets in short-term, highly liquid securities, the institution could disregard these securities in determining the proper risk weight.

Comments Received

The agencies received eight comments on this component of the proposal. Six commenters supported the proposal—with two suggesting further modifications—while two commenters opposed the proposal.

Commenters supporting the proposal noted that it would provide flexibility and would encourage investment in lower-risk mutual funds. One of these commenters suggested that, to reflect the volatility of mutual fund values, the minimum risk weight on mutual fund investments should be raised from 20 percent to 50 percent. Another commenter stated that the 20 percent risk weight floor was too high, and that up to half of a mutual fund's authorized investment in U.S. Government securities should be accorded a zero percent risk weight. One commenter requested that the risk-based capital standards clarify precisely what constitutes an "insignificant quantity of highly liquid securities of superior quality," suggesting a cap of 5 percent on such investments.

The two commenters that opposed the proposal stated that instead of assigning risk weights based on the maximum investment limits permitted under the fund's prospectus, institutions should have the option of assigning risk weights based on pro rata calculations of actual fund holdings. Both commenters asserted that this approach would assign risk weights based on the actual risk of the underlying fund assets instead of their potential risk. One commenter added that the proposal would disproportionately affect smaller institutions, which are more likely to invest in mutual funds than are large institutions.

Final Rule

After consideration of these comments, the agencies are adopting the final rule as proposed. The final rule assigns an institution's total investment in a mutual fund to the risk category appropriate to the highest risk-weighted asset the fund may hold in accordance with its stated investment limits set

forth in the prospectus. The agencies concur with commenters that permitting the option of assigning risk weights for mutual fund investments on a pro rata basis provides greater flexibility.

Consequently, under the final rule, institutions also have the option of assigning the investment on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus. Because actual fund holdings can change significantly from day-to-day, the agencies believe that it is more prudent to base risk weight distributions on investment limits than on a fund's actual underlying assets. The agencies note that this should not impose an additional burden on small institutions because all institutions will have a choice between the two risk weight calculation methods for investments in mutual funds.

Regardless of the risk-weighting method used, the total risk weight of a mutual fund must be no less than 20 percent. While the agencies are sensitive to the concern that the 20 percent minimum risk weight may be higher than the standard risk weight of some of the assets held by a mutual fund, the agencies nevertheless believe that a mutual fund has certain credit, operational, and legal risks that necessitate a risk weight greater than zero percent. The agencies are also aware that the sum of investment limits in a mutual fund prospectus may exceed 100 percent. If this is the case, then institutions may not reduce their capital requirements by assigning the highest proportion of the total fund investment to the lowest risk weight categories. Instead, institutions must assign risk weights in descending order, beginning with the highest risk-weighted assets.⁷

In addition, if a mutual fund can hold an immaterial amount of highly liquid, high quality securities that do not qualify for a preferential risk weight, then those securities may be disregarded in determining the fund's risk weight. The agencies are not designating a specific level below which an amount of such securities is immaterial, as this may vary on a case-by-base basis depending on the particular mutual fund. As a general matter, however, this

amount is immaterial if it is reasonably necessary to ensure the short-term liquidity of the fund, and the securities do not materially affect the risk profile of the fund.

The prudent use of hedging instruments by a mutual fund to reduce its risk exposure will not increase the mutual fund's risk weighting. Mutual fund investments are assigned to the 100 percent risk category if they are speculative in nature or otherwise inconsistent with the preferential risk weighting assigned to the fund's assets.

The Board, FDIC, and OTS are revising their risk-based capital standards to reflect the capital treatment accorded investments in mutual funds by the OCC.

D. Tier 1 Leverage Ratio

Proposal

The Tier 1 leverage ratio—that is, the ratio of Tier 1 capital to total assets—is an indicator of an institution's capital adequacy and places a constraint on the degree to which an institution can leverage its capital base. The Board, FDIC, and OCC currently require institutions with a composite rating of "1" under the Uniform Financial Institutions Rating System to have a minimum leverage ratio of 3.0 percent. Institutions that are not "1"-rated must have a minimum leverage ratio of 3.0 percent, plus an additional cushion of at least 100 to 200 basis points. The OTS currently requires all institutions to maintain core capital in an amount equal to 3.0 percent of adjusted total assets.⁸

In order to streamline and clarify the leverage ratio requirement, the agencies proposed to revise the leverage ratio requirement to make clear that "1"-rated institutions would be required to maintain a minimum Tier 1 leverage ratio of 3.0 percent, while all other institutions would be required to maintain a minimum leverage ratio of 4.0 percent. These thresholds are the same as required to be "adequately capitalized" under the agencies' prompt corrective action (PCA) guidelines.

Comments Received

The agencies received nine comments with regard to this component of the proposal, seven of which supported the more consistent leverage capital treatment among the agencies. Two commenters neither supported nor

opposed the proposal. One of these commenters stated that the proposal was essentially meaningless because an institution with a leverage ratio of 3.0 percent would be unlikely to receive a composite rating of "1", while the other commenter encouraged the agencies to continue working together to make the capital standards more simple and consistent.

Four of the commenters that supported the proposal nevertheless expressed concerns about the use of the leverage ratio as a supervisory tool. All four questioned the appropriateness of leverage requirements in light of comprehensive risk-based capital requirements, noting that banks were at a competitive disadvantage relative to securities firms, foreign banking organizations, and secondary market agencies. One of these commenters proposed that PCA guidelines be modified so that institutions that have either adopted a risk-based capital market risk measure or are "1"-rated be subject to a 3.0 percent minimum leverage ratio to be considered "adequately capitalized," and a 4.0 percent minimum leverage ratio to be considered "well capitalized." Three commenters recommended that the agencies consider discontinuing entirely the use of the leverage ratio, noting that risk-based capital requirements now incorporate credit and market risks.

Final Rule

The agencies are adopting the final rule as proposed. Consequently, under this final rule the most highly-rated institutions must maintain a minimum Tier 1 leverage ratio of 3.0 percent, with all other institutions required to maintain a minimum leverage ratio of 4.0 percent. In addition, as proposed, the OTS is amending its leverage capital standard to be consistent with the other three agencies by stating that higher-than-minimum capital levels may be required if warranted, and that institutions should maintain capital levels consistent with their risk exposures.

The agencies acknowledge commenter concerns about the usefulness of the leverage ratio as a supervisory tool for those institutions that have adopted market risk capital measures. Nevertheless, the agencies note that a leverage requirement for PCA purposes is mandated under the provisions of the Federal Deposit Insurance Corporation Improvement Act of 1991. Moreover, the agencies believe that the Tier 1 leverage ratio, when used in conjunction with risk-based capital ratios, is a useful supervisory tool in assessing an institution's capital adequacy. While a

⁷ For example, assume that a fund's prospectus permits 100 percent risk-weighted assets up to 30 percent of the fund, 50 percent risk-weighted assets up to 40 percent of the fund, and 20 percent risk-weighted assets up to 60 percent of the fund. In such a case, the institution must assign 30 percent of the total investment to the 100 percent risk category, 40 percent to the 50 percent risk category, and 30 percent to the 20 percent risk category. The institution may not minimize its capital requirement by assigning 60 percent of the total investment to the 20 percent risk category and 40 percent to the 50 percent risk category.

⁸ The OTS core capital ratio is the equivalent of the other agencies' Tier 1 leverage ratio. This final rule will add definitions of Tier 1 and Tier 2 capital to the OTS capital rule to clarify that these are the equivalents of core and supplemental capital, respectively.

change to the PCA leverage ratio guidelines is beyond the scope of this final rule, the agencies may consider whether the leverage requirements under PCA should be further modified in the future.

III. Regulatory Flexibility Act Analysis

OCC: Pursuant to section 605(b) of the Regulatory Flexibility Act, the OCC certifies that this final rule will not have a significant impact on a substantial number of small entities. This final rule makes no changes with respect to the capital treatment of mutual funds or with respect to the minimum leverage ratio for national banks. However, with respect to the capital treatment of construction loans the final rule eases the regulatory burden on national banks by providing a more favorable risk-based capital treatment. As to the capital treatment of junior liens on 1- to 4-family residences, the OCC believes that while certain loans may be subject to an increased capital requirement, other loans may be subject to a lower capital charge. However, the OCC does not believe that the impact of this provision will be significant. Therefore, the OCC believes that the net economic impact of these changes on national banks, regardless of size, is expected to be minimal and a regulatory flexibility analysis is not required.

Board: Pursuant to section 605(b) of the Regulatory Flexibility Act, the Board has determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The treatment of construction loans, junior liens, and the leverage ratio does not differ from the Board's current treatment. The treatment of mutual fund risk weights differs from current treatment, but affected institutions are not required to adopt the new treatment. Accordingly, a regulatory flexibility analysis is not required, because the economic impact of the final rule on institutions, regardless of size, is expected to be minimal.

FDIC: Pursuant to section 605(b) of the Regulatory Flexibility Act, the FDIC has determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The treatment of construction loans and the leverage ratio does not differ from the FDIC's current treatment. The treatment of junior liens under the final rule is the same as current treatment to the extent affected institutions must combine the loans in evaluating the prudence of the loan-to-value ratio, and

the change in treatment (lower risk weighting of the junior lien) is optional. The treatment of mutual fund risk weights differs from current treatment, but this change is also optional. Accordingly, a regulatory flexibility analysis is not required, because the economic impact of the final rule on institutions, regardless of size, is expected to be minimal.

OTS: Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this final rule will not have a significant impact on a substantial number of small entities. The final rule relaxes regulatory burdens on all savings associations by providing a more favorable risk-based capital treatment for construction loans. The changed treatment of mutual funds should have minimal impact on small savings associations, as the new treatment is consistent with most thrifts' current actual practice. The increased monitoring and recordkeeping necessary to use OTS' current regulatory treatment was not cost-effective for small thrifts. While the rule also increases the leverage ratio requirement, this change should have little impact since it is consistent with requirements for an "adequately capitalized" institution under the prompt corrective action rules. The current treatment of junior liens on 1-to 4-family residences is unchanged. Accordingly, the economic impact of these changes on savings associations, regardless of size, is expected to be minimal and a regulatory flexibility analysis is not required.

IV. Paperwork Reduction Act

The agencies have determined that the final rule will not involve a collection of information pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title II, Pub. L. 104-121) provides generally for agencies to report rules to Congress for review. The reporting requirement is triggered when a federal agency issues a final rule. Accordingly, the agencies filed the appropriate reports with Congress as required by SBREFA.

The Office of Management and Budget has determined that this final rule does not constitute a "major rule" as defined by SBREFA.

VI. OCC and OTS Executive Order 12866 Determination

The OCC and the OTS have determined that this final rule does not constitute a "significant regulatory action" for the purposes of Executive Order 12866.

VII. OCC and OTS Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. As discussed in the preamble, this final rule is limited to making the risk weighting of presold residential construction loans, second liens, and mutual fund investments consistent under the agencies' risk-based capital rules. It also establishes a uniform, simplified leverage requirement for all institutions. In addition, with respect to the OCC, this final rule clarifies and makes uniform existing regulatory requirements for national banks. The OCC and OTS, therefore, have determined that the final rule will not result in expenditures by State, local, or tribal governments or by the private sector of \$100 million or more. Accordingly, the OCC and OTS have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Capital, National banks, Reporting and recordkeeping requirements, Risk.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 325

Bank deposit insurance, Banks, banking, Capital adequacy, Reporting and recordkeeping requirements,

Savings associations, State non-member banks.

12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

Office of the Comptroller of the Currency

12 CFR CHAPTER I

For the reasons set out in the joint preamble, part 3 of chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 3—MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

1. The authority citation for part 3 continues to read as follows:

Authority: 12 U.S.C. 93a, 161, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907 and 3909.

2. In § 3.6, paragraph (c) is revised to read as follows:

§ 3.6 Minimum capital ratios.

* * * * *

(c) *Additional leverage ratio requirement.* An institution operating at or near the level in paragraph (b) of this section should have well-diversified risks, including no undue interest rate risk exposure; excellent control systems; good earnings; high asset quality; high liquidity; and well managed on-and off-balance sheet activities; and in general be considered a strong banking organization, rated composite 1 under the Uniform Financial Institutions Rating System (CAMELS) rating system of banks. For all but the most highly-rated banks meeting the conditions set forth in this paragraph (c), the minimum Tier 1 leverage ratio is 4 percent. In all cases, banking institutions should hold capital commensurate with the level and nature of all risks.

3. In appendix A to part 3, section 3, the second undesignated paragraph and paragraphs (a)(3)(iii) and (a)(3)(iv) introductory text are revised to read as follows:

Appendix A To Part 3—Risk-Based Capital Guidelines

* * * * *

Section 3. Risk Categories/Weights for On-Balance Sheet Assets and Off-Balance Sheet Items

* * * * *

Some of the assets on a bank's balance sheet may represent an indirect holding of a pool of assets, e.g., mutual funds, that encompasses more than one risk weight within the pool. In those situations, the bank may assign the asset to the risk category applicable to the highest risk-weighted asset

that pool is permitted to hold pursuant to its stated investment objectives in the fund's prospectus. Alternatively, the bank may assign the asset on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus. In either case, the minimum risk weight that may be assigned to such a pool is 20%. If a bank assigns the asset on a pro rata basis, and the sum of the investment limits in the fund's prospectus exceeds 100%, the bank must assign the highest pro rata amounts of its total investment to the higher risk category. If, in order to maintain a necessary degree of liquidity, the fund is permitted to hold an insignificant amount of its assets in short-term, highly-liquid securities of superior credit quality (that do not qualify for a preferential risk weight), such securities generally will not be taken into account in determining the risk category into which the bank's holding in the overall pool should be assigned. The prudent use of hedging instruments by a fund to reduce the risk of its assets will not increase the risk weighting of the investment in that fund above the 20% category. However, if a fund engages in any activities that are deemed to be speculative in nature or has any other characteristics that are inconsistent with the preferential risk weighting assigned to the fund's assets, the bank's investment in the fund will be assigned to the 100% risk category. More detail on the treatment of mortgage-backed securities is provided in section 3(a)(3)(vi) of this appendix A.

(a) * * *

(3) * * *

(iii) Loans secured by first mortgages on one-to-four family residential properties, either owner-occupied or rented, provided that such loans are not otherwise 90 days or more past due, or on nonaccrual or restructured. It is presumed that such loans will meet prudent underwriting standards. If a bank holds a first lien and junior lien on a one-to-four family residential property and no other party holds an intervening lien, the transaction is treated as a single loan secured by a first lien for the purposes of both determining the loan-to-value ratio and assigning a risk weight to the transaction. Furthermore, residential property loans made for the purpose of construction financing are assigned to the 100% risk category of section 3(a)(4) of this appendix A; however, these loans may be included in the 50% risk category of this section 3(a)(3) of this appendix A if they are subject to a legally binding sales contract and satisfy the requirements of section 3(a)(3)(iv) of this appendix A.

(iv) Loans to residential real estate builders for one-to-four family residential property construction, if the bank obtains sufficient documentation demonstrating that the buyer of the home intends to purchase the home (i.e., a legally binding written sales contract) and has the ability to obtain a mortgage loan sufficient to purchase the home (i.e., a firm written commitment for permanent financing of the home upon completion), subject to the following additional criteria:

* * * * *

Dated: February 23, 1999.

John D. Hawke, Jr.,
Comptroller of the Currency.

Federal Reserve System

12 CFR CHAPTER II

For the reasons set forth in the joint preamble, part 208 of chapter II of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d), 1823(j), 1828(o), 1831o, 1831p–1, 1831r–1, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

2. In appendix A to part 208, section III. A., footnote 21 is revised to read as follows:

Appendix A to Part 208—Capital Adequacy Guidelines for State Member Banks: Risk-Based Measure

* * * * *

III. * * *

A. * * * 21

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²¹ An investment in shares of a fund whose portfolio consists primarily of various securities or money market instruments that, if held separately, would be assigned to different risk categories, generally is assigned to the risk category appropriate to the highest risk-weighted asset that the fund is permitted to hold in accordance with the stated investment objectives set forth in its prospectus. A bank may, at its option, assign a fund investment on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus. In no case will an investment in shares in any fund be assigned to a total risk weight less than 20 percent. If a bank chooses to assign a fund investment on a pro rata basis, and the sum of the investment limits of assets in the fund's prospectus exceeds 100 percent, the bank must assign risk weights in descending order. If, in order to maintain a necessary degree of short-term liquidity, a fund is permitted to hold an insignificant amount of its assets in short-term, highly liquid securities of superior credit quality that do not qualify for a preferential risk weight, such securities generally will be disregarded when determining the risk category into which the bank's holding in the overall fund should be assigned. The prudent use of hedging instruments by a fund to reduce the risk of its assets also will not increase the risk weighting of the fund investment. For example, the use of hedging instruments by a fund to reduce the interest rate risk of its government bond portfolio will not increase the risk weight of that fund above the 20 percent category. Nonetheless, if a fund engages in any activities that appear speculative in nature or has any other characteristics that are inconsistent with the

3. In appendix A to part 208, section III.C.3., footnote 34 is revised to read as follows:

* * * * *
III. * * *
C. * * *
3. * * *34
* * * * *

4. In appendix A to part 208, section III.C.3. is amended by adding a new sentence to the end of the first paragraph of footnote 35 to read as follows:

* * * * *
III. * * *
C. * * *
3. * * *35
* * * * *

4. In appendix B to part 208, section II.a. is revised to read as follows:

Appendix B to Part 208—Capital Adequacy Guidelines for State Member Banks: Tier 1 Leverage Measure

* * * * *

II. * * *
a. The minimum ratio of Tier 1 capital to total assets for strong banking institutions (rated composite "1" under the UFIRS rating system of banks) is 3.0 percent. For all other institutions, the minimum ratio of Tier 1 capital to total assets is 4.0 percent. Banking institutions with supervisory, financial, operational, or managerial weaknesses, as well as institutions that are anticipating or experiencing significant growth, are expected to maintain capital ratios well above the minimum levels. Moreover, higher capital ratios may be required for any banking institution if warranted by its particular circumstances or risk profile. In all cases, institutions should hold capital commensurate with the level and nature of the risks, including the volume and severity of problem loans, to which they are exposed.

By order of the Board of Governors of the Federal Reserve System, February 24, 1999.
Jennifer J. Johnson,
Secretary of the Board.

Federal Deposit Insurance Corporation
12 CFR CHAPTER III

For the reasons set forth in the preamble, part 325 of chapter III of title

preferential risk weighting assigned to the fund's assets, holdings in the fund will be assigned to the 100 percent risk category.

34 If a bank holds the first and junior lien(s) on a residential property and no other party holds an intervening lien, the transaction is treated as a single loan secured by a first lien for the purposes of determining the loan-to-value ratio and assigning a risk weight.

35 * * * Such loans to builders will be considered prudently underwritten only if the bank has obtained sufficient documentation that the buyer of the home intends to purchase the home (i.e., has a legally binding written sales contract) and has the ability to obtain a mortgage loan sufficient to purchase the home (i.e., has a firm written commitment for permanent financing of the home upon completion). * * *

12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 325—CAPITAL MAINTENANCE

1. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; Pub. L. 102-233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102-242, 105 Stat. 2236, 2355, 2386 (12 U.S.C. 1828 note).

2. Paragraph (b)(2) in § 325.3 is revised to read as follows:

§ 325.3 Minimum leverage capital requirement.

* * * * *

(b) * * *
(2) For all but the most highly-rated institutions meeting the conditions set forth in paragraph (b)(1) of this section, the minimum leverage capital requirement for a bank (or for an insured depository institution making an application to the FDIC) shall consist of a ratio of Tier 1 capital to total assets of not less than 4 percent.

* * * * *

3. In appendix A to part 325, section II.B., paragraph 1. is revised to read as follows:

Appendix A To Part 325—Statement of Policy on Risk-Based Capital

* * * * *

II. * * *
B. * * *

1. Indirect Holdings of Assets. Some of the assets on a bank's balance sheet may represent an indirect holding of a pool of assets; for example, mutual funds. An investment in shares of a mutual fund whose portfolio consists solely of various securities or money market instruments that, if held separately, would be assigned to different risk categories, generally is assigned to the risk category appropriate to the highest risk-weighted asset that the fund is permitted to hold in accordance with the stated investment objectives set forth in its prospectus. The bank may, at its option, assign the investment on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus, but in no case will indirect holdings through shares in any mutual fund be assigned to a risk weight less than 20 percent. If the bank chooses to assign its investment on a pro rata basis, and the sum of the investment limits in the fund's prospectus exceeds 100 percent, the bank must assign risk weights in descending order. If, in order to maintain a necessary degree of short-term liquidity, a fund is permitted to hold an insignificant amount of its assets in short-term, highly liquid securities of superior credit quality that do not qualify for a preferential risk weight, such securities will generally be

disregarded in determining the risk category to which the bank's holdings in the overall fund should be assigned. The prudent use of hedging instruments by a mutual fund to reduce the risk of its assets will not increase the risk weighting of the mutual fund investment. For example, the use of hedging instruments by a mutual fund to reduce the interest rate risk of its government bond portfolio will not increase the risk weight of that fund above the 20 percent category. Nonetheless, if the fund engages in any activities that appear speculative in nature or has any other characteristics that are inconsistent with the preferential risk weighting assigned to the fund's assets, holdings in the fund will be assigned to the 100 percent risk category.

4. In appendix A to part 325, section II.C., footnote number 26 is revised to read as follows:

* * * * *

II. * * *
C. * * *26

By order of the Board of Directors.
Dated at Washington, DC, this 18th day of December, 1998.

Federal Deposit Insurance Corporation.
Robert E. Feldman,
Executive Secretary.

Office of Thrift Supervision
12 CFR CHAPTER V

Accordingly, the Office of Thrift Supervision hereby amends title 12, chapter V, of the Code of Federal Regulations, as set forth below:

PART 567—CAPITAL

1. The authority citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

2. Section 567.1 is amended by adding a new sentence following the third sentence in the definition of qualifying mortgage loan, revising paragraphs (1)(ii) and (1)(iii) introductory text in the definition of qualifying residential construction loan and adding the definitions of Tier 1 capital and Tier 2 capital as follows:

§ 567.1 Definitions.

* * * * *

Qualifying mortgage loan. * * * If a savings association holds the first and junior lien(s) on a residential property and no other party holds an intervening lien, the transaction is treated as a single loan secured by a first lien for the purposes of determining the loan-to-

26 If a bank holds the first and junior lien(s) on a residential property and no other party holds an intervening lien, the transactions are treated as a single loan secured by a first lien for purposes of determining the loan-to-value ratio and assigning a risk weight.

value ratio and the appropriate risk weight under § 567.6(a).

* * * * *

Qualifying residential construction loan. (1) * * *

(ii) The residence being constructed must be a 1-4 family residence sold to a home purchaser;

(iii) The lending savings association must obtain sufficient documentation from a permanent lender (which may be the construction lender) demonstrating that:

* * * * *

Tier 1 capital. The term *Tier 1 capital* means core capital as computed in accordance with § 567.5(a) of this part.

Tier 2 capital. The term *Tier 2 capital* means supplementary capital as computed in accordance with § 567.5 of this part.

* * * * *

3. Section 567.2(a)(2)(ii) is revised to read as follows:

§ 567.2 Minimum regulatory capital requirement.

(a) * * *

(2) *Leverage ratio requirement.* * * *

(ii) A savings association must satisfy this requirement with core capital as defined in § 567.5(a) of this part.

* * * * *

4. Section 567.6(a)(1)(vi) is revised to read as follows:

§ 567.6 Risk-based capital credit risk-weight categories.

(a) * * *

(1) * * *

(vi) *Indirect ownership interests in pools of assets.* Assets representing an indirect holding of a pool of assets, e.g., mutual funds, are assigned to risk-weight categories under this section based upon the risk weight that would be assigned to the assets in the portfolio of the pool. An investment in shares of a mutual fund whose portfolio consists primarily of various securities or money market instruments that, if held separately, would be assigned to different risk-weight categories, generally is assigned to the risk-weight category appropriate to the highest risk-weighted asset that the fund is permitted to hold in accordance with the investment objectives set forth in its prospectus. The savings association may, at its option, assign the investment on a pro rata basis to different risk-weight categories according to the investment limits in its prospectus. In no case will an investment in shares in any such fund be assigned to a total risk weight less than 20 percent. If the savings association chooses to assign investments on a pro rata basis, and the

sum of the investment limits of assets in the fund's prospectus exceeds 100 percent, the savings association must assign the highest pro rata amounts of its total investment to the higher risk categories. If, in order to maintain a necessary degree of short-term liquidity, a fund is permitted to hold an insignificant amount of its assets in short-term, highly liquid securities of superior credit quality that do not qualify for a preferential risk weight, such securities will generally be disregarded in determining the risk-weight category into which the savings association's holding in the overall fund should be assigned. The prudent use of hedging instruments by a mutual fund to reduce the risk of its assets will not increase the risk weighting of the mutual fund investment. For example, the use of hedging instruments by a mutual fund to reduce the interest rate risk of its government bond portfolio will not increase the risk weight of that fund above the 20 percent category. Nonetheless, if the fund engages in any activities that appear speculative in nature or has any other characteristics that are inconsistent with the preferential risk-weighting assigned to the fund's assets, holdings in the fund will be assigned to the 100 percent risk-weight category.

* * * * *

5. Section 567.8 is revised to read as follows:

§ 567.8 Leverage ratio.

(a) The minimum leverage capital requirement for a savings association assigned a composite rating of 1, as defined in § 516.3 of this chapter, shall consist of a ratio of core capital to adjusted total assets of 3 percent. These generally are strong associations that are not anticipating or experiencing significant growth and have well-diversified risks, including no undue interest rate risk exposure, excellent asset quality, high liquidity, and good earnings.

(b) For all savings associations not meeting the conditions set forth in paragraph (a) of this section, the minimum leverage capital requirement shall consist of a ratio of core capital to adjusted total assets of 4 percent. Higher capital ratios may be required if warranted by the particular circumstances or risk profiles of an individual savings association. In all cases, savings associations should hold capital commensurate with the level and nature of all risks, including the volume and severity of problem loans, to which they are exposed.

Dated: December 15, 1998.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 99-5012 Filed 3-1-99; 8:45 am]

BILLING CODE OCC: 4810-33-P (25%); Board: 6210-01-P (25%); FDIC: 6714-01-P (25%); OTS: 6720-01-P (25%)

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket No. R-0948]

Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is amending its risk-based capital standards for bank holding companies. The intended effect of this final rule is to keep the Board's bank holding company risk-based capital standards for construction loans on presold residential properties, real estate loans secured by junior liens on 1- to 4-family residential properties, and investments in mutual funds consistent with the risk-based capital standards for banks and thrifts.

EFFECTIVE DATE: This final rule is effective April 1, 1999. The Federal Reserve will not object if an institution wishes to apply the provisions of this final rule beginning with the date it is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Norah Barger, Assistant Director (202/452-2402), Barbara Bouchard, Manager (202/452-3072), T. Kirk Odegard, Financial Analyst (202/530-6225), Division of Banking Supervision and Regulation; or Mark E. Van Der Weide, Attorney (202/452-2263), Legal Division. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Diane Jenkins (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Background

The bank and thrift regulatory agencies have recently engaged in an interagency effort to make uniform capital standards pursuant to section 303 of the Riegle Community Development and Regulatory

Improvement Act of 1994 (CDRI Act).¹ Section 303 of the CDRI Act requires the agencies to review their own regulations and written policies and to streamline those regulations where possible, and also requires the agencies to work jointly to make uniform all regulations and guidelines implementing common statutory or supervisory policies. To fulfill the CDRI Act section 303 mandate, the agencies reviewed their capital standards for banks and thrifts to identify areas where they had substantively different capital treatments or where streamlining was appropriate.

As a result of these reviews, on October 27, 1997, the agencies proposed conforming amendments to their risk-based and leverage capital standards for banks and thrifts (62 FR 55686), while the Board concurrently proposed similar amendments to the capital standards for bank holding companies (62 FR 55692). Specifically, the agencies proposed to amend the risk-based capital treatments for construction loans on presold residential properties, loans secured by junior liens on 1- to 4-family residential properties, and investments in mutual funds. In addition, the agencies proposed a streamlining revision to their leverage capital rules. While not technically mandated under section 303 of the CDRI Act, the Board decided to amend the risk-based and leverage capital standards for bank holding companies to maintain consistency with the capital standards for banks and thrifts. The interagency and Board proposals were identical with respect to risk-based capital standards, but differed with respect to leverage capital standards.

This Board final rule applies to the bank holding company risk-based capital standards the same changes that are being concurrently implemented in the risk-based capital standards for banks and thrifts.² The Board amended its leverage capital standard for bank holding companies effective June 30, 1998 (63 FR 30369); the leverage capital standard is not discussed further in this notice.

II. The Board's Proposal

The Board proposed to amend its risk-based capital standards for bank holding companies in three areas. First, with

¹ The Board has worked with the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the agencies) to fulfill the CDRI Act section 303 mandate.

² Amended risk-based and leverage capital standards for banks and thrifts are included in a separate interagency notice published elsewhere in today's **Federal Register**.

regard to construction loans on presold residential property, the Board proposed to conform its regulatory language to that of the FDIC. This revision would provide guidance on the characteristics of loans to builders that would be considered prudently underwritten, but would not substantively change the Board's capital treatment for such loans.³ Second, the Board proposed to adopt the OCC's capital treatment for first and junior liens on 1- to 4-family residential properties where no institution holds an intervening lien. This would entail treating first and junior liens separately, with qualifying first liens risk-weighted at 50 percent, and nonqualifying first liens and all junior liens risk-weighted at 100 percent.⁴ Finally, the Board proposed to modify its capital treatment for investments in mutual funds⁵ by allowing an institution to allocate its investment in a mutual fund on a pro rata basis to various risk weight categories based on the investment limits set forth in the fund's prospectus.

III. Comments Received

The Board received 4 public comments on the risk-based capital components of the proposal (one each from a bank holding company and an industry trade group, and two from concerned individuals).⁶ No commenters specifically addressed the proposed risk-based capital treatment for construction loans on presold residential property or investments in mutual funds, while three commenters opposed the proposed treatment for junior liens on 1- to 4-family residential properties. One commenter supported the entire proposal without elaboration.

Of the three commenters opposing the junior lien proposal, two opposed what they perceived to be lower capital requirements for first and junior liens to the same borrower. Both commenters indicated that lowering capital requirements would increase credit risk for institutions with high loan-to-value

³ Qualifying construction loans on presold residential property are accorded a risk weight of 50 percent when the property is sold, regardless of when the institution makes the loan to the builder.

⁴ Generally, qualifying liens are liens where the underlying loan meets prudent underwriting criteria, including an appropriate loan-to-value ratio, and is considered to be performing adequately. A lien where the underlying loan is 90 days or more past due, or is in nonaccrual status, is not considered to be performing adequately.

⁵ An institution's investment in a mutual fund is generally assigned entirely to the risk category that is applicable to the highest-risk asset allowed under the fund's prospectus.

⁶ For more information about public opinion with respect to this final rule, see the comment summaries in the concurrent interagency final rule regarding capital standards for banks and thrifts.

(LTV) loans, and one of these commenters expressed the opinion that this increased risk would negatively impact lending to low- and moderate-income borrowers. The third commenter opposed the proposal for different reasons. This commenter indicated that the proposed 100 percent risk weight for all junior liens was unreasonable because the credit risk inherent in such liens varies widely. This commenter further suggested that first and junior liens by the same lender should be treated separately because of the complexity of tracking such loans, and that junior liens individually should be eligible for either a 50 percent or 100 percent risk weight.

IV. Final Rule

After consideration of the comments received and further deliberation of the issues involved, the Board has determined to adopt a final rule that is largely consistent with the original proposal. The Board is adopting the proposed capital treatments for construction loans on presold residential property and investments in mutual funds. The Board has decided, however, to adopt a capital treatment for junior liens on 1- to 4-family residential properties that differs from the proposed treatment.

Construction Loans on Presold Residential Property

As proposed, the Board will continue to permit a qualifying residential construction loan to become eligible for the 50 percent risk category at the time the property is sold, regardless of when the institution made the loan to the builder. The Board is revising its regulatory language to conform its discussion of qualifying construction loans to that of the FDIC.

Junior Liens on 1- to 4-Family Residential Properties

Rather than implementing the proposed treatment of junior liens on 1- to 4-family residential properties, the Board is maintaining its current treatment of such liens. Where a bank holding company holds the first lien and junior lien(s) on a residential property and no other party holds an intervening lien, the loans will be viewed as a single extension of credit secured by a first lien on the underlying property for the purpose of determining the LTV ratio, as well as for risk weighting. The combined loan amount will be assigned to either the 50 percent or 100 percent risk category, depending on whether the credit satisfies the criteria for a 50 percent risk weighting. To qualify for the 50 percent risk

category, the combined loan must be made in accordance with prudent underwriting standards, including an appropriate LTV ratio.⁷ In addition, none of the combined loan may be 90 days or more past due, or be in nonaccrual status. Loans that do not meet all of these criteria must be assigned in their entirety to the 100 percent risk category.

Investments in Mutual Funds

As proposed, a bank holding company's total investment in a mutual fund should be assigned to the risk category appropriate to the highest risk-weighted asset the fund may hold in accordance with the stated investment limits set forth in its prospectus. Bank holding companies will also have the option of assigning the investment on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus. Regardless of the risk-weighting method used, the total risk weight of a mutual fund must be no less than 20 percent. If the bank chooses to assign investments on a pro rata basis, and the sum of the investment limits of assets in the fund exceeds 100 percent, the bank must assign investments in descending order, beginning with the highest-risk assets.⁸

In addition, if a mutual fund can hold an insignificant amount of highly liquid, high-quality securities that do not qualify for a preferential risk weight, then these securities may be disregarded in determining the fund's risk weight. The prudent use of hedging instruments by a mutual fund to reduce its risk exposure will not increase the mutual fund's risk weighting. The Board also emphasizes that any activities which are speculative in nature or otherwise inconsistent with the preferential risk weighting assigned to the fund's assets could result in the fund being assigned to the 100 percent risk category.

V. Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Board

⁷In this regard, bank holding companies are encouraged to adhere to the criteria established in the interagency guidelines for real estate lending. See 12 CFR part 208, subpart C.

⁸For example, assume that a fund's prospectus permits 100 percent risk-weighted assets up to 30 percent of the fund, 50 percent risk-weighted assets up to 40 percent of the fund, and 20 percent risk-weighted assets up to 60 percent of the fund. In such a case, the institution must assign 30 percent of the total investment to the 100 percent risk category, 40 percent to the 50 percent risk category, and 30 percent to the 20 percent risk category. The institution may not minimize its capital requirement by assigning 60 percent of the total investment to the 20 percent risk category and 40 percent of the total investment to the 50 percent risk category.

has determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The effect of the final rule will be to reduce regulatory burden on bank holding companies by unifying the agencies' risk-based capital treatment for presold construction loans, junior liens, and investments in mutual funds. Moreover, because the risk-based capital guidelines generally do not apply to bank holding companies with consolidated assets of less than \$150 million, the final rule will not affect such companies. Accordingly, a regulatory flexibility analysis is not required.

VI. Paperwork Reduction Act

The Board has determined that the final rule does not involve a collection of information pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VII. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title II, Pub. L. 104-121) provides generally for agencies to report rules to Congress for review. The reporting requirement is triggered when a federal agency issues a final rule. Accordingly, the agencies filed the appropriate reports with Congress as required by SBREFA.

The Office of Management and Budget has determined that this final rule does not constitute a "major rule" as defined by SBREFA.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, part 225 of chapter II of title 12 of the Code of Federal Regulations is amended as set forth below.

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. In appendix A to part 225, section III.A., footnote 24 is revised to read as follows:

Appendix A to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Risk-Based Measure

* * * * *

III. * * *
A. * * *²⁴

* * * * *

3. In appendix A to part 225, section III.C.3. footnote 37 is revised to read as follows:

* * * * *

III. * * *
C. * * *
3. * * *³⁷

* * * * *

4. In appendix A to part 225, section III.C.3. is amended by adding a new sentence to the end of footnote 38 to read as follows:

* * * * *

III. * * *
C. * * *
3. * * *³⁸

* * * * *

²⁴An investment in shares of a fund whose portfolio consists primarily of various securities or money market instruments that, if held separately, would be assigned to different risk categories, generally is assigned to the risk category appropriate to the highest risk-weighted asset that the fund is permitted to hold in accordance with the stated investment objectives set forth in the prospectus. An organization may, at its option, assign a fund investment on a pro rata basis to different risk categories according to the investment limits in the fund's prospectus. In no case will an investment in shares in any fund be assigned to a total risk weight of less than 20 percent. If an organization chooses to assign a fund investment on a pro rata basis, and the sum of the investment limits of assets in the fund's prospectus exceeds 100 percent, the organization must assign risk weights in descending order. If, in order to maintain a necessary degree of short-term liquidity, a fund is permitted to hold an insignificant amount of its assets in short-term, highly liquid securities of superior credit quality that do not qualify for a preferential risk weight, such securities generally will be disregarded when determining the risk category into which the organization's holding in the overall fund should be assigned. The prudent use of hedging instruments by a fund to reduce the risk of its assets will not increase the risk weighting of the fund investment. For example, the use of hedging instruments by a fund to reduce the interest rate risk of its government bond portfolio will not increase the risk weight of that fund above the 20 percent category. Nonetheless, if a fund engages in any activities that appear speculative in nature or has any other characteristics that are inconsistent with the preferential risk weighting assigned to the fund's assets, holdings in the fund will be assigned to the 100 percent risk category.

³⁷If a banking organization holds the first and junior lien(s) on a residential property and no other party holds an intervening lien, the transaction is treated as a single loan secured by a first lien for the purposes of determining the loan-to-value ratio and assigning a risk weight.

³⁸* * * Such loans to builders will be considered prudently underwritten only if the bank holding company has obtained sufficient documentation that the buyer of the home intends to purchase the home (i.e., has a legally binding written sales contract) and has the ability to obtain

Continued

By order of the Board of Governors of the
Federal Reserve System, February 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99-5013 Filed 3-1-99; 8:45 am]

BILLING CODE 6210-01-U

a mortgage loan sufficient to purchase the home
(i.e., has a firm written commitment for permanent
financing of the home upon completion).

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COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

- Alaska; fisheries of Exclusive Economic Zone—
- Western Alaska community development quota program; comments due by 3-10-99; published 2-8-99

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Foreign futures and options transactions:

- Representations and disclosures required by IBs, CPOs and CTAs; comments due by 3-12-99; published 1-11-99

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Chronic beryllium disease prevention program; comments due by 3-9-99; published 12-3-98

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Air programs; approval and promulgation; State plans

for designated facilities and pollutants:

- New York; comments due by 3-11-99; published 2-9-99

Air quality implementation

plans; approval and promulgation; various States:

- Arizona; comments due by 3-8-99; published 1-21-99
- California; comments due by 3-11-99; published 2-9-99
- Colorado; comments due by 3-11-99; published 2-9-99
- Minnesota; comments due by 3-10-99; published 2-8-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

- Diphenylamine; comments due by 3-8-99; published 2-19-99

Picloram; comments due by 3-8-99; published 1-5-99

Tebuconazole; comments due by 3-9-99; published 1-8-99

Superfund program:

Toxic chemical release reporting; community right-to-know—

Persistent Bioaccumulative Toxic (PBT) chemicals; threshold reporting, etc.; comments due by 3-8-99; published 1-5-99

Persistent bioaccumulative toxic (PBT) chemicals; reporting thresholds lowered, etc.; comments due by 3-8-99; published 2-23-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

- Kansas; comments due by 3-8-99; published 1-26-99
- Mississippi; comments due by 3-8-99; published 1-26-99

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Minimum security devices and procedures and Bank Secrecy Act:

- Insured nonmember banks; Know Your Customer programs development; comments due by 3-8-99; published 12-7-98

FEDERAL RESERVE SYSTEM

Membership of State banking institutions; international banking operations; bank holding companies and change in bank control (Regulations H, K, and Y):

Domestic and foreign banking organizations; Know Your Customer programs development; comments due by 3-8-99; published 12-7-98

FEDERAL TRADE COMMISSION

Trade regulation rules:

- Pay-per-call rule; comments due by 3-10-99; published 1-4-99

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Food for human consumption:

- Food labeling—
- Uniform compliance date; comments due by 3-8-99; published 12-23-98

HEALTH AND HUMAN SERVICES DEPARTMENT**Health Care Financing Administration**

Medicare:

- Ambulatory surgical centers; ratesetting methodology, payment rates and policies, and covered surgical procedures list; comments due by 3-9-99; published 1-12-99
- Hospital outpatient services; prospective payment system; comments due by 3-9-99; published 1-12-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Acquisition regulations:

- Streamlining and simplification; comments due by 3-9-99; published 1-8-99

HEALTH AND HUMAN SERVICES DEPARTMENT**Inspector General Office, Health and Human Services Department**

Medicare:

- Hospital outpatient services; prospective payment system; comments due by 3-9-99; published 1-12-99

HEALTH AND HUMAN SERVICES DEPARTMENT**Refugee Resettlement Office**

Refugee resettlement program:

- Public/private partnership program; refugee cash and medical assistance; requirements; comments due by 3-9-99; published 1-8-99

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Permanent program and abandoned mine land

reclamation plan submissions:
Ohio; comments due by 3-10-99; published 2-8-99

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Supervisory committee audits and verifications; comments due by 3-8-99; published 1-6-99

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Ohio investment advisers; transition rule; comments due by 3-8-99; published 2-5-99

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Changes; comments due by 3-12-99; published 2-10-99

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Passports denial, revocation, or cancellation and consular reports of birth cancellation; procedures; comments due by 3-8-99; published 2-5-99

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Coast Guard
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New York et al.; comments due by 3-9-99; published 1-8-99

TRANSPORTATION DEPARTMENT

Computer reservation systems, carrier-owned; comments due by 3-12-99; published 2-26-99

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:
Avions Pierre Robin; comments due by 3-11-99; published 2-8-99
Boeing; comments due by 3-8-99; published 1-21-99
General Electric Co.; comments due by 3-8-99; published 1-6-99
Pratt & Whitney; comments due by 3-11-99; published 1-11-99

Raytheon Aircraft Co.; comments due by 3-8-99; published 1-5-99
Saab; comments due by 3-12-99; published 2-10-99

Airworthiness standards:
Turbine engines; bird ingestion; comments due by 3-11-99; published 12-11-98

Class D airspace; comments due by 3-10-99; published 2-8-99

Class E airspace; comments due by 3-8-99; published 1-21-99

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Federal airways; comments due by 3-11-99; published 1-25-99

High offshore airspace areas; comments due by 3-11-99; published 1-25-99

TRANSPORTATION DEPARTMENT**Federal Highway Administration**

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Surface transportation projects; credit assistance; comments due by 3-10-99; published 2-8-99

TRANSPORTATION DEPARTMENT**Federal Railroad Administration**

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Surface transportation projects; credit assistance; comments due by 3-10-99; published 2-8-99

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Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Signal lamps and reflectors; geometric visibility requirements; worldwide harmonization; comments due by 3-10-99; published 12-10-98

TREASURY DEPARTMENT**Alcohol, Tobacco and Firearms Bureau**

Alcoholic beverages:
Wine; labeling and advertising—

Johannisberg Riesling; wine designation; comments due by 3-8-99; published 1-6-99

TREASURY DEPARTMENT**Comptroller of the Currency**

Minimum security devices and procedures, reports of suspicious activities, and Bank Secrecy Act compliance program:

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TREASURY DEPARTMENT**Internal Revenue Service**

Income taxes:
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Estates; applicability of separate share rules; comments due by 3-8-99; published 1-6-99

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Organizational and individual performance; balanced measurement system; establishment; comments due by 3-8-99; published 1-5-99

TREASURY DEPARTMENT**Thrift Supervision Office**

Operations:
Savings associations; Know Your Customer programs development; comments due by 3-8-99; published 12-7-98

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MARCH 2, 1999**CONSUMER PRODUCT SAFETY COMMISSION**

Poison prevention packaging:

- Child resistant packaging requirements—
- Household products containing more than 50 mg of elemental fluoride and more than 0.5 percent elemental fluoroide, etc.; published 6-2-98

ENVIRONMENTAL PROTECTION AGENCY

Hazardous waste program authorizations:

- Michigan; published 3-2-99

FEDERAL TRADE COMMISSION

Appliances, consumer, energy consumption and water use information in labeling and advertising:

- Comparability ranges—
- Refrigerators, refrigerator-freezers, and freezers; published 12-2-98
- Refrigerators, refrigerator-freezers, and freezers; correction; published 1-6-99

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Animal drugs, feeds, and related products:

- New drug applications—
- Decoquinatate; published 3-2-99

LABOR DEPARTMENT**Occupational Safety and Health Administration**

Safety and health standards:

- Powered industrial truck operator training requirements; published 12-1-98

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Almonds grown in California; comments due by 3-8-99; published 1-5-99

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

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AGRICULTURE DEPARTMENT**Farm Service Agency**

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- Disaster-set-aside program; comments due by 3-8-99; published 1-5-99

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AGRICULTURE DEPARTMENT**Rural Utilities Service**

Telecommunications standards and specifications:

- Materials, equipment, and construction—

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