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Friday
April 16, 1999

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WASHINGTON, DC

WHEN: April 20, 1999 at 9:00 am.

WHERE: Office of the Federal Register
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800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Presidential Documents

Title 3—

The President

Executive Order 13119 of April 13, 1999

Designation of Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Airspace Above, and Adjacent Waters as a Combat Zone

Pursuant to the authority vested in me as President by the Constitution and laws of the United States of America, including section 112 of the Internal Revenue Code of 1986 (26 U.S.C. 112), I designate, for the purposes of that section, the following locations, including the airspace above such locations, as an area in which Armed Forces of the United States are and have been engaged in combat:

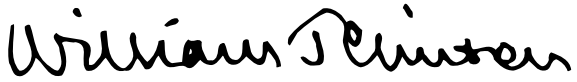
— The Federal Republic of Yugoslavia (Serbia/Montenegro);

— Albania;

— the Adriatic Sea;

— the Ionian Sea north of the 39th parallel.

For the purposes of this order, I designate March 24, 1999, as the date of the commencement of combatant activities in such zone.



THE WHITE HOUSE,
April 13, 1999.

[FR Doc. 99–9738
Filed 4–15–99; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 64, No. 73
Friday, April 16, 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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2411

Revision of Freedom of Information Act Regulations

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: The Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel (collectively ''FLRA'') amend the FLRA's regulations relating to the Freedom of Information Act (FOIA), in order to implement certain changes mandated by the Electronic Freedom of Information Act Amendments of 1996 (EFOIA). The regulatory changes in this rule will provide for expedited processing of information requests, as required by the EFOIA.

EFFECTIVE DATE: The regulation shall become effective May 17, 1999.

FOR FURTHER INFORMATION CONTACT: Pamela Johnson, Attorney-Advisor, Office of the Solicitor, Federal Labor Relations Authority, (202) 482–6620.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority proposed revisions to Parts 2411 of its FOIA regulations (5 CFR part 2411), which were published in the **Federal Register** on November 14, 1997 (62 FR 61035). Public comment was solicited on the proposed changes. However, no written comments were received in response to the notice of proposed rulemaking.

Through the EFOIA, Public Law 104–231, 110 Stat. 3048, Congress amended the FOIA, 5 U.S.C. 552 *et seq.*, to address, among other things, the expedited processing of requests for information. Specifically, Congress required agencies to promulgate regulations under which requests for expedited processing would be considered, and mandated that agencies grant such requests upon a showing of compelling need.

Pursuant to the EFOIA, the FLRA's amended regulations provide for expedited processing of initial requests that demonstrate a *compelling need*, and allow for expedited processing in other cases when the agency determines it is warranted. Additionally, the amended regulations instruct FOIA officers to notify the requester within ten (10) calendar days whether or not expedited processing has been granted. If denied, any appeals made must be processed expeditiously. The amended regulations will reflect these changes through modifications to § 2411.8, including a retitling of the section and the addition of a new paragraph (b).

Regulatory Flexibility Act Certification

Pursuant to section 605(b)of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FLRA has determined that this regulation, as amended, will not have a significant economic impact on a substantial number of small entities. The amendments are procedural in nature and are required to implement EFOIA.

Unfunded Mandates Reform Act of 1995

This rule change will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This action is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act of 1995

The amended regulations contain no additional information collection or record keeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in 5 CFR Part 2411

Administrative practice and procedure, Freedom of information, Government employees.

For the reasons stated in the preamble, the FLRA amends 5 CFR part 2411, as follows:

PART 2411—AVAILABILITY OF OFFICIAL INFORMATION

1. The authority citation for part 2411 continues to read as follows:

Authority: 5 U.S.C. 552.

2. Section 2411.8 is revised to read as follows:

§ 2411.8 Modification of time limits.

(a) In unusual circumstances as specified in this section, the time limits prescribed with respect to initial determinations or determinations on appeal may be extended by written notice from the officer handling the request (either initial or on appeal) to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in a total extension of more than ten (10) working days. As used in this section, ''unusual circumstances'' means, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(b) Expedited processing of a request for records, or an appeal of a denial of a request for expedited processing, shall be provided when the requester demonstrates a compelling need for the information and in other cases as determined by the officer processing the request. A requester seeking expedited processing can demonstrate a compelling need by submitting a statement certified by the requester to be true and correct to the best of such person's knowledge and belief and that satisfies the statutory and regulatory definitions of compelling need. Requesters shall be notified within ten (10) calendar days after receipt of such a request whether expedited processing, or an appeal of a denial of a request for expedited processing, was granted. As used in this section, ''compelling need'' means:

(1) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(2) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

Dated: April 13, 1999.

Solly Thomas,

Executive Director.

[FR Doc. 99–9622 Filed 4–15–99; 8:45 am]

BILLING CODE 6727–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV99–981–1 FR]

Almonds Grown in California; Revision of Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the administrative rules and regulations of the California almond marketing order (order) pertaining to reporting requirements. The almond marketing order regulates the handling of almonds grown in California and is administered locally by the Almond Board of California (Board). Under the terms of the order, almond handlers are required to report to the Board, on ABC Form 1, the total adjusted kernel weight of almonds received by them for their own account within seven prescribed reporting periods per year. This rule changes the reporting procedures to require handlers to report this information to the Board monthly, or 12 times per year. Additional, more accurate and timely information will thus be available to the Board and industry, facilitating improved decision making and program administration.

EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Assistant Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay__N__Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

This final rule revises the administrative rules and regulations pertaining to reporting requirements under the California almond order. This rule changes the reporting procedures to require handlers to report their receipts of almonds from growers on a monthly basis rather than seven times per year as currently prescribed. This change was unanimously recommended by the Board at a meeting on September 16, 1998.

Section 981.72 of the order provides authority for the Board to require handlers to report to the Board their receipts of almonds from growers. Section 981.472 of the order's administrative rules and regulations currently requires that each handler report to the Board, on ABC Form 1, the total adjusted kernel weight of almonds, by variety, received by it for its own account within seven prescribed reporting periods per year. The report must be submitted to the Board by the 5th calendar day after the close of the following applicable periods—August 1 to August 31; September 1 to September 30; October 1 to October 31; November 1 to November 30; December 1 to December 31; January 1 to March 31; and April 1 to July 31.

The crop year under the almond order runs from August 1 through July 31 of the following year. Most almonds are harvested by growers and received by handlers during the fall months. Thus, handlers have been required to report their almond receipts to the Board on a monthly basis from August through December, and then just twice for the remainder of the crop year.

California almond production has increased significantly in recent years. Between 1983 and 1992, the average size of the almond crop was about 465 million pounds. Since 1992, the average size of the almond crop has grown to about 570 million pounds. With the increase in crop size, more almonds than anticipated are being received by handlers from January through July. Information collected from handlers on

the amount of almonds received reflects crop size which provides a basis for the industry's marketing decisions. Thus, the Board recommended that handlers be required to report the amount of almonds received on a monthly basis, or 12 times per year. This reporting change will provide the Board with additional, more accurate and timely information which will facilitate improved decision making and program administration. Appropriate changes will be made to § 981.472 of the order's administrative rules and regulations.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 115 handlers of California almonds who are subject to regulation under the order and approximately 7,000 almond producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

Currently, about 58 percent of the handlers ship under $5,000,000 worth of almonds and 42 percent ship over $5,000,000 worth on an annual basis. In addition, based on acreage, production, and grower prices reported by the National Agricultural Statistics Service, and the total number of almond growers, the average annual grower revenue is approximately $156,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of California almonds may be classified as small entities.

This rule revises § 981.472 of the order's administrative rules and regulations to specify that handlers must submit reports concerning receipts of almonds, on ABC Form 1, on a monthly basis, as opposed to seven times per year. Additional, more accurate and timely information will thus be available to the Board and industry, facilitating improved decision making and program administration.

Requiring handlers to submit this information monthly imposes an additional reporting burden on both small and large handlers. It is estimated that it takes a handler 15 minutes to complete a receipt report, or ABC Form 1. Currently, handlers must submit seven such reports annually creating an estimated total burden per handler of 1.75 hours per year, or a total industry burden of approximately 201.25 hours per year. Requiring handlers to submit five additional reports per year will create an additional burden per handler of 1.25 hours per year, or an additional total industry burden of approximately 143.75 hours per year. Although this action creates an additional burden on California almond handlers, the benefits of collecting additional, more accurate and timely information far outweigh the estimated increased reporting burden. The Board will be able to utilize this information to make improved marketing decisions. This rule places no additional burden on almond growers. Finally, as with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0071. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Other alternatives to this action include not changing the reporting requirement concerning almond receipts. However, this alternative would leave the Board with less timely information. Another alternative would be to revert back to the reporting requirement prior to 1993 when handlers were required to report almond receipts twice a month during harvest (July through November), once during December, and then twice for the remainder of the crop year. However, the Board believes that requiring handlers to submit the receipt report monthly best meets the industry's informational needs at this time.

The Board's meeting was widely publicized throughout the almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the September 16, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Board itself is composed of ten members, of which five are producers and five are handlers.

Also, the Board has a number of appointed committees to review certain issues and make recommendations to the Board. The Board's Administrative and Finance Committee met on September 16, 1998, prior to the Board meeting, and discussed this issue. That committee meeting was also a public meeting, and both large and small entities were able to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on January 5, 1999 (64 FR 430). The proposal also announced AMS's intent to request a revision to the currently approved information collection requirements issued under the order. Copies of the rule were mailed to all Board members and almond handlers. The proposal was also made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the proposal, including the additional information collection requirements. The comment period ended March 8, 1999. No comments were received.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Board would like to begin collecting ABC Form 1 from handlers on a monthly basis as soon as possible to facilitate program administration and decision making. Handlers are aware of this action which was unanimously recommended by the Board at a public meeting. Finally, a 60-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is to be amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 981.472, paragraph (a) is revised to read as follows:

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board, on or before the 5th calendar day of each month, on ABC Form 1, the total adjusted kernel weight of almonds, by variety, received by it for its own account for the preceding month.

* * * * *

Dated: April 9, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–9515 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10 series airplanes and KC–10 (military) airplanes, that requires repetitive inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. The amendment also would require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections. This amendment is prompted by reports of fatigue cracking of the rear spar cap of the horizontal stabilizer. The actions specified by this amendment are intended to prevent fatigue cracking of the rear spar cap of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane.

DATES: Effective May 21, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 21, 1999.

ADDRESSES: The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10 series airplanes and KC–10 (military) airplanes was published in the **Federal Register** on August 4, 1998 (63 FR 41479). That action proposed to require repetitive penetrant inspections or high frequency eddy current inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. That action also proposed to require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections.

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Revise the Compliance Time of the Terminating Action

One commenter requests that the proposed compliance time for accomplishment of the terminating modification be revised from ''within 5 years'' to ''within 5 years or prior to the accumulation of 18,000 landings after the effective date of the AD, whichever occurs later.'' The commenter contends that such a revision of the compliance time would allow the preventive modification installation on low-time DC–10 series airplanes to be consistent with the initial inspection threshold of the proposal.

The FAA concurs partially. It is appropriate to specify an 18,000-landing compliance time for accomplishment of the terminating action. However, to be consistent with the compliance time specified in paragraph (a) of this AD, that threshold must include total landings accumulated on the airplane, not just those accumulated after the effective of this AD, as requested by the commenter.

Requests for Credit for Previous Accomplishment of the AD Requirements

One commenter requests that credit be given for previous accomplishment of the proposed initial inspection. That commenter specifically requests that credit for the initial inspection be given if it was accomplished in accordance with McDonnell Douglas Comtwx DC–10–COM–0047/SFY, dated December 11, 1997. Another commenter requests that credit be given for initial inspections and installation of the preventive modification that were accomplished prior to the effective date of the AD in accordance with the service bulletin specified in the proposal.

The FAA has reviewed the referenced comtwx and concurs that credit may be given for the accomplishment of the initial inspection required by this AD if it was done in accordance with the comtwx referenced by the commenter. The FAA also notes that the comtwx is referenced in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998, (which is the appropriate service information for this AD), as an additional source of service information. Therefore, the FAA has revised the final rule to add a new ''Note 2'' to give credit to operators that may have accomplished previously the initial inspection in accordance with McDonnell Douglas Comtwx DC–10–COM–0047/SFY, dated December 11, 1997.

The FAA also concurs with the request to allow credit for accomplishment of actions specified in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998, that were accomplished prior to the effective date of this AD. The FAA notes that operators are generally given credit for work accomplished previously if the work is performed in accordance with the final rule by means of the phrase in the compliance section of the

AD that states, ''Required as indicated, unless accomplished previously.'' Therefore, no change in the final rule is necessary in this regard.

Request To Justify That Unsafe Condition Exists on Certain Airplanes

One commenter notes that the horizontal stabilizer center section of Model DC–10–30/40 series airplanes is different than that of Model DC–10–10 series airplanes, and that reports of cracking of the rear spar cap of the horizontal stabilizer have only occurred on Model DC–10–10 series airplanes. Therefore, the commenter questions the need to require installation of the proposed modification on DC–10–30/40 series airplanes, and requests that the FAA provide justification that an unsafe condition actually exists on the Model DC–10–30/40 series airplanes. The FAA infers that the commenter is requesting the FAA remove Model DC–10–30/40 series airplanes from the applicability of the proposal if the FAA cannot justify that an unsafe condition exists for that model.

The FAA does not concur that further justification of an unsafe condition on DC–10–30/40 series airplanes is necessary, or that Model DC–10–30/40 series models should be removed from the applicability of this AD. Although the structure of the horizontal stabilizer center section is thicker on Model DC–10–30/40 series airplanes than the same structure on Model DC–10–10 series airplanes, the FAA finds that the thicker structure is necessary because of the higher loads sustained by Model DC–10–30/40 series airplanes. The airplane manufacturer also concurs that fatigue cracking of the horizontal stabilizer is as likely to develop on a Model DC–10–30/40 series airplane as on a Model DC–10–10 series airplane. Therefore, no change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 420 airplanes of the affected design in the worldwide fleet. The FAA estimates that 242 airplanes of U.S. registry (124 Group 1 airplanes; 118 Group 2 airplanes) will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators for Groups 1 and 2 airplanes is estimated to be $29,040, or $120 per airplane, per inspection cycle.

It will take approximately 34 work hours per airplane to accomplish the terminating modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $6,236 per airplane for Group 1 airplanes, or $6,349 per airplane for Group 2 airplanes. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group 1 airplanes is estimated to be $1,026,224, or $8,276 per airplane; and, for Group 2 airplanes, $989,902, or $8,389 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–08–22 McDonnell Douglas: Amendment 39–11131. Docket 98–NM–197–AD.

Applicability: Model DC–10 series airplanes and KC–10 (military) airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998; 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 the rear spar cap of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 18,000 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later: Perform a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998.

Note 2: Accomplishment of a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Comtwx DC–10–COM–0047/SFY, dated December 11, 1997, prior to the effective date of this AD, is acceptable for compliance with the initial inspection requirements required by paragraph (a) of this AD.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 2,200 landings until accomplishment

of the requirements of paragraph (b) of this AD.

(2) If any cracking is detected, prior to further flight, repair in accordance with the alert service bulletin. Repeat the inspection thereafter at intervals not to exceed 2,200 landings until accomplishment of the requirements of paragraph (b) of this AD.

(b) Within 5 years after the effective date of this AD or prior to the accumulation of 18,000 total landings, whichever occurs later: Perform a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998.

(1) If no cracking is detected, prior to further flight, perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(2) If any cracking is detected, prior to further flight, repair, and perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

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

Special Flight Permits

(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.

Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60) Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 21, 1999.

Issued in Renton, Washington, on April 7, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–9253 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–29–AD; Amendment 39–11130; AD 99–08–21]

RIN 2120–AA64

Airworthiness Directives; Puritan-Bennett Aero Systems Company C351–2000 Series Passenger Oxygen Masks and Portable Oxygen Masks

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to any aircraft equipped with Puritan-Bennett Aero Systems Company (Puritan-Bennett) C351–2000 series passenger oxygen masks and portable oxygen masks. This AD requires inspecting the passenger and portable oxygen masks for tears around the face cushion adjacent to the inner mask housing, and replacing or repairing any torn passenger or portable oxygen mask. This AD is the result of reports received from three airplane manufacturers of defective oxygen masks. The actions specified by this AD are intended to prevent reduced oxygen consumption when passengers are required to use defective oxygen masks, which could result in passenger injury.

DATES: Effective June 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 2, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Puritan-Bennett Aero Systems Company, 10800 Pflumm Road, Lenexa, Kansas 66215; telephone: (913) 338–9800; facsimile: (913) 338–7353. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–29–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael Imbler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4147; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all aircraft equipped with any Puritan-Bennett C351–2000 series passenger oxygen mask or portable oxygen mask having an elastomer cure date between September 1993 and March 1997 was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 22, 1998 (63 FR 50540). The NPRM proposed to require inspecting the oxygen mask face cushion adjacent to the inner mask housing for any tear, and, if a tear is found, repairing or replacing the passenger or portable oxygen mask with one that has an elastomer cure date later than March 1997.

Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Nellcor Puritan-Bennett Service Bulletin No. C351–2000–35–1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998.

The NPRM was the result of three airplane manufacturers informing the FAA that the affected oxygen masks were defective.

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

Comment Issue No. 1: List in the AD All Passenger Service Units That Could Contain the Affected Oxygen Masks

Two commenters recommend that the FAA provide, in the proposed AD, a listing of the passenger service units (PSU) that could contain the affected oxygen masks. The commenters state that it would be difficult to detect whether one of the affected oxygen masks was in their fleet since passenger or portable oxygen masks are not tracked items. As written, the proposed AD would require inspecting all aircraft

and spares in the fleet to determine if the AD applied. The PSU's are equipment that is tracked and including a listing of those would allow the affected operators to check their logbook to determine AD applicability.

The FAA concurs that listing the PSU's in the proposed AD would allow the operators to check the logbook to determine AD applicability. However, the affected passenger and portable oxygen masks can be installed in any PSU. Therefore, if an operator does not track passenger and portable oxygen masks, the FAA knows of no other way to assure that the unsafe condition does not go undetected than to inspect each PSU to determine if the affected masks are installed.

No changes to the final rule are required as a result of these comments.

Comment Issue No. 2: Cost Impact of the Proposed AD

Two commenters feel that the FAA's determination of the cost impact on U.S. operators of the airplanes that have the affected passenger or portable oxygen masks installed is misleading. In particular, these comments are as follows:

- One commenter states that the cost to inspect each of his/her fleet's aircraft to determine if the affected oxygen masks are installed on each PSU is 6 workhours per aircraft; and
- The other commenter states that the FAA intended to use the cost calculation of 1 workhour per aircraft for labor time, but instead multiplied that by the number of masks affected.

The FAA concurs that the cost impact of the proposed AD is misleading. The FAA has no way of determining the exact number of affected portable and passenger oxygen masks that would need to be either inspected and, if necessary, repaired or replaced on each airplane. For this reason, the FAA is writing the Cost Impact section in the final rule to account for the cost per mask and not per airplane.

Comment Issue No. 3: Make the Inspection Repetitive

One commenter recommends that the FAA make the proposed inspections repetitive. This commenter makes this recommendation based on the belief that the unsafe condition is a result of aging and fatigue damage to the affected portable and passenger oxygen masks.

The FAA does not concur that the inspection should be made repetitive. The oxygen masks that are unsafe were torn at the factory due to a manufacturing defect. This FAA has determined the time range of when these torn oxygen masks were manufactured. The proposed AD would require repair or replacement of any oxygen mask manufactured during a certain time and revealing a tear, and would prohibit future installation of any oxygen mask that has a tear.

Therefore, no changes to the final rule are required as a result of these comments.

Comment Issue No. 4: Extend the Compliance Time

One commenter recommends that the FAA extend the compliance time of the proposed AD. This commenter states that the 90 calendar day compliance time would be difficult to meet and the economic impact due to unnecessary downtime would be significant. The commenter suggests a 6 calendar month compliance time to coincide with regularly scheduled maintenance.

The FAA concurs. The FAA initially chose 90 calendar days based upon a balance between safety and practicality of implementation. The commenter presents a strong case for extending the compliance time based upon practicality of implementation and the FAA has determined that extending to 6 calendar months will not adversely affect aviation safety.

The compliance time of the final rule has been changed accordingly.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the write-up in the Cost Impact section, the change in compliance time, and minor editorial corrections. The FAA has determined that these changes and the minor editorial corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 10,500 oxygen masks will be affected by this AD, that it will take approximately 1 workhour per oxygen mask to accomplish the inspection and replacement, and that the average labor rate is approximately $60 an hour. Puritan-Bennett will repair or replace oxygen mask assemblies found defective at no cost to the owner/operator of any affected aircraft. Based on these figures, the total cost impact of the inspection is estimated to be $630,000, or $60 per mask. The cost per aircraft will vary based on the number of oxygen masks each aircraft has installed and the number that would require replacement.

Compliance Time

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS).

The FAA has determined that calendar time compliance is the most desirable method because the use of these oxygen masks is not related to hours time-in-service. The unsafe condition exists regardless of whether the aircraft is in operation. Therefore, to assure that the above-referenced condition is corrected within a reasonable period of time, a compliance schedule based upon calendar time instead of hours TIS is utilized.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–08–21 Puritan-Bennett Aero Systems Company: Amendment 39–11130; Docket No. 98–CE–29–AD.

Applicability: Puritan-Bennett C351–2000 series passenger oxygen masks and portable oxygen masks, part numbers as listed below, that (1) have elastomer cure dates between September 1993 and March 1997; and (2) are installed in aircraft that are certificated in any category:

Passenger Masks

C351–2000–00
C351–2000–02
C351–2000–21
C351–2000–38
C351–2000–52
C351–2000–59
C351–2000–63
114006–01
174006–16
174006–30
174006–31
174290–21
174290–22
174290–24
174290–26
174291–21
174291–23
174291–24
174501–00
174504–01 (C351–2000–205)
174505–01 (C351–2000–201)
174506–00 (C351–2000–223)
174509–00 (C351–2000–302)
174510–01 (C351–2000–224)
174510–08 (C351–2000–231)
174510–09 (C351–2000–232)
174510–10 (C351–2000–233)
174510–11 (C351–2000–234)

Drop-Out Box Assemblies

115055–04
115055–10
175011–01
175015–00
175016–00
175105–00
175109–00
175112–10
175112–11
175112–21
175112–90
175205–00
175210–00
175215–01
175222–11
175222–13
175222–20
175222–21
175222–90
175224–00
175242–00
175242–01
175242–02
175303–00
175308–00

Emergency Oxygen Portable Assemblies

176960–13
176960–14
176980–00
176965–SMB2
176965–SCOB2
176965–SMO2
176965–SCMB2

Note 1: This AD applies to each aircraft equipped with an oxygen mask 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 aircraft 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 reduced oxygen consumption when passengers are required to use defective oxygen masks, which could result in passenger injury, accomplish the following:

(a) Within the next 6 calendar months after the effective date of this AD, inspect the passenger or portable oxygen masks for any tear in the face cushion in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nellcor Puritan-Bennett Service Bulletin No. C351–2000–35–1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998. The face cushion is adjacent to the inner mask housing. If a tear is found, prior to further flight, replace or repair the mask in accordance with the service bulletin.

(b) As of the effective date of this AD, no person may install, in any aircraft, Puritan-Bennett C351–2000 series passenger oxygen masks and portable oxygen masks that are specified in the Applicability section of this AD, unless they have been inspected and found airworthy in accordance with paragraph (a) of this AD.

(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 aircraft 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 approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(e) The inspection and replacement or repair required by this AD shall be done in accordance with Nellcor Puritan-Bennett Service Bulletin No. C351–2000–35–1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Puritan-Bennett Aero Systems Company, 10800 Pflumm Road, Lenexa, Kansas 66215. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on June 2, 1999.

Issued in Kansas City, Missouri, on April 7, 1999.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–9251 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–60–AD; Amendment 39–11129; AD 97–15–13 R2]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 97–15–13 R1, which currently requires installing lubrication fittings in the airstair door handle and latch housing mechanisms on certain Raytheon Aircraft Company (Raytheon) Beech Models 1900, 1900C, and 1900D airplanes. Since issuance of AD 97–15–13 R1, Raytheon has revised the applicable service information to correct the reference to the number of parts each owner/operator of the affected airplanes should order and to change an incorrect reference to a maintenance manual. This AD retains the actions of AD 97–15–13 R1, and incorporates the revised service bulletin into the AD. The actions specified by this AD are intended to continue to prevent moisture from accumulating and freezing in the airstair door handle and latch housing, which could result in the door freezing shut and passengers not being able to evacuate the airplane in an emergency situation.

DATES: Effective May 28, 1999.

The incorporation by reference of Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998, as listed in the regulations is approved by the Director of the Federal Register as of May 28, 1999.

The incorporation by reference of Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996, as listed in the regulations was previously approved by the Director of the Federal Register as of September 22, 1997 (62 FR 49426).

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96–CE–60–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Safety Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Beech Models 1900, 1900C, and 1900D airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 9, 1998 (63 FR 54393). The NPRM proposed to revise AD 97–15–13 R1, Amendment 39–10131 (62 FR 49426, September 22, 1997), by incorporating updated service information into the AD. AD 97–15–13 R1 currently requires installing lubrication fittings in the airstair door handle and latch housing mechanisms on certain Raytheon Beech Models 1900, 1900C, and 1900D airplanes.

Accomplishment of the actions of AD 97–15–13 R1 is required in accordance with Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996.

Accomplishment of the proposed installations would be required in accordance with Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996; or Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the NPRM and no comments were received on the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 408 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 14 workhours per airplane to accomplish the installation, and that the average labor rate is approximately $60 an hour. Parts cost approximately $50 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $363,120, or $890 per airplane. This figure is based on the presumption that no owner/operator of the affected airplanes has accomplished the required installation.

This AD requires the same actions as AD 97–15–13 R1. The only difference is reference to Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998. Therefore, this AD imposes no additional cost impact upon U.S. owners/operators of the affected airplanes than is already required by AD 97–15–13 R1.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 97–15–13 R1, Amendment 39–10131, and by adding a new AD to read as follows:

97–15–13 R2 Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Amendment 39–11129; Docket No. 96–CE–60–AD; Revises AD 97–15–13 R1, Amendment 39–10131.

Applicability: The following Beech airplane models and serial numbers, certificated in any category:

Model	Serial Nos.
1900	UA–1 through UA–3.
1900C	UB–1 through UB–74, and UC–1 through UC–174.
1900C (C–12J)	UD–1 through UD–6.
1900D	UE–1 through UE–157.

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 within the next 200 hours time-in-service after September 27,

1997 (the effective date of AD 97–15–13 R1), unless already accomplished.

To prevent moisture from accumulating and freezing in the airstair door handle and latch housing, which could result in the door freezing shut and passengers not being able to evacuate the airplane in an emergency situation, accomplish the following:

(a) Install lubrication fittings in the airstair door handle and latch housing mechanisms in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of either:

(1) Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996; or

(2) Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998.

Note 2: Only Part II of the Accomplishment Instructions section of the service information referenced above applies to the affected Beech Model 1900D airplanes.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 97–15–13 R1 are considered approved as alternative methods of compliance for this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) The installation required by this AD shall be done in accordance with Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996; or Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998.

(1) The incorporation by reference of Raytheon Mandatory Service Bulletin SB.2572, Issued: July, 1996; Revision No. 1, May, 1998, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Raytheon Mandatory Service Bulletin No. 2572, Issued: July, 1996, was previously approved by the Director of the Federal Register as of September 22, 1997 (62 FR 49426).

(3) Copies of the service bulletins may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(e) This amendment revises AD 97–15–13 R1, Amendment 39–10131.

(f) This amendment becomes effective on May 28, 1999.

Issued in Kansas City, Missouri, on April 6, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–9250 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

Bureau of Administration

[Public Notice 3021]

22 CFR Part 171

Amendment of State Department Privacy Act Exemptions

AGENCY: Bureau of Administration, Department of State.

ACTION: Final rule.

SUMMARY: Pursuant to the consolidation of the Arms Control and Disarmament Agency (''ACDA'') and the Department of State as mandated by the Foreign Affairs Agencies Consolidation Act of 1998, this rule amends the exemptions in the State Department's Privacy Act regulations to incorporate ACDA's exemptions.

DATES: Effective April 1, 1999.

FOR FURTHER INFORMATION CONTACT: Margaret P. Grafeld, Information and Privacy Coordinator and Director of the Office of Information Resources Management Programs and Services; Room 1239; Department of State; 2201 C Street, NW; Washington, DC 20520–1512, (202) 647–6620.

SUPPLEMENTARY INFORMATION: Under the Foreign Affairs Agencies Consolidation Act of 1998, Pub. L. 105–277, ACDA and the Department of State will be integrated on April 1, 1999. As part of the integration, the Department will assume custody and control of systems of records currently maintained by ACDA. For a document relating to the State Department's assumption of control over these systems of records, see a notice published elsewhere in this volume. In order to preserve the exemptions under the Privacy Act applicable to ACDA's system of records, this rule incorporates the exemptions previously found at 22 CFR 603.8 into the State Department's regulations at 22 CFR 171.32.

This rule involves agency management functions and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 801. It is also exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This amendment has been found to be a minor rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104–121. It does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

List of Subjects in 22 CFR Part 171

Privacy.

Accordingly, for the reasons set forth above, upon the abolition of ACDA under Pub. L. 105–277, part 171 of Title 22, Code of Federal Regulations is amended as follows:

PART 171—[AMENDED]

1. The authority citation for part 171 continues to read as follows:

Authority: The Freedom of Information Act, 5 U.S.C. 552; The Privacy Act, 5 U.S.C. 552a; The Administrative Procedure Act, 5 U.S.C. 551, *et seq.*; The Ethics in Government Act, 5 U.S.C. App. 201; Executive Order 12356, 47 FR 14874; and Executive Order 12600, 52 FR 23781.

2. Section 171.32 is amended by adding the following exemptions to paragraphs (j)(1), (j)(2), and (j)(5) to read as follows:

§ 171.32 Exemptions.

* * * * *

(j) * * *

(1) * * *

Statements by Principals during the Strategic Arms Limitation Talks, Mutual Balanced Force Reduction negotiations, and the Standing Consultative Committee. ACDA–4.

(2) * * *

Security Records. ACDA–3. Provided, however, that if any individual is denied any right, privilege, or benefit to which the individual would otherwise be entitled by Federal law, or for which the individual would otherwise be eligible, as a result of the maintenance of such material, such material will be provided to such individual, except to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

* * * * *

(5) * * *

Security Records. ACDA–3. This system contains investigatory materials compiled solely for the purpose of determining suitability, eligibility, or

qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(5)), but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

* * * * *

Dated: March 30, 1999.

Patrick F. Kennedy,

Assistant Secretary for the Bureau of Administration, Department of State.

[FR Doc. 99–9575 Filed 4–15–99; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

Office of Management and Budget Control Numbers Under the Paperwork Reduction Act for Miscellaneous Construction Industry Rules

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; Office of Management and Budget approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that the Office of Management and Budget (OMB) has extended the approval of a number of information collection requirements in OSHA construction rules. OSHA sought approval under the Paperwork Reduction Act of 1995 and is announcing the new expiration dates for these OMB control numbers. These approvals are for provisions that require posting; retention of records that verify certain tests or inspections have been performed; retention or availability of plans at construction sites; and other miscellaneous requirements.

EFFECTIVE DATE: These amendments are effective April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Barbara Bielaski, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3627, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 693–1954.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) 44 U.S.C. 3501–3520), collections of information must be periodically approved by the Office of Management and Budget (OMB). In 1998, the Occupational Safety and Health Administration (OSHA) requested that OMB approve a number of information collection requirements contained in OSHA's construction industry standards (29 CFR part 1926). These provisions require employers to:

—Post floor-load limits and crane-rating chart limitations;

—Retain records that verify certain tests or inspections required in part 1926 have been performed.

—Retain or ensure the availability of plans at construction sites; and other miscellaneous requirements.

The previous approvals of these information collection requirements expired at various times during 1998. Last year, OSHA sought public comment on the burden-hour and cost estimates of these requirements through a series of **Federal Register** notices.

At the conclusion of the public comment period, the Agency submitted requests for an extension of OMB's approval of these records. In accordance with the PRA, OMB has renewed its approval for these information collection requirements. Each requirement was renewed for 3 years, but OMB staggered the new expiration dates in 2001 over a period of several months. The following table lists the subjects, **Federal Register** notices, and the OMB control numbers for each of these requirements:

Title and citation	Federal Register date and page No.	OMB control No.	Approval expires
Annual Inspection Record of Cranes or Derricks Used in Construction—§ 1926.550(a)(6).	June 8, 1998, 63 FR 31232	1218–0113	June 30, 2001.
Design of Cave-in Protection Systems—§ 1926.652 (b) and (c)	July 10, 1998, 63 FR 37415	1218–0137	July 31, 2001.
Concrete and Masonry Construction—§ 1926.703(a)(2)	June 19, 1998, 63 FR 33712	1218–0095	July 31, 2001.
Construction Posting Rqmnts.: Emergency Phone No.'s and Floor Load Limits—§§ 1926.50(f) and 1926.250(a)(2).	July 14, 1998, 63 FR 37907	1218–0093	Aug. 31, 2001.
Constr'n. Crane Rating Chart Limitation Instructions & Hand Signal Illustrations—§ 1926.550(a)(1), (2), (4), and (16).	June 19, 1998, 63 FR 33713	1218–0115	Aug. 31, 2001.
Construction Cranes and Derricks: Oxygen and Toxic Gas Tests—§ 1926.550(a)(11).	June 19, 1998, 62 FR 33715	1218–0054	Aug. 31, 2001.
Crane- or Derrick-Suspended Personnel Platforms Used in Constr'n.—§ 1926.550(g)(4)(ii)(I).	June 19, 1998, 63 FR 33715	1218–0151	Aug. 31, 2001.
Underground Construction—§ 1926.800	June 19, 1998, 63 FR 33714	1218–0067	Oct. 31, 2001.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor a collection of information unless: (1) The collection displays a valid control number, and (2) the Agency informs persons who potentially may respond to the collections of information that they are not required to respond to the collection of information unless it displays a currently valid OMB control number. Accordingly, now that OMB has extended the approval on these collections, OSHA is publishing this document to announce the new expiration dates for these OMB control numbers.

In addition, OSHA is amending § 1926.5, the section in which OSHA displays its approved collections under the PRA, to codify several interrelated collections that were determined to be paperwork burdens as a result of a more careful review and analysis of the information collection requirements in the crane and derrick standard. The Agency grouped these additional collections with a related collection that had been previously identified.

List of Subjects

29 CFR Part 1926

Construction; Occupational safety and health; Reporting and recordkeeping requirements.

Authority and Signature

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for

Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 13th day of April, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

Accordingly, 29 CFR part 1926 is amended as set forth below.

PART 1926—[AMENDED]

1. The authority citation for subpart A of part 1926 is revised to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12–71 (36 FR 8754), 8–76 (41 FR 25059), 1–90 (55 FR 9033),), or 6–96 (62 FR 111), as applicable; 29 CFR part 1911.

2. In § 1926.5, the table is amended by adding entries for 1926.550(a)(2), (4), and (16) in numerical order to read as follows:

§ 1926.5 OMB control numbers under the Paperwork Reduction Act.

* * * * *

§ 1926.550(a)(2)	1218–0115
§ 1926.550(a)(4)	1218–0115

* * * * *

§ 1926.550(a)(16)	1218–0115

* * * * *

[FR Doc. 99–9580 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD08–97–020]

RIN 2115–AE84

Mississippi River, LA: Regulated Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the Regulated Navigation Area (RNA) for vessels operating in the Mississippi River below Baton Rouge, including South Pass and Southwest Pass, by adding requirements for vessels of 1,600 gross tons or greater operating in the RNA. These requirements entail enhanced safety procedures for vessels of 1,600 gross tons or greater operating on the Mississippi River. The Coast Guard is also requiring moored or anchored passenger vessels with embarked passengers to maintain manned pilothouse watches for the safety of the vessel, crew and passengers.

DATES: This final rule is effective April 16, 1999, with the exception of § 165.810(f)(1), which is effective June 1, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District, Marine Safety Division, 501 Magazine Street, Room 1341, New Orleans, LA, during normal office hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–4686.

FOR FURTHER INFORMATION CONTACT: Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District, Marine Safety Division, New Orleans, LA, or by telephone at (504) 589–4686.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 30, 1997 (62 FR 58650), the Coast Guard published an interim rule with request for comments entitled ''Regulated Navigation Area Regulations; Mississippi River, LA–Regulated Navigation Area'' in the **Federal Register**. The Coast Guard received nine letters commenting on the interim rule. One comment requested a public hearing to discuss 33 CFR 165.810(e) ''Watch requirements for anchored and moored passenger vessels.'' Because this section was not open for comment, since there had been several previous opportunities for the public to provide input on this watch requirement, the Coast Guard did not opt to hold a public hearing. However, the Coast Guard took into consideration the information contained in the comment pertaining to 33 CFR 165.810(e) and, after a thorough review of the existing regulations, has changed this section to eliminate any confusion as to the definition of a ''small passenger-carrying vessel'' by referring to the definition contained in 46 CFR 175.110.

On August 29, 1997 (62 FR 45775), the Coast Guard published a notice of proposed rulemaking entitled ''Regulated Navigation Area Regulations; Mississippi River, LA–Regulated Navigation Area'' in the **Federal Register**. The Coast Guard received two letters commenting on the proposed rulemaking. No public hearing was requested, and none was held. On December 14, 1996, the 36,000 gross ton M/V BRIGHT FIELD allided with the Riverwalk store complex causing extensive damage and numerous injuries. This marine casualty prompted the Captain of the Port New Orleans to issue Captain of the Port Orders to moored or anchored passenger vessels operating on the Mississippi River. These orders required those vessels to maintain manned pilothouse watches in order to monitor river activity and to be immediately available to activate emergency procedures to protect the vessel, crew, and passengers in the event of an emergency procedures to protect the vessel, crew, and passengers in the event of an emergency radio broadcast, danger signal, or other, visual indication of a problem. The initial intent of this order was to establish an interim measure to prevent future allisions and collisions. On March 18, 1997 (62 FR 14637, March 27, 1997), the Coast Guard established a temporary regulated navigation area (RNA) affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS, to mile 88 above Head of Passes. This RNA was subsequently amended on March 31, (62 FR 15398, April 1, 1997), March 29 (62 FR 16081, April 4, 1997), April 4 (62 FR 17704, April 11, 1997) and April 20 (62 FR 23358, April 30, 1997). The amendments added operating requirements for vessels of 1,600 gross tons or greater; increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses; and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass.

This RNA and its subsequent amendments were also prompted by unprecedented high waters on the Mississippi River. Conditions on the Lower Mississippi River became so severe that they necessitated the opening of the Bonnet Carre Spillway by the Army Corps of Engineers in order to ease high water and partially combat very strong river currents. The high water contributed to numerous barge breakaways and a marked increase in vessel accidents. The additional operating requirements were designed to provide a greater margin of safety for vessels of 1,600 gross tons or greater operating on this waterway.

On April 20, 1997 (62 FR 23358, April 30, 1997), the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600 gross tons or greater were extended until July 1, 1997. On June 24, 1997 (62 FR 35097, June 30, 1997), the regulations affecting self-propelled vessels of 1,600 gross tons or greater were again extended, until

October 31, 1997. The purpose of this extension was to maintain the enhanced margin of safety that had been facilitated by these regulations. Although the Lower Mississippi River was receding, dangerous and unpredictable currents remained.

This final rule makes permanent the requirements of the temporary RNA, 33 CFR 165.T08–001, and adds those requirements to the permanent RNA established in 33 CFR 165.810. There was no adverse feedback from the public on the extensions or the concomitant operating requirements. Moreover, the additional operating requirements imposed increased the level of safety in the RNA.

Background and Purpose

In the interest of navigation safety in the narrow confines of the Lower Mississippi River, the Coast Guard is revising the regulations in 33 CFR 165.810 affecting self-propelled vessels of 1,600 gross tons or greater. The RNA described in this rule is required to protect vessels, bridges, shore-side facilities, commercial businesses, and the public from a safety hazard created by operations of deep-draft vessels along the Lower Mississippi River. During 1995 and 1996 over 300 self-propelled vessels of 1,600 gross tons or greater operating on the Mississippi River experienced casualties involving loss of power, loss of steering, or engine irregularities. The regulations will enhance the safety of navigation on the river and protect shoreside facilities, including commercial businesses, by causing masters and engineers to take measures that will minimize the risk of steering casualties, engine failures, and engine irregularities. They also place the ship in a manning status and operating condition that will allow the vessel to take prompt and appropriate emergency action should a casualty occur, thereby reducing the likelihood of a cascading series of allisions and collisions following a casualty.

To enhance safety for passenger vessels anchored or moored within the RNA, the Coast Guard is requiring certain passenger vessels to maintain manned pilothouse watches to monitor activity on the water and to be immediately available to activate emergency procedures to protect the vessel, crew, and passengers in the event of an emergency radio broadcast, danger signal, or other, visual indication of a problem. This measure will significantly enhance the safety of passenger vessels moored or anchored within the RNA. Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, will be required to monitor and respond, but may conduct monitoring from a vantage point other than the pilothouse using a portable radio. These vessels were given consideration because of their relatively small size and the distribution of safety and emergency system controls throughout the vessel.

Discussion of Rule

The existing regulation in 33 CFR 165.810 establishes an RNA for the waters of the Mississippi River below Baton Rouge, LA, including South Pass and Southwest Pass. By this rule the Coast Guard adds specific operational requirements to certain vessels when transiting, moored, or anchored in the RNA. These requirements are designed to assist in the prevention of collisions and groundings, ensure port safety, enhance the safety of moored or anchored passenger vessels, and protect the navigable waters of the Mississippi River from environmental harm.

Subsection (e) of this rule addresses additional operating requirements for passenger vessels with embarked passengers. Passenger vessels shall continuously man their pilothouse and remain apprised of river activities in their vicinity by monitoring VHF emergency and working frequencies. This allows an individual operating a passenger vessel to be immediately available to take necessary action to protect the vessel, crew, and passengers in the event that an emergency broadcast, danger signal or other visual indication of a problem is received or detected. An exception to this rule is made for ferryboats, and for small passenger vessels to which 46 CFR 175.110 applies. Continuously manned pilothouses are not required on these vessels since shipboard emergency systems are normally distributed throughout the vessel rather than being centralized on the bridge and in the engineroom. Vessel personnel can adequately monitor VHF frequencies by portable radio from a vantagepoint other than the pilothouse.

Subsection (f) of this rule pertains to all self-propelled vessels of 1,600 or more gross tons covered by 33 CFR Part 164. The rule requires that the master shall ensure that the vessel is in compliance with 33 CFR Part 164 and that the engineroom is manned at all times while the vessel is under way in the RNA. Additionally, this subsection requires the master to ensure the chief engineer has certified that the main propulsion plant is ready in all respects for operations including the main-propulsion air-start systems, fuel systems, lube-oil systems, cooling systems, and automation systems; that main propulsion machinery is available to immediately respond to the full range of maneuvering commands; that any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately; that cooling, lubricating, and fuel-oil systems are within proper temperature parameters; and that standby systems are ready to be placed immediately in service. These additional operating conditions are required so long as the vessel is under way in the RNA.

Discussion of Comments and Changes

The Coast Guard received nine comments regarding the interim rule.

Comment Relating to 33 CFR 165.810(e)

One comment received pertained to paragraph (e) of this rule. Although this subsection was not open for comment, the comment voiced the opinion that the term ''small passenger vessel'' needed to be defined and that passenger-carrying vessels without provisions for overnight passengers should not be included in the prescriptive provisions of this RNA rule. It was learned during the investigation into the M/V BRIGHT FIELD collision that the US-flagged vessels in the area were the QUEEN OF NEW ORLEANS and the CREOLE QUEEN. The QUEEN OF NEW ORLEANS was moored, and the CREOLE QUEEN had just got underway. Each had a manned bridge, which heard the VHF–FM broadcast and could ascertain the situation and take appropriate action. The two foreign-flagged vessels near the accident were the M/V ENCHANTED ISLE and the M/V NIEUW AMSTERDAM. Each was moored, and neither monitored the VHF–FM radio, but each had an officer on the bridge who quickly ascertained the emergency situation and began implementing emergency measures.

This regulation will require passenger vessels to man the pilothouse and will impose a high standard of care, which the four vessels discussed met without a regulation. This regulation imposes on transient vessels, including foreign-flag passenger vessels, the same standard of care already placed on local passenger vessels in their Certificate of Inspection issued by the OCMI. However, after careful review of the arrangement and configuration of these vessels and the comment's concern that the regulations did not specifically define ''small passenger vessel'' in the proposed rules, the Coast Guard has revised paragraph (e)(2) to allow all small passenger

vessels to which 46 CFR 175.110 applies to use portable radios to continuously monitor vessel-traffic and river conditions.

Comments Relating to 33 CFR 165.810(f)

The remaining eight comments addressed paragraph (f)(3)(iii) of the interim rule. Seven of the eight comments proposed that the ''Manual Mode'' provision should be removed. One comment in particular stressed that the proposed rule—as written—would detrimentally affect the safety of a particular company's operation. It stated that the proposed 33 CFR 165.810 (f)(3)(iii), which requires ''[a]utomatic or load limiting main propulsion plant throttle systems [to be] operated in the manual mode with engines available to immediately answer maneuvering commands,'' will reduce the level of safety presently maintained by the company's vessels. It explained that the company's vessels now use engine control systems designed to be operated from the bridge. The comment also indicated that the control systems could override any of the automatic-stop or load-limiting functions from the bridge, the engine-control room, or the emergency-maneuvering platform on the engine side. Essentially, this comment contended that the company's vessels have the full range of engine speed from all stations. The comment further noted that requiring operation of the engine-control system in the manual mode from the engine-control room removed one engineer from emergency response and that maneuvering in the manual mode put one more human element into the engine-control system. The comment also stated that the company has safety-management practices in place that address the concerns expressed in proposed 33 CFR 165.810(f)(3)(iii). Lastly, this comment recommended that that rule be replaced with 33 CFR 164.13(b), which would apply to all vessels. This rule requires that ''[e]ach tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer.''

Discussion of Change to ''Manual Mode'' Provision

The Coast Guard agrees with that portion of the comment that pertains to the concerns that 33 CFR 165.810(f)(3)(iii) could impair the safety of vessels. It is possible that different engineroom configurations could cause confusion as to what precisely ''manual mode'' entails. For example, one master could interpret manual mode as requiring operation of the main engine from the engine-side throttle control, while another could interpret it as allowing engineroom-watch personnel to operate the main engine from the control booth. This confusion, and the possibility of automatic control systems being placed in jeopardy if main-propulsion throttle-system computer programs are deactivated or placed in a manual override mode in order to achieve a ''manual mode'' state, warrants further study by the Coast Guard in conjunction with industry. Therefore, the language contained in 33 CFR 165.810(f)(3)(iii) that required ''[a]utomatic or load limiting main propulsion plant throttle systems [to be] operated in the manual mode with engines available to immediately answer maneuvering commands,'' is changed in this rule. Accordingly, 33 CFR 165.810(f)(3)(iii) will now require that main propulsion machinery be available to immediately respond to the full range of maneuvering commands, and that any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery be capable of being overridden immediately.

Discussion of Change to Engineroom Manning

This final rule, like its predecessors, will require that the engineroom be manned at all times while the vessel is under way in the RNA. This manning requirement significantly increases safety by placing qualified eyes and ears in close proximity to the detailed alarms and indicators, the operating machinery, and the machinery controls. This rule does tie at least one engineering watchstander to the engineroom for watch responsibilities, limiting that engineer's availability for response to casualties elsewhere. However, the Coast Guard believes the presence of a licensed engineer in the engineroom, capable of immediate communications with the bridge, is essential to the safety of the vessel and the port. For clarity, 33 CFR 165.810(f)(1) is changed to read: ''* * * each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.''

The Coast Guard considers this change to § 165.810(f)(1) to be within the scope of the language contained in the interim rule for this same section. The requirement for the physical presence of a licensed engineer in the machinery spaces or machinery control spaces is a logical outgrowth of the interim rule's requirement that the ''engineroom shall be manned at all times.'' Moreover, the existing practice in the RNA for self-propelled vessels of 1,600 gross tons or greater is to ''man'' the engineroom at all times with a licensed engineer. The use of a licensed engineer also adheres to the requirements established under Standard of Training and Certification of Watchstanding (STCW). However, since this change to § 165.810(f)(1) employs terms different from those contained in the interim rule, the Coast Guard will accept comments limited to this particular section of the final rule. If the Coast Guard receives comments that indicate there is a significant impact due to the difference between what was published in the interim rule and what is established in the final rule, it will open an additional comment period for § 165.810(f)(1) only.

Discussion Limiting Rule to Deep-Draft Vessels

The eighth comment noted that the proposed rule, as written, would force towboats and tugboats to comply with the same operational requirements that apply to deep-draft vessels even though the requirements are ill-suited for towing. It noted that the language in the proposed rule does not take into account a recent change to 33 CFR Part 164. In the past, Part 164 applied only to self-propelled vessels of 1,600 or more gross tons. However, the Final Rule on Navigation Safety Equipment for Towing Vessels, published in the July 3, 1996 (61 FR 35064), amended part 164 to include ''towing vessels of 12 meters or more in length.'' As a result of this change, the proposed rule would have the unintended result of requiring towboats and tugboats to comply with requirements that do not apply to their mode of operation. The Coast Guard agrees with this comment. The intent of the proposed rule was that it applies only to vessels of 1,600 gross tons or greater, not to towboats or tugboats. The final rule has been amended to eliminate this unintended result.

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 cost and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1997). The Coast Guard expects the economic impact of this rule to be so minimal that full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard expects this because it did not receive any comments on the expense of implementing this rule. This rule does not require that additional personnel are required aboard each vessel; rather, it requires existing watchstanding personnel to be immediately available to respond to vessel emergencies. This rule establishes additional requirements in order to enhance vessel safety and better protect property within the RNA. This rule did impose additional costs, the Coast Guard believes they would be far outweighed by the safety benefits accrued from the rule. The prevention of another M/V BRIGHT FIELD-type allision would save shoreside businesses, maritime users, and the public in general tens of millions of dollars in potential property damage and personal injury.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers the economic impact on small entities of each rule for which a general notice of proposed rulemaking is required. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Because this final rule affects deep-draft vessels under way and passenger vessels when passengers are onboard, and because a ferryboat or small passenger vessel may monitor river activities using a portable radio from a vantage point other than the pilothouse, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District, Marine Safety Division, new Orleans, LA, or by telephone at (504) 589–4686, for assistance.

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 principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism 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, paragraph (34)(g) of Commandant Instruction M16475.1B (as revised by 61 FR 13563; March 27, 1996), this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

In consideration of the foregoing, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, to read as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 46 CFR 1.46.

2. In § 165.810, revise paragraphs (e) and (f) to read as follows:

§ 165.810 Mississippi River, LA—regulated navigation area.

* * * * *

(e) Watch requirements for anchored and moored passenger vessels.

(1) *Passenger vessels.* Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(i) Keep a continuously manned pilothouse; and

(ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(f) Each self-propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(1) While under way in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.

(2) Before embarking a pilot when entering or getting under way in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is under way within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that

would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(iv) Main-propulsion standby systems are ready to be immediately placed in service.

Dated: March 22, 1999.

Paul J. Pluta,

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

[FR Doc. 99–9568 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA, 99–001]

RIN 2115–AA97

Safety Zone; Santa Barbara Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is extending the effective period of an existing temporary Safety Zone in the navigable waters of the United States around the Stearns Wharf pier complex located in Santa Barbara, California. This safety zone is necessary to ensure the safety of the public during the demolition and reconstruction of the pier and will be in effect from 12 p.m. (PST) on March 31, 1999, to 12 p.m. (PDT) on August 31, 1999. Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This rule is effective from 12 p.m. (PST) on March 31, 1999, until 12 p.m. on August 31, 1999. If the need for this safety zone terminates before August 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact by Broadcast Notice to Mariners.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802. Comments received will be available for inspection and copying in the Port Safety Division of Coast Guard Marine Safety Office Los Angeles-Long Beach from 9 a.m. to 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rick Sorrell, Marine Safety Detachment Santa Barbara, 111 Harbor Way, Santa Barbara, CA 93109; (805) 962–7430.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, there is good cause why a notice of proposed rule-making (NPRM0 was not published for this regulation, and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the details concerning the construction of the pier and the completion date were not known until fewer than 30 days before the continuation of the construction.

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed **ADDRESSES** in this preamble. Comments must be received on or before June 15, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach 99–001) and also include their names, addresses, and reason(s) for each comment presented. Based upon the comments received, the regulation may be changed.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing the Marine Safety Office Los Angeles-Long Beach at the address listed in **ADDRESSES** in this preamble.

Discussion of Regulation

A previous temporary final rule was promulgated imposing an identical safety zone from December 9, 1998, through March 31, 1999 (64 FR 8001, February 18, 1999). The Coast Guard has recently been notified that pier demolition and reconstruction will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through August 31, 1999. An opportunity for public comment was provided for the original temporary final rule; that comment period was due to close on April 19, 1999. Because of the significant extension of the effective period of the safety zone, a new public comment period has been established, extending 60 days from the date of publication.

This safety zone is necessary to safeguard all personnel and property during the extensive repairs and reconstruction of Stearns Wharf. The activities surround the demolition and reconstruction pose a direct threat to the safety of surrounding vessels, persons, and property, and create an imminent navigational hazard. This safety zone is necessary to prevent spectators and recreational and commercial craft from the hazards associated with the reconstruction. Persons and vessel are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach or a designated representative thereof.

Regulatory Evaluation

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

Collection of Information

This regulation contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq).*

Small Entities

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

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects

on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please call Lieutenant Rick Sorrell, Coast Guard Marine Safety Detachment Santa Barbara, CA, at (805) 962–7430.

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2–1, paragraph (34(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis checklist are available for inspection and copying, and the docket is to be maintained at the address listed in **ADDRESSES** in the preamble.

Unfunded Mandates

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

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

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary fund rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking a private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subject in 33 CFR Part 165

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

In consideration of the foregoing, amend Subpart F of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191;33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. From 12 p.m. (PST) on March 31, 1999, through 12 p.m. (PDT) on August 31, 1999, a new § 165.T11–062 is added to read as follows:

§ 165.T11–062 Safety Zone: Santa Barbara Channel, CA

(a) *Location.* The following area is established as safety zone: all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides and the seaward end of Stearns Wharf, beginning at the seaward end of the wharf and extending back along the wharf 600 feet towards shore. For reference purposes, the seaward end of the wharf is located at 34°24′30″ N, longitude: 119°41′10″ W.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

(c) *Effective dates.* This section is effective from 12 p.m. (PST) March 31, 1999, through 12 p.m. (PDT) on August 31, 1999. If the need for this safety zone terminates before August 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact by Broadcast Notice to Mariners.

Dated March 30, 1999.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.

[FR Doc. 99–9567 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036–1018a; FRL–6325–2]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Withdrawal of Final Rule for Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of notice of final rulemaking.

SUMMARY: EPA is hereby withdrawing a direct final rule approving Delaware's transportation conformity regulation as a revision to its State Implementation Plan (SIP). EPA published the direct final rule on February 23, 1999 (64 FR 8723). However, on March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *Environmental Defense Fund* v. *Environmental Protection Agency*, No. 97–1637. In that opinion, the Court vacated portions of the federal transportation conformity rule which had been incorporated into Delaware's transportation conformity regulation and which had served as the basis for EPA's evaluation and approval of that regulation. A revised federal transportation conformity rule must be promulgated, and Delaware's regulation amended, to reflect that revised federal rule.

DATES: This withdrawal is made on April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Budney (215) 814–2184, or by e-mail at: budney.larry@.epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone.

Dated: April 2, 1999.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–9473 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL174–1a; FRL–6325–6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On June 29, 1990, USEPA promulgated Federal stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for certain emission sources located in six northeastern Illinois (Chicago area) counties. Subject sources included the miscellaneous organic chemical manufacturing processes at the Stepan Company (Stepan) Millsdale Plant manufacturing facility in Elwood, Illinois. At Stepan's request, USEPA agreed to reconsider its rule as it applied to Stepan and on October 1, 1993, proposed a site-specific rule for Stepan. USEPA subsequently approved, as revisions to the Illinois State Implementation Plan, three VOC rules submitted by the Illinois Environmental Protection Agency that are applicable to Stepan's VOC sources. USEPA is today revoking the Federally promulgated rules, as they apply to Stepan, and replacing them with the Illinois rules that have been previously approved and apply to Stepan.

USEPA is taking this action as a ''direct final'' rulemaking; the rationale for this approach is set forth below. Elsewhere in this **Federal Register**, USEPA is proposing this action and soliciting comment. If adverse written comments or a request for a public hearing are received, USEPA will withdraw the direct final rule and it will not take effect. USEPA will address the comments received in a new final rule. If no adverse comments are received, no further rulemaking will occur on this SIP revision.

DATES: This final rule is effective June 15, 1999, unless written adverse comments or a request for a public hearing are received by May 17, 1999. If adverse comment or a request for a public hearing is received, USEPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public the rule will not take effect.

ADDRESSES: Written comments can be mailed to : J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, U. S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

A public hearing may be requested, to be held in Chicago, Illinois. Requests for a hearing should be submitted to J. Elmer Bortzer. Interested persons may call Steven Rosenthal at (312) 886–6052 to see if a hearing will be held and the date and location of the hearing. Any hearing will be strictly limited to the subject matter of this action, the scope of which is discussed below.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Air Programs Branch (AR–18J) at (312) 886–6052.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 1990 (55 FR 26814), USEPA promulgated a Federal Implementation Plan (FIP) which contained RACT regulations for stationary sources of VOC located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry, and Will. This FIP included a rule (40 CFR 52.741(w)) requiring, among other things, 81 percent control of Stepan's ''miscellaneous organic chemical manufacturing processes.'' Stepan's chemical manufacturing facility includes a number of batch and continuous process emission sources as well as associated storage tanks.

On August 28, 1990, Stepan filed a petition for review of USEPA's June 29, 1990, rulemaking in the United States Court of Appeals for the Seventh Circuit. By letter of October 22, 1990, Stepan requested that USEPA reconsider its rule as applicable to Stepan, on the basis that USEPA had not adequately responded to certain comments. USEPA agreed to do so.

On July 1, 1991, USEPA issued a three-month administrative stay pending reconsideration of the applicable FIP rules for Stepan. This stay was published on July 23, 1991, (56 FR 33712). On March 3, 1992, (57 FR 7549), USEPA published an extension of the stay, but only if and as long as necessary to complete reconsideration of the subject rules (including any appropriate regulatory action), pursuant to USEPA's authority to revise the Federal rules in Clean Air Act sections 110(c) and 301(a)(1), 42 U.S.C. 7410(c) and 7601(a)(1).

As a result of USEPA's decision to reconsider the federal rules as applied to Stepan, USEPA proposed site-specific RACT requirements for Stepan's Millsdale facility on October 1, 1993 (58 FR 51279). As discussed further below, this proposed rule was not finalized pending USEPA's review of three Illinois rules that would collectively cover those Stepan VOC sources.

On November 30, 1994, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA an adopted rule (35 Ill. Admin. Code Part 218, Subpart B (and related definitions and appendix)) and supporting information for the control of VOC emissions from Volatile Organic Liquid (VOL) storage facilities as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's VOL storage facilities. On August 8, 1996, USEPA published a direct final rulemaking approving the Illinois VOL storage facilities rule which applies to Stepan's VOL storage facilities.(61 FR 41338). USEPA's approval became effective on October 7, 1996.

On May 23, 1995, and June 7, 1995, IEPA submitted to USEPA an adopted Illinois rule (35 Ill. Admin. Code Parts 218 and 219, Subpart V and related definitions and appendix)) and supporting information for the control of VOC emissions from batch processes as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's batch processes. On April 2, 1996, USEPA published a direct final rulemaking approving the Illinois batch rule as a revision to the SIP. (61 FR 14,484). USEPA's approval became effective on June 1, 1996.

On May 5, 1995 and May 26, 1995, IEPA submitted to USEPA an adopted rule (35 Ill. Admin. Code Part 218, Subpart Q (and related definitions and appendix)) and supporting information for the control of VOC emissions from continuous reactor and distillation processes as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's continuous reactor and distillation processes. On June 17, 1997, (62 FR 32694), USEPA published a direct final rulemaking approving the Illinois continuous reactor and distillation processes rule for Stepan's continuous processes, while deferring action on the rule as it applies to other Illinois facilities. USEPA's approval became effective on August 18, 1997.

As stated above, USEPA has approved appropriate RACT rules for all the categories of Stepan's emission sources which would have been covered by 40 CFR 52.741(w) of the FIP (were it not for the appeal and resulting stays). Because

of these SIP approvals, the FIP, as it applies to Stepan, and the site-specific rule that was proposed on October 1, 1993, are no longer necessary.

II. Final Action

Stepan's VOL storage facilities, batch processes and continuous reactor and distillation processes are covered by 35 Ill. Admin. Code Part 218, Subpart B, Subpart V, and Subpart Q, respectively. These rules have been approved into the SIP and represent RACT for VOC. USEPA is therefore revoking the June 29, 1990, FIP as it applies to Stepan and replacing it with Illinois' VOL storage, batch process, and continuous reactor and distillation process rules.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, USEPA is proposing this action should adverse written comments be filed or a request for a hearing be received. This action will become effective without further notice unless the USEPA receives relevant adverse comments or a request for a hearing on this action by May 17, 1999. Should the USEPA request such comments or a request for a hearing, it will withdraw this final rule and publish a document informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective June 15, 1999.

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

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under Executive Order 12875, USEPA 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 USEPA consults with those governments. If USEPA complies by consulting, Executive Order 12875 requires USEPA to provide to the Office of Management and Budget a description of the extent of USEPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires USEPA 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 rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. 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 USEPA 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.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, USEPA 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 USEPA consults with those governments. If USEPA complies by consulting, Executive Order 13084 requires USEPA 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 USEPA'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 USEPA to develop an effective process permitting elected officials and other representatives of 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, versus *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal

governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

USEPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, OMB must approve all ''collections of information'' by EPA. The Act defines ''collection of information'' as a requirement for ''answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *'' 44 U.S.C. 3502(3)(A). Because this rulemaking action only applies to one company, the Paperwork Reduction Act does not apply.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of NTTAA, Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) 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 standards. This rulemaking action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this rulemaking action under section 801 because this is a rule of particular applicability.

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and record keeping requirements.

Dated: April 9, 1999.

Carol M. Browner,

Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart O—Illinois

3. Section 52.726 is amended by adding paragraph (t) to read as follows:

§ 52.726 Control strategy: Ozone.

* * * * *

(t) The Illinois volatile organic compound (VOC) rules that apply to the Stepan Company Millsdale Plant for volatile organic liquid storage (35 Ill. Admin. Code Part 218, Subpart B), batch processing (35 Ill. Admin. Code Parts 218 and 219, Subpart V) and continuous reactor and distillation processes (35 Ill. Admin. Code Part 218, Subpart Q) were approved by the United States Environmental Protection Agency (USEPA) on August 8, 1996, April 2, 1996, and June 17, 1997, respectively. Because these rules have been approved into the State Implementation Plan and represent reasonably available control technology for VOC, USEPA revokes the June 29, 1990 Federal Implementation Plan as it applies to Stepan and replaces it with Illinois' volatile organic liquid storage, batch process, and continuous reactor and distillation process rules.

[FR Doc. 99–9466 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 114–4085; FRL–6325–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Revision to the 1990 Baseyear Inventory for Rockwell Heavy Vehicles, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Commonwealth of Pennsylvania State Implementation Plan (SIP) submitted by the Pennsylvania Department of Environmental Protection (PADEP) on April 8, 1998. This revision consists of including the carbon monoxide (CO), volatile organic compounds (VOC) and nitrogen oxides (NO_X) emissions from Rockwell Heavy Vehicles, Inc., New Castle Forge Plant, in Lawrence County (Rockwell) in the point source portion of Pennsylvania's 1990 baseyear emission inventory. The intended effect of this action is to grant approval of the revision to the 1990 baseyear inventory and in so doing to render Rockwell's emissions eligible for consideration as emission reduction credits (ERCs) in accordance with the Pennsylvania SIP.

DATES: This direct final rule is effective on June 15, 1999, without further notice, unless EPA receives adverse comments by May 17, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental

Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 814–2185, at the EPA Region III address above, or via e-mail at lewis.janice@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On April 8, 1998, PADEP formally submitted an amendment to its 1990 baseyear emission inventory as a SIP revision. The revision was made to include the CO, VOC and NO_X emitted by Rockwell as part of the point source portion of 1990 baseyear inventory. Previously this source's emissions were included are part of the area source portion of the 1990 baseyear inventory because it is a minor source.

II. Summary of the SIP Revision

Rockwell was a paint coater of motor vehicle parts and was considered an existing minor source for SIP planning purposes. The entire plant shut down on May 31, 1993. Because it was a minor source, Rockwell's 1990 emissions were included in the area source portion of the Pennsylvania 1990 baseyear emission inventory. On April 8, 1998, Pennsylvania requested a SIP revision to transfer Rockwell's 1990 emissions of CO, VOC and NO_X from the area source portion of the SIP-approved 1990 baseyear inventory to the point source portion of that inventory. In so doing PADEP listed Rockwell (by name) as a point source, specified its emissions of CO, VOC and NO_X, and rendered those emissions eligible for consideration as ERCs in accordance with the relevant requirements of the Pennsylvania SIP's new source review permitting program.

This SIP revision is the mechanism chosen by PADEP for EPA to recognize Rockwell's specifically quantified 1990 emissions so they meet the eligibility criteria to be used as ERCs. Under the SIP-approved new source review regulation, emission reductions to be used as ERCs for purposes of satisfying emission offset requirements must be surplus, permanent, quantifiable and both state and federally enforceable. To satisfy these requirements, EPA is approving Pennsylvania's request to include Rockwell and its emissions of CO, VOC and NO_X in the point source portion of the SIP-approved 1990 baseyear inventory. EPA is also recognizing these emissions of CO, VOC and NO_X as eligible for consideration as ERCs.

The CO, VOC and NO_X emissions reductions were generated by the shutdown of the natural gas units and the spray booth at the Rockwell Heavy Vehicles, Inc. The plant wide emissions for 1990 for Rockwell Heavy Vehicles, Inc. were 8.3 tons per year (TPY) of CO, 13.4 TPY of VOC and 64.2 TPY of NO_X. Pennsylvania is requesting that these emissions be included for Rockwell in the point source portion of the SIP-approved 1990 baseyear inventory. The Pennsylvania banking rules (Chapter 127.206 and 127.207) permit the banking of emission reductions as ERCs provided that these reductions meet certain criteria, including being quantifiable, permanent, surplus and enforceable. Approval of this SIP revision for Rockwell renders the emission reductions generated by the shutdown of the facility eligible as ERCs under the Pennsylvania SIP. Additional details of the determination may be found in PADEP's submittal and the technical support document (TSD) prepared to support this rulemaking. Copies of these materials are available, upon request, from the EPA Regional office listed in the **ADDRESSES** section of this document.

EPA is approving the revision to the SIP-approved 1990 baseyear emission inventory to include Rockwell Heavy Vehicle, Inc. as a point source and is recognizing its emissions of CO, VOC and NO_X generated by the 1993 shutdown of the facility as being eligible for consideration as ERCs under the Pennsylvania SIP.

EPA is publishing this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This SIP revision will be effective June 15, 1999, without further notice unless the Agency receives adverse comments by May 17, 1999. If EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the action did not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Parties interested in commenting on this action should do so at this time.

III. Final Action

EPA is approving the revision to the SIP-approved 1990 baseyear emission inventory to include Rockwell Heavy Vehicle, Inc. as a point source, submitted by the Commonwealth of Pennsylvania on April 8, 1998. In so doing EPA is recognizing the emission reductions of CO, NO_X and VOCs generated by the 1993 shutdown of the facility as eligible ERCs under the Pennsylvania SIP.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 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. If EPA complies by consulting, E.O. 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. 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 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because conditional approvals of SIP submittals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final regulation that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability that affects only the Rockwell Heavy Vehicles, Inc., New Castle Forge Plant located in Lawrence County, Pennsylvania.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the 1990 baseyear emission inventory for Rockwell Heavy Vehicle, Inc. submitted by DEP must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve the 1990 base year emission inventory for Rockwell Heavy Vehicle, Inc. may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Ozone.

Dated: April 5, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

2. Section 52.2036 is amended by adding paragraph (k) to read as follows:

§ 52.2036 1990 Baseyear emission inventory .

* * * * *

(k) Rockwell Heavy Vehicle, Inc., New Castle Forge Plant, Lawrence County—On April 8, 1998 the Pennsylvania Department of Environmental Protection requested that EPA include the CO, VOC and NO_X emissions from this facility in the 1990 base year emission inventory. The CO, VOC and NO_X emissions from the natural gas units and the spray booth of this facility are hereby approved as part of the 1990 point source inventory. The 1990 CO, VOC and NO_X emissions from the natural gas units are 8.3 TPY, 1.2 TPY and 64.2 TPY, respectively. The 1990 VOC emissions from the spray booth is 12.1 TPY.

[FR Doc. 99–9464 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA129–4083a; FRL–6323–6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Pennsylvania state implementation plan (SIP). The revisions impose reasonably available control technology (RACT) to reduce volatile organic compounds (VOC) emissions from six (6) major sources located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in accordance with the Clean Air Act.

DATES: This rule is effective on June 15, 1999 without further notice, unless EPA receives adverse written comment by May 17, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Kathleen Henry, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814–2068, at the EPA Region III office or via e-mail at miller.linda@.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

I. Background

On December 8, 1995, October 18, 1996, July 24, 1998 and October 2, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted formal revisions to its state implementation plan (SIP). Each submittal consisted of source-specific operating permits imposing RACT on individual sources. Each source covered by this rulemaking will be specifically identified and discussed below. Any additional operating permits for other individual sources submitted coincidentally with those being addressed in this document will addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and nitrogen oxides (NO_X) sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The entire State of Pennsylvania is located in the OTR. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as moderate or marginal nonattainment areas, were previously classified as marginal but are now areas where the one-hour ozone standard no longer applies, or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements to reduce VOC emissions from six (6) sources in Pennsylvania.

II. Summary of SIP Revision

The details of the RACT requirements imposed in each of the source-specific operating permits can be found in the state submittals and in the accompanying technical support document (TSD) prepared by EPA to support of this rulemaking action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. Briefly, EPA is approving revisions to the Pennsylvania SIP pertaining to the determination of RACT for six (6) major sources of VOC. Several of the operating permits contain conditions irrelevant to the determination and imposition of RACT. Consequently, those provisions of the operating permits were not considered part of PADEP's SIP revision request to approve RACT for these six (6) sources.

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying TSD prepared by EPA to support this rulemaking. As previously stated copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan Approval (PA#), Operating Perment (OP#), Compliance Permit (CP #)	Source type	''Major source'' pollutant
GKN Sinter Metals	Cameron	OP 12–0002	Powdered metal parts manufacturing.	VOC
Springs Window Fashions Div., Inc.	Lycoming	OP 41–0014	Surface coating	VOC
Cabinet Industries, Inc.	Montour	OP 47–0005	Surface coating	VOC
Centennial Printing Corporation	Montgomery	OP 46–0068	Graphic arts	VOC
Strick Corporation	Montour	OP 47–0002	Surface coating	VOC
Handy and Harmon Tube Company	Montgomery	OP 46–0016	Tube manufacturing	VOC

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on June 15, 1999 without further notice unless we receive adverse comment by May 17, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Final Action

EPA is approving six (6) source-specific operating permits imposing RACT to reduce VOC emissions from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 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. If EPA complies by consulting, E.O. 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

This final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If EPA complies by consulting, E.O. 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, E.O. 13084 requires EPA to develop an effective process permitting elected 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and

small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability approving six source-specific operating permits which impose RACT to reduce VOC from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the RACT determinations to reduce VOC from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County) must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve VOC RACT determinations for six individual sources in Pennsylvania as a revision to the Commonwealth's SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: April 5, 1999.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(138) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(138) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Five (5) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC determinations in the form of operating permits on the following dates: December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998.

(B) Operating permits (OP):

(*1*) GKN Sinter Metals, Inc. (Cameron County), OP–12–0002, effective September 30, 1998, except for the expiration date and conditions Nos. 14–20 relating to non-RACT provisions.

(*2*) Springs Window Fashions Division, Inc. (Lycoming County), OP–41–0014, effective September 29, 1998, except for the expiration date and conditions Nos. 9–10 relating to non-RACT provisions.

(*3*) Cabinet Industries, Inc. (Montour County), OP–47–0005, effective September 21, 1998, except for the expiration date and conditions Nos. 5–8 relating to non-RACT provisions.

(*4*) Centennial Printing Corp. (Montgomery County), OP–46–0068, effective October 31, 1996, as revised on May 11, 1998 except for the expiration date and conditions Nos. 13–15 and 17–20 pertaining to non-RACT provisions.

(*5*) Strick Corporation (Montour County), OP–47–0002, effective August 28, 1996, except for the expiration date and conditions Nos. 10–11 and 21–22 relating to non-RACT provisions.

(*6*) Handy and Harmon Tube Co. (Montgomery County), OP–46–0016 effective September 25, 1995, except for the expiration dates and conditions No. 11 relating to non-RACT provisions.

(ii) Additional Materials—Remainder of the Commonwealth of Pennsylvania's September 13, 1996, December 18, 1996, October 18, 1996, July 24, 1998 and October 2, 1998 submittals pertaining to

the VOC RACT requirements for GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

[FR Doc. 99–9462 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6326–4]

RIN 2060–A128

Hazardous Air Pollutants: Amendment to Regulations Governing Equivalent Emission Limitations by Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On May 20, 1994, the Agency promulgated a rule in the **Federal Register** governing the establishment of equivalent emission limitations by permit, pursuant to section 112(j) of the Clean Air Act (Act). After the effective date of a Title V permit program in a State, each owner or operator of a major source in a source category for which the EPA was scheduled, but failed, to promulgate a section 112(d) emission standard will be required to obtain an equivalent emission limitation by permit. The permit application must be submitted to the Title V permitting authority 18 months after the EPA's missed promulgation date. This action amends the Regulations Governing Equivalent Emission Limitations by Permit rule. This amendment delays the section 112(j) permit application deadline for 7-year source categories listed in the regulatory schedule until December 15, 1999. This action is needed to alleviate unnecessary paperwork for both major source owners or operators and permitting agencies.

DATES: This final rule amendment will be effective on May 17, 1999 without further notice, unless EPA receives adverse comments on this rulemaking by April 26, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by April 23, 1999. If EPA receives timely adverse comment or a timely hearing request, EPA will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect and will proceed to promulgate a final rule based on the proposed rule.

ADDRESSES: *Comments.* Interested parties may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–93–32 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.** Public comments on this rulemaking will be accepted until April 26, 1999.

Docket. All information used in the development of this final action is contained in the preamble below. However, Docket No. A–93–32, containing the supporting information for the original Regulations Governing Equivalent Emission Limitations by Permit rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday at the Air and Radiation Docket and Information Center (6102), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–7548, fax (202) 260–4000. A reasonable fee may be charged for copying.

Radiation Docket and Information Center (see **ADDRESSES**).

These documents can also be accessed through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

FOR FURTHER INFORMATION CONTACT: Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–2452 (Szykman) or (919) 541–0837 (Markwordt).

SUPPLEMENTARY INFORMATION: EPA is publishing this rule amendment without prior proposal because we consider this to be a noncontroversial amendment; and we do not expect to receive any adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal for this amendment, in the event we receive adverse comment or a hearing request and this direct final rule is subsequently withdrawn. This final rule amendment will be effective on May 17, 1999 without further notice, unless we receive adverse comment on this rulemaking by April 26, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by April 23, 1999. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule, based on the proposed rule amendment published in the ''Proposed Rules'' section of this **Federal Register** document. The EPA will not provide further opportunity for public comment on this action. Any parties interested in commenting on this amendment must do so at this time.

Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–93–22. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

Outline. The information presented in this preamble is organized as follows:

I. What are section 112(j) permit application deadlines?
II. Why does EPA want to delay the section 112(j) permit application deadline?
III. Under what legal authority can EPA delay the existing deadline dates?
IV. What are the requirements to review this action in Court?
V. Administrative Requirements
A. Docket
B. Paperwork Reduction Act
C. E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996
D. National Technology Transfer and Advancement Act
E. E.O. 13045: Protection of Children from Environmental Health and Safety Risks
F. E.O. 13084: Consultation and Coordination with Indian Tribal Governments
G. E.O. 12875: Enhancing the Intergovernmental Partnership
H. Submission to Congress and the Comptroller General

I. What Are Section 112(j) Permit Application Deadlines?

Section 112(e) of the Clean Air Act (the Act) requires the Agency to publish a schedule for promulgating regulations establishing hazardous air pollutants (HAP) emission standards for all source categories listed pursuant to section 112 of the Act. The Act further directs that this regulatory schedule require the promulgation of emission standards for at least 40 source categories by 1992, for at least 25 percent of the listed categories by 1994, for at least 50 percent of the listed categories by 1997, and all remaining categories by the year 2000. These are commonly referred to as the 2-year, 4-year, 7-year, and the 10-year maximum achievable control technology (MACT) standards, respectively. This regulatory schedule was published by EPA on December 3, 1993 (58 FR 64931).

If EPA should fail to promulgate a MACT standard for a listed source category by the statutory deadline established pursuant to section 112(e)of the Act, section 112(j) of the Act requires owners or operators of major sources within that source category to apply for a case-by-case emission standard via a Title V permit. This permit will require compliance with an emission limitation equivalent to that which the major source would have been subject to had EPA promulgated a timely MACT standard for that source category.

On May 20, 1994, EPA issued a final rule for implementing section 112(j) (59 FR 26429). This rule requires major source owners or operators to submit a permit application by the date 18 months after a missed date on the regulatory schedule. In accordance with this regulation, the deadline for submittal of permit applications for 7-year rules not promulgated in accordance with the source category schedule is currently May 15, 1999.

II. Why Does EPA Want To Delay the Section 112(j) Permit Application Deadline?

To date, EPA has promulgated several 7-year MACT standards and intends to promulgate MACT standards for all of the remaining 7-year source categories according to the following schedule, which has been incorporated in a proposed consent decree filed with the U.S. District Court for the District of Columbia:

Promulgation required by May 15, 1999:

1. Hydrogen fluoride production;
2. Primary lead smelting;
3. Ferroalloys production;
4. Steel pickling—HCl process;
5. Oil and natural gas production;
6. Butadiene-furfural cotrimer (R–11) production;
7. 4-chloro-2-methyl phenoxyacetic acid production;
8. 2,4-D salts and esters production;
9. 4,6-dinitro-o-cresol production;
10. Captafol production;
11. Captan production;
12. Chloroneb production;
13. Chlorothalonil production;
14. Dacthal (tm) production;
15. Sodium pentachlorophenate production;
16. Tordon (tm) acid production;
17. Acrylic fibers/modacrylic fibers production;
18. Acetal resins production;
19. Mineral wool production;
20. Portland cement manufacturing;
21. Wool fiberglass manufacturing;
22. Polycarbonates production;
23. Polyether polyols production;
24. Phosphate fertilizer production; and
25. Phosphoric acid manufacturing.

Promulgation required by October 15, 1999: publicly owned treatment works

Promulgation required by December 15, 1999:

1. amino resins production;
2. phenolic resins production; and
3. secondary aluminum production.

Promulgation required by December 15, 2000: pulp and paper (combustion)

In the case of those 7-year emission standards where promulgation will be required by May 15, 1999, owners or operators of major sources subject to these standards would currently be compelled to submit a permit application on the same date, even though such an application could serve no purpose whatsoever in the event that EPA promulgates the standard according to the court-ordered schedule. Since potential applicants cannot know for certain that EPA will adhere to this schedule, they would have to run the risk of potential non-compliance or begin preparation of these applications immediately. This situation will clearly result in an unnecessary burden for both the owners or operators and the Title V permitting agencies.

There are a small number of 7-year emission standards where the proposed consent decree does not require promulgation of the standard until a date which is after May 15, 1999. Since the standards in question are not expected to be promulgated by the current application deadline of May 15, 1999, it could be argued that potential applicants are already on notice that a section 112(j) permit application will be required. However, EPA believes it is inappropriate to extend the application deadline for some potential applicants and not for others. Moreover, since every 7-year emission standard except for one is expected to be promulgated by December 15, 1999, it is doubtful whether any permit application for a major source subject to these standards submitted on May 15, 1999 would or could be acted upon by the permitting authority prior to the promulgation of the standard in question.

For all of the above reasons, EPA has concluded that it is both necessary and appropriate to extend the section 112(j) permit application deadline for major sources subject to 7-year emission standards until December 15, 1999.

III. Under What Legal Authority Can EPA Delay The Existing Deadline Dates?

The EPA believes that ample authority for this rule revision exists under the de minimis doctrine. That doctrine allows EPA to promulgate a rule that avoids a statutory requirement if (1) following that requirement would yield an environmental benefit of trivial or no value, and (2) the statutory scheme is not so rigid as to preclude this result. *Alabama Power Co.* v. *Costle*, 636 F.2d 323, 360–61 (D.C. Cir 1979). The EPA believes both tests are met here.

Regarding the first point, it should be intuitively apparent that requiring sources to complete applications for a case-by-case determination is pointless when it is very likely that EPA will promulgate the MACT standard within a timeframe that renders the entire case-by-case exercise moot. This is precisely the case with regard to almost all of the pending 7-year MACT standards, which will be subject to court-ordered deadlines requiring issuance on or shortly after the date applications are currently due. Regarding the second test, the language of section 112(j)(2), requiring that applications be submitted on a date ''beginning'' 18 months after a deadline has been missed, and the clear intent of the statute that case-by-case determinations should be made where they will serve as a substitute for the pending MACT standard, together suggest a level of flexibility in the statutory scheme sufficient to allow resort to the *de minimis* rationale.

The EPA is amending the definition of ''section 112(j) deadline'' in § 63.51 of the final rule to delay the section 112(j) permit application deadline for all 7-year source categories until December 15, 1999. The EPA believes that this new application deadline will allow sufficient time to promulgate all but one of the remaining 7-year emission standards before applications are due

and is consistent with the intent of section 112(j).

IV. What Are The Requirements To Review This Action In Court?

Under section 307(b)(1) of the Act, judicial review of this final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by June 15, 1999. Any such judicial review is limited to only those objections which are raised with reasonable specificity in timely comments. Under section 307(b)(2) of the Act, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

V. Administrative Requirements

A. Docket

The docket for this regulatory action is A–93–32, the same docket as the original final rule, and a copy of today's amendment to the final rule will be included in the docket. The principle purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

B. Paperwork Reduction Act

The information collection requirements in this rule 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 will be prepared by EPA (ICR No. 1648.02) and a copy will be available 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@epamail.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 are not effective until OMB approves them.

Section 112(j) of the Clean Air Act as amended in 1990 (CAAA) requires a source to submit a permit application if EPA fails to promulgate a MACT standard for a category of subcategory of major sources on schedule. The permit application is used by the permitting to issue permits containing maximum achievable control technology (MACT) emission limitation on a case-by-case (source-by-source) basis, equivalent to what would have been promulgated by EPA. The requirement to submit the permit application is not voluntary. Section 112(j) of the CAAA contains the need and authority for this information collection. [42 U.S.C. 7401 (*et. seq.*) as amended by Pub. L. 101–549]. Any information submitted to a permitting authority with a claim of confidentiality is to be safeguarded according to policies in 40 CFR Chapter 1, Part 2, Subpart B—Confidentiality of Business Information.

The total estimated burden, which includes all activities associated with the respondents or government agencies, is $1,323,000 and 46,339 hours. This collection of information has an estimated reporting burden of 171 hours per respondent and 140 hours per permitting agency. The permit application is a one time occurrence along with the issuance of the permit by the permitting agency. This estimated cost per respondent is $4,600 and $4,300 per permitting agency.

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.

C. Under E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions that are the subject of today's document would delay an existing requirement, this action is not a ''significant'' regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory change proposed here is expected to reduce regulatory burdens on small businesses, and will not have a significant impact on a substantial number of small entities.

D. National Technology Transfer and Advancement Act

Under section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of ''voluntary consensus standards,'' if available and applicable, when implementing policies and programs, unless it would be ''inconsistent with applicable law or otherwise impractical.'' The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A ''voluntary consensus standard'' is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines ''technical standards'' as ''performance-based or design-specific technical specifications and related management systems practices.'' A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is ''economically significant'' as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects 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.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

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 rule does not significantly or uniquely affect the communities of Indian tribal governments. These rule revisions impose no enforceable duties on these entities. Rather, these rule revisions reduce burdens associated with certain regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

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 rule changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any enforceable duties on these entities. Rather, the rule changes reduce burden for certain regulatory requirements. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 12, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, 40 CFR Part 63 is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. In § 63.51, the definition of *''Section 112(j) deadline''* is revised to read as follows:

§ 63.51 Definitions.

* * * * *

Section 112(j) deadline means the date 18 months after the date by which a relevant standard is scheduled to be promulgated under this part, except that for all major sources listed in the source category schedule for which a relevant standard is scheduled to be promulgated by November 15, 1994, the Section 112(j) deadline is November 15, 1996, and for all major sources listed in the source category schedule for which a relevant standard is scheduled to be promulgated by November 15, 1997, the Section 112(j) deadline is December 15, 1999.

* * * * *

[FR Doc. 99–9571 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 98–D019]

Defense Federal Acquisition Regulation Supplement; Restructuring Savings Repricing Clause

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to specify that contracting officers should consider using a repricing clause in noncompetitive fixed-price contracts that are negotiated during the period between the time a business combination is announced and

the time the contractor's forward pricing rates are adjusted to reflect the impact of restructuring.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D019.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 231.205–70, External restructuring costs, to specify that contracting officers should consider including a downward-only repricing clause in noncompetitive fixed-price contracts that are negotiated during the period between the time a business combination is announced and the time the contractor's forward pricing rates are adjusted to reflect the impact of restructuring.

Since the late 1980's, defense contractors have been restructuring their business operations to increase efficiencies and become more competitive in the defense marketplace. Many of the restructuring activities result from business combinations (such as mergers or acquisitions) and often lead to reduced overall costs and future savings. The repricing clause should ensure that DoD receives its appropriate share of restructuring savings.

A proposed DFARS rule was published in the **Federal Register** on November 30, 1998 (63 FR 65727). Nine sources submitted comments in response to the proposed rule. All comments were considered in the development of the final rule.

B. Regulatory Flexibility Act

DoD certifies 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.*, because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive fixed-price basis, and do not require application of the cost principle contained in this rule.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205–70 is amended by adding paragraph (f) to read as follows:

§ 231.205–70 External restructuring costs.

* * * * *

(f) *Contracting officer responsibilities.* (1) The contracting officer, in consultation with the cognizant ACO, should consider including a repricing clause in noncompetitive fixed-price contracts that are negotiated during the period between—

(i) The time a business combination is announced; and

(ii) The time the contractor's forward pricing rates are adjusted to reflect the impact of restructuring.

(2) The decision to use a repricing clause will depend upon the particular circumstances involved, including—

(i) When the restructuring will take place;

(ii) When restructuring savings will begin to be realized;

(iii) The contract performance period;

(iv) Whether the contracting parties are able to make a reasonable estimate of the impact of restructuring on the contract; and

(v) The size of the potential dollar impact of restructuring on the contract.

(3) If the contracting officer decides to use a repricing clause, the clause must provide for a downward-only price adjustment to ensure that DoD receives its appropriate share of restructuring net savings.

[FR Doc. 99–9559 Filed 4–15–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

[DFARS Case 98–D012]

Defense Federal Acquisition Regulation Supplement; Electronic Funds Transfer

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove policy and procedures for use of the electronic funds transfer (EFT) method of contract payment when the payment office uses the Central Contractor Registration (CCR) database as its source of EFT information. The DFARS policy and procedures are no longer necessary, as a result of changes made to the Federal Acquisition Regulation (FAR) in Item IV of Federal Acquisition Circular 97–11.

EFFECTIVE DATE: May 3, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D012.

SUPPLEMENTARY INFORMATION:

A. Background

An interim DFARS rule was published in the **Federal Register** on May 20, 1998 (63 FR 27682). The rule prescribed use of a new clause at DFARS 252.232–7009, Payment by Electronic Funds Transfer (CCR). This clause was especially tailored for DoD contractors that are paid by EFT and registered in the CCR database as required by DFARS Subpart 204.73. No public comments were received in response to the interim DFARS rule.

Subsequently, on March 4, 1999, a final FAR rule was published in the **Federal Register** (64 FR 10538). The rule amends the FAR, effective May 3, 1999, to provide policy and procedures for making contract financing and delivery payments to contractors by EFT. To accommodate the DoD requirement for contractors to register into a CCR database, the rule prescribes a new clause at FAR 52.232–33, Payment by Electronic Funds Transfer-Central Contractor Registration, for use when the payment office will make payment by EFT and will use the CCR database as its source of EFT information. The clause at FAR 52.232–33 is equivalent to the clause at DFARS 252.232–7009.

This final rule eliminates the DFARS changes made in the interim rule published on May 20, 1998, as a result of the FAR changes pertaining to payment by EFT published on March 4, 1999.

B. Regulatory Flexibility Act

DoD certifies 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.*, because this final rule eliminates the DFARS changes made in the interim rule, as a result of recent changes to the FAR pertaining to payment by EFT.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continue to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 232—CONTRACT FINANCING

Subpart 232.11—[Removed]

2. Subpart 232.11 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.232–7009 [Removed]

3. Section 252.232–7009 is removed.

[FR Doc. 99–9560 Filed 4–15–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 235

[DFARS Case 98–D306]

Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 213 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. Section 213 requires that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures.

DATES: *Effective date:* April 16, 1999.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before June 15, 1999, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to Defense Acquisition Regulations Council, Attn: Ms. Melissa Rider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 98–D306 in all correspondence related to this issue. E-mail comments should cite DFARS Case 98–D306 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends DFARS guidance concerning the Manufacturing Technology Program to implement Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Act 105–261). Section 213 amends 10 U.S.C. 2525(d) to require that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures; and that the Secretary of Defense may delegate the authority to approve use of other than a cost-sharing contract under the Program only to the Under Secretary of Defense (Acquisition and Technology) of a service acquisition executive. On January 9, 1999, the Secretary of Defense delegated this authority to the Under Secretary of Defense (Acquisition and Technology).

The rule also removes guidance from DFARS 235.006 pertaining to the Manufacturing Technology Program, as the guidance has been relocated to a new section at 235.006–70; and removes obsolete language from 235.006 pertaining to prior years' appropriations acts.

B. Regulatory Flexibility Act

This interim rule is not expected to 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.*, because the only new requirement for offerors or contractors is a requirement for the inclusion of a cost-sharing ratio in proposals for contracts under the Manufacturing Technology Program. This change is not expected to significantly alter the procedures for award of contracts under the Manufacturing Technology Program, as the DFARS already requires the use of cost-sharing arrangements and competitive procedures for contracts under the Program. An initial regulatory flexibility analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 98–D306 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) pertaining to the Manufacturing Technology Program. Section 213 became effective on October 17, 1998. Comments received in response to the publication of this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 235

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 235 is amended as follows:

1. The authority citation for 48 CFR Part 235 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

2. Section 235.006 is revised to read as follows:

235.006 Contracting methods and contract type.

(b)(i) Do not award a fixed-price type contract for a development program effort unless—

(A) The level of program risk permits realistic pricing;

(B) The use of a fixed-price type contract permits an equitable and sensible allocation of program risk between the Government and the contractor; and

(C) A written determination that the criteria of paragraphs (b)(i)(A) and (B) of this section have been met is executed—

(1) By the Under Secretary of Defense (Acquisition and Technology) (USD (A&T)) for—

(i) Research and development for non-major systems, if the contract is over $25 million;

(ii) The lead ship of a class; or

(iii) The development of a major system (as defined in FAR 2.101) or subsystem thereof, if the contract is over $25 million; or

(2) By the contracting officer for any development not covered by paragraph (b)(i)(C)*(1)* of this section.

(ii) Obtain USD (A&T) approval of the Government's prenegotiation position before negotiations begin, and obtain USD (A&T) approval of the negotiated agreement with the contractor before the agreement is executed, for any action that is—

(A) An increase of more than $250 million in the price or ceiling price of fixed-price type development contract, or a fixed-price type contract for the lead ship of a class;

(B) A reduction in the amount of work under a fixed-price type development contract or a fixed-price type contract for the lead ship of a class, when the value of the work deleted is $100 million or more; or

(C) A repricing of fixed-price type production options to a development contract, or a contract for the lead ship of a class that increases the price or ceiling price by more than $250 million for equivalent quantities.

(iii) Notify the USD (A&T) of an intent not to exercise a fixed-price production option on a development contract for a major weapon system reasonably in advance of the expiration of the option exercise period.

3. Section 235.006–70 is added to read as follows:

235.006–70 Manufacturing Technology Program

(a) This subsection implements 10 U.S.C. 2525(d).

(b) Award all contract under the Manufacturing Technology Program (see DoDI 4200.15, Manufacturing Technology Program) using competitive procedures.

(c)(1) Use a cost-sharing arrangement (see FAR 16.303) for contracts awarded under the Manufacturing Technology Program, unless the USD (A&T) makes a determination that the contract is for a program that—

(i) Is not likely to have any immediate and direct commercial application;

(ii) Is of sufficiently high risk to discourage cost sharing by non-Federal Government sources; or

(iii) Will be carried out by an institution of higher education.

(2) Document the contract file with the rationale for any determination made in accordance with paragraph (c)(1) of this subsection.

(d) For each contract entered into on a cost-sharing basis, determine the ratio of contractor cost to Government cost by competitive procedures, i.e., each offeror must propose the ratio as part of its proposal. If only one offer is received, negotiate the ratio that provides the best value to the Government.

[FR Doc. 99–9561 Filed 4–15–99; 8:45 am]

BILLING CODE 5000–04–M

Proposed Rules

Federal Register
Vol. 64, No. 73
Friday, April 16, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1220

[No. LS–98–001]

Soybean Promotion and Research Program: Request for Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action would change the number of eligible soybean producers estimated in the proposed ''Request for Referendum'' on the Soybean Promotion and Research Order (Order) as published in the September 4, 1998, **Federal Register** and would amend the regulations accordingly. The estimated number of eligible soybean producers would change from 381,000 soybean producers to 600,813 soybean producers based on the results of a statistical survey.

DATES: Written comments must be received by May 17, 1999.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Program, Agricultural Marketing Service (AMS), USDA; STOP–0251; 1400 Independence Avenue, SW.; Washington, D.C. 20250–0251. Comments will be available for public inspection during regular business hours in Room 2627 South Agriculture Building; 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720–1115.

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

Executive Order 12866 and 12988 and the Regulatory Flexibility Act and the Paperwork Reduction Act

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Soybean Promotion, Research, and Consumer Information Act (Act) provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing the Secretary will rule on the petition. The statute provides that the district court of the United States in any district in which the petitioner resides or carries on business has jurisdiction to review the Secretary's decision if a complaint for that purpose is filed not later than 20 days after the date of the entry of the Secretary's decision.

Further, § 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State. One exception in the Act concerns assessments collected by the Qualified State Soybean Boards (QSSBs). The exception provides that to ensure adequate funding of the operations of QSSBs under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a QSSB in that State may collect, and which is authorized to be credited under the Act. Another exception concerns certain referendums conducted during specified periods by a State relating to the continuation or termination of a QSSB or State soybean assessment.

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 United States Code (U.S.C.) 601 *et seq.*), the Administrator of AMS has considered the economic effect of this proposed action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small business entities.

According to the statistical survey initiated by the Department, there are 600,813 soybean producers who would be eligible to participate in the ''Request for Referendum.'' The majority of producers subject to the Order are small businesses under the criteria established by the Small Business Administration.

Further, the requirements set forth in the proposed rule are substantially similar to the rules that established the eligibility and participation requirements for a July 26, 1995, soybean producer poll published as a final rule on March 22, 1995 (60 FR 15027), in the **Federal Register**.

The procedures to request a referendum would not impose a substantial burden or have a significant impact on persons subject to the Order. Further, participation is not mandatory. Not all persons subject to the Order are expected to participate. The Department would determine producer eligibility.

In compliance with the Office of Management and Budget (OMB) regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*], the information collection requirements contained in this proposed rule have been previously approved by OMB and were assigned OMB control number 0581–0093. The information collection requirements in the proposed rule include the following:

(1) Any eligible person who requests a referendum must legibly print his/her name, or if applicable, the producer entity represented, address, telephone number, and county on the ''Request for a Soybean Referendum'' form (Form LS–51–1). Each person must read the certification statement on the form and sign it certifying that he/she or the producer entity represented meets the eligibility requirements. Form LS–51–1 shall be obtained in person, by mail, telephone, or facsimile from the county Farm Service Agency (FSA) office where FSA maintains and processes the producer's administrative farm records or at the county FSA office serving the county where the producer owns or rents land. Form LS–51–1 may be returned by mail, by facsimile, or in person to the same county FSA office

where the form was obtained. A producer or producer entity representative who obtains Form LS–51–1 in person during the ''Request for Referendum'' period from the appropriate county FSA office may complete Form LS–51–1 at that time. The estimated average time burden for completing the procedure is 5 minutes per person.

(2) Using information from each returned Form LS–51–1, county FSA personnel shall enter the producer's name, and if applicable, producer entity representative, the date received (and the postmarked date for mailed requests), and the method the form was received on the ''List of Soybean Producers Requesting a Referendum'' (Form LS–51–2). This information may be used for the purpose of challenging the eligibility of producers. Many county FSA offices will use more than one Form LS–51–2 depending on the number of producers requesting a referendum. Because only county FSA office personnel would be required to complete Form LS–51–2, the time required to complete this form is not included in the estimated average reporting burden for a producer.

Background

The Act (7 U.S.C. 6301–6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991, and the collection of assessments began September 1, 1991.

The Act required that an initial referendum be conducted no earlier than 18 months and no later than 36 months after the issuance of the Order to determine whether the Order should be continued.

The initial referendum was conducted on February 9, 1994. On April 1, 1994, the Secretary announced that of the 85,606 valid ballots cast, 46,060 (53.8 percent) were in favor of continuing the Order and the remaining 39,546 votes (46.2 percent) were against continuing the Order. The Act required approval by a simple majority for the Order to continue.

The Act also required that within 18 months after the Secretary announced the results of the initial referendum, the Secretary would conduct a poll among producers to determine if producers favored a referendum on the continuance of the payment of refunds under the Order.

A July 25, 1995, nationwide poll of soybean producers did not generate sufficient support for a refund referendum to be held based on the total number of producers in the United States established at that time. A refund referendum would have been held if at least 20 percent (not in excess of one-fifth of which may be producers in any one State) of the 381,000 producers (76,200) nationwide requested it. Only 48,782 soybean producers participated in the poll. Consequently, refunds were discontinued on October 1, 1995.

The Act also specifies that the Secretary shall, 5 years after the conduct of the initial referendum and every 5 years thereafter, provide soybean producers an opportunity to request a referendum on the Order.

For all such referendums, if the Secretary determines that at least 10 percent of U.S. producers engaged in growing soybeans (not in excess of one-fifth of which may be producers in any one State) support the conduct of a referendum, the Secretary must conduct a referendum within 1 year of that determination. If these requirements are not met, a referendum would not be conducted.

On September 4, 1998, AMS published a proposed ''Request for Referendum'' rule in the **Federal Register** (63 FR 47200). The proposed rule set forth procedures to be followed in conducting the ''Request for Referendum.'' The proposed rule included provisions concerning definitions, supervision of the process for requesting a referendum, eligibility, certification and request procedures, counting and reporting results, and disposition of the forms and records. The proposed rule also provided that the ''Request for Referendum,'' be conducted at the county FSA offices and that FSA assist AMS by determining eligibility, counting, and reporting results. Finally, the proposed rule provided that the Secretary would use the latest official number of U.S. soybean farms as reported by the Department's National Agricultural Statistics Service (NASS) as representing the total number of U.S. soybean producers. At the time the proposed rule was published, the latest official data available and reported by NASS was based on the 1992 Census of Agriculture (1992 Census) which showed that 381,000 farms produced soybeans.

Comments on the proposed rule were due in the Department by October 5, 1998. The Department received six comments from State and national soybean organizations concerning the Department's estimated number of soybean producers eligible to participate in the ''Request for Referendum.'' Four comments were filed on time and two comments were filed after the comment period ended. The late comments generally expressed the same views as the timely comments. In addition, six other comments were received addressing other matters in the September 4, 1998, proposed rule will be discussed in a final rule.

The four comments timely received expressed the belief that the 381,000 soybean farms reported by the 1992 Census and proposed by the Department as the total number of soybean producers grossly understates the true number of soybean producers. Furthermore, the commenters believed that the 1992 Census data (1) was outdated, (2) did not provide a proper basis for determining the number of soybean producers, and (3) did not reflect the current number of producers which they believed had increased since the enactment of the 1996 Farm Bill. Two commenters recommended that AMS utilize the results of the United Soybean Board's (Board) recent survey of soybean producers, which was based on FSA's data, or use other relevant information to determine the number of soybean farmers eligible to request a referendum. The Board's survey suggested that there could be as many as 649,000 soybean producers in the United States which is significantly more soybean producers than reflected in the 1992 Census data. Further, the most recent Census data for 1997 as reported by NASS indicated that there are 354,692 soybean farms. Accordingly, in order to better address this issue, AMS contracted with an independent surveyor to conduct a survey of soybean producers.

AMS obtained a list from FSA of approximately 970,000 producers who produced soybeans, or who produced forage or hay which may have included soybeans during crop years 1995–97. AMS then developed a survey from this information designed to determine the number of producers which meet the definition of a soybean producer contained in the Act.

To achieve 95 percent confidence in the survey results with a 2 percent margin of error, the surveyor would obtain over 2,400 ''yes'' or ''no'' responses from those interviewed regarding their soybean producer status. Those interviewed were asked to respond only after listening to the definition of soybean producer provided under § 1967 of the Act as read by the

caller. The definition of producer is ''any person engaged in the growing of soybeans in the United States who owns, or who shares the ownership and risk of loss of, such soybeans.''

On March 5, 1999, AMS received the results of the soybean producer survey. AMS, also, reviewed the methods used for conducting the soybean producer survey to ensure that the procedures outlined by AMS were followed. The results indicated that approximately 62 percent of those surveyed were soybean producers as defined in the Act. Thus, based on the results, for the purposes of the ''Request for Referendum,'' AMS proposes to use 600,813 as the total number of U.S. soybean producers. This number would serve as the basis for determining whether a soybean referendum would be conducted. A soybean referendum would be conducted if requested by 10 percent of the total number of U.S. soybean producers (not in excess of one-fifth of which may be producers in any one State) engaged in the growing of soybeans.

Since the basis for establishing the total number of producers would no longer be NASS data, § 1220.30(d) of the proposed rule would be amended by deleting the phrase ''* * * the latest official numbers of U.S. soybean farms as reported by the Department's National Agricultural Statistics Service as the total number of producers.'' and inserting the phrase ''* * * the number of soybean producers in the United States is determined to be 600,813.''

A 30-day comment period is provided for interested persons to comment on this amended proposed rule. This comment period is deemed appropriate because the Act provides that the Secretary, 5 years after the conduct of the initial referendum held in 1994, will give soybean producers the opportunity to request an additional referendum on the Order. A 30-day comment period will assist in timely implementation of this rule consistent with the provisions of the Act.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Reporting and recordkeeping requirements, Soybeans and soybean products.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for part 1220 would continue to read as follows:

Authority: 7 U.S.C. 6301–6311.

Subpart F—Procedures to Request a Referendum Procedures

2. In § 1220.30, as proposed at 63 FR 47202, September 4, 1998, paragraph (d) is further proposed to be revised to read as follows:

§ 1220.30 General.

* * * * *

(d) For purposes of paragraphs (b) and (c) of this section, the number of soybean producers in the United States is determined to be 600,813.

Dated: April 13, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 99–9658 Filed 4–14–99; 11:18 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

[Docket No. PRM–30–61]

Nuclear Energy Institute; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–30–61) submitted by the Nuclear Energy Institute (NEI). The petitioner requested that the NRC amend its regulations governing timeliness of decommissioning of sites and separate buildings or outdoor areas. Because the petitioner has provided no new significant information that would call into question the basis for the requirements in these regulations, the NRC denies the petition. To achieve the intent of the petition, NRC will develop guidance to clarify specific criteria to review licensee requests for alternate schedules for initiation of decommissioning of inactive contaminated sites.

ADDRESSES: Copies of the PRM, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC 20555–0001.

FOR FURTHER INFORMATION CONTACT: Anthony DiPalo, telephone (301) 415–6191, e-mail, ajd@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

The Petition

On August 21, 1996 (61 FR 43193), the NRC published a notice of receipt of a PRM filed by the NEI. The petitioner requested that NRC amend its regulations in 10 CFR Parts 30, 40, and 70 to provide for an alternative which could result in the delay of decommissioning of a site, separate building, or outdoor area where principal activities have not been conducted for at least 24 months, and the site, separate building, or outdoor area is unsuitable for unrestricted release in accordance with NRC requirements. Specifically, the petitioner requested that inactive facilities be allowed to go on ''standby'' status until economic conditions in its industry improved. The petitioner believes the requested changes are necessary because the rule, as written, has the potential to . . . ''eliminate important components from the nuclear industry infrastructure.'' The petitioner also asserted as a basis for its petition that NRC's regulations were not intended to give it jurisdiction over the commercial aspects of a licensee's activities and, therefore, NRC regulations should not impose restrictions on facilities or sites that have the potential to impact commercial decisions. Further, the petitioner believes that NRC's current regulation is not necessary given the cohesiveness and maturity of the industry today.

Public Comments on the Petition

The notice of receipt of the PRM invited interested persons to submit comments. The comment period closed on November 4, 1996. NRC received comment letters from the following five organizations: (1) Kennecott Energy; (2) Siemens Power Corporation; (3) Wyoming Mining Association; (4) National Mining Association; and (5) Babcock & Wilcox, Naval Nuclear Fuel Division. All five commenters supported the PRM. They supported amending the Timeliness Rule to permit facilities to postpone decommissioning and enter a ''standby'' mode in which facilities would be monitored and maintained for a predetermined time period, pending future operation.

The comments are summarized as follows:

1. All five commenters argued that the Timeliness Rule, as currently written, impacts on a licensee's ability to make commercial decisions that allow it to compete in the open market. The commenters believe that any company that has a valid NRC license and operates within the conditions of the license should have the right to decide when to start and stop operations, and when to place buildings or facilities in standby mode, rather than being forced to begin decommissioning.

2. Three commenters expressed the opinion that NRC's rationale requiring decommissioning after 24 months of inactivity is no longer practical, given the cohesiveness and maturity of today's nuclear industry. The commenters stated that NRC previously rejected a proposal for a standby mode because of the potential for site abandonment as a result of changes in a company's financial status, corporate takeover, or bankruptcy. The commenters believe that the nuclear industry has now matured and that poorly financed and poorly managed companies are no longer in business. The remaining companies are said to be stable and willing and able to assume the costs associated with keeping facilities in standby mode.

3. Two commenters argued that the Timeliness Rule is regulation by exception. These commenters believe that it would be better to include generic provisions in the regulations for maintaining a licensed facility in standby mode, rather than approving individual requests for postponement of the initiation of decommissioning.

4. One commenter argued the petitioner's case that the lack of a standby provision in the Timeliness Rule has the potential to eliminate important components from the nuclear industry. It is believed that these components and facilities may be needed in future years to support continuing operation and potential industry expansion. The commenter indicated that fuel cycle facilities operate in a constantly changing economic environment. Mines and mills that have been inactive for years are now beginning to start up because of improved economic conditions. The operating status of conversion facilities and enrichment plants has fluctuated in response to international policy and the influx of low-enriched products from countries of the former Soviet Union. Commercial facilities that support the armed forces must be prepared to respond if called on.

Reasons for Denial

NRC is denying the petition for the following reasons:

1. NRC believes the current language of the Timeliness Rule is sufficiently flexible to accommodate the petitioner's concerns because it currently contains provisions for granting licensees alternative time schedules for initiating decommissioning. NRC also believes that clarification of the specific acceptance criteria for granting alternative schedules could be achieved through the development of guidance.

2. NRC believes that the amendments requested by the petitioner would conflict with the primary purpose of the Timeliness Rule to effectively and efficiently clean up contaminated sites that pose a potential threat to public health and safety. The Timeliness Rule was promulgated in July 1994 to address those situations where decommissioning of contaminated sites was unreasonably delayed. The 24-month inactivity criterion related to decontamination of unused sites, separate buildings, or outdoor areas provides assurance that the licensee will undertake timely cleanup of inactive portions of its site while it is financially solvent.

3. Although the petitioner argues that the nuclear industry has matured and recognizes its responsibilities, that troubled licensees are no longer in business, and that NRC regulations provide adequate decommissioning funding assurance and transfer of ownership requirements, the NRC's experience with inactive materials licensees indicates the need for the timeliness provisions. In fact, since the Timeliness Rule became effective in 1994, approximately 25 material licensees have filed for bankruptcy. Past history with NRC materials facility decommissioning indicates that the approach taken through the Timeliness Rule is the appropriate one.

4. NRC believes that the petitioner is incorrect in asserting that the Timeliness Rule, as currently written, has the potential to eliminate important components from the nuclear industry infrastructure. For case-specific situations, delay of decommissioning is permitted by the current rule if the Commission determines that this relief would not be detrimental to the public health and safety and would otherwise be in the public interest. Licensees must describe why their request to delay decommissioning is in the public interest. Therefore, if the licensee can satisfactorily demonstrate that a proposed delay in decommissioning is not detrimental to public health and safety and is in the public interest, the delay would be granted and there should be no adverse impact on the nuclear industry infrastructure.

Since the effective date of the Timeliness Rule, August 15, 1994, fewer than 30 licensees out of several thousand have asked to delay decommissioning activities and only three of these requests were initially denied. Each denial resulted from a lack of adequate justification. After discussions with the licensees, two of these three requests were withdrawn and one request was approved. Based on the relatively few requests received to date, the NRC concludes that the Timeliness Rule, as written, is not overly restrictive. Further, since NRC has not denied any request to delay decommissioning that was supported with adequate justification, it appears that the rule is not having an adverse impact on licensees' commercial decisions, as suggested by the petitioner.

5. The Generic Environmental Impact Statement (GEIS), entitled ''Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities'' (NUREG–0586), prepared in connection with the 1988 modifications to the decommissioning regulations recommended prompt dismantlement of material facilities once they had permanently ceased operation. The GEIS concluded that decommissioning can be accomplished safely and at a reasonable cost shortly after cessation of activities. Further, the GEIS concluded that immediate decommissioning following cessation of activities eliminates the potential problems that may result from an increasing number of contaminated sites, and the potential health, safety, regulatory, and economic problems associated with maintaining an inactive nuclear facility. The Timeliness Rule imposed certain ''action-forcing'' requirements to ensure that the recommendations in the GEIS were met.

In conclusion, no new significant information has been provided by the petitioner that calls into question the basis for the requirements of the Timeliness Rule. The intent of the petition will be achieved by developing guidance on the specific criteria for reviewing licensee request submittals for alternate schedules for the initiation of decommissioning of inactive contaminated sites. Obviously, if the petitioner believes that the final guidance documents and their implementation do not adequately address the intent of the petition, the petitioner has the option of resubmitting

the petition. For the reasons cited in this document, NRC denies the petition.

Dated at Rockville, Maryland, this 31st day of March, 1999.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Executive Director for Operations.

[FR Doc. 99–9536 Filed 4–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AG08

Revision of Fee Schedules; 100% Fee Recovery, FY 1999; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; Correction.

SUMMARY: The NRC is making the following technical corrections to the proposed rule which appeared in the **Federal Register** on April 1, 1999 (64 FR 15876). This action is necessary to correct typographical and printing errors.

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone 301–415–6057.

SUPPLEMENTARY INFORMATION:

1. On page 15883, under Table III, Class of licensees, Transportation: Users and Fabricators, Option B, ''66,800'' is revised to read ''66,900''.

2. On page 15885, in the first table under Effort factors for UF6 Conversion, ''8 (2.9%)'' and ''3 (2.2%)'' are revised to read ''12 (4.4%)'' and ''0 (0%)'' respectively, and Limited Operations Facility, ''12 (4.4%)'' and ''0 (0%)'' are revised to read ''8 (2.9%)'' and ''3 (2.2%)'' respectively.

3. On page 15885, in the third column, in the last complete paragraph, the words ''and the proposed FY 1999 annual fee for each'' are removed.

4. On page 15887, in the first column, under paragraph (2), in the fifth line, the words ''amount or range of the'' are removed, and in the last line of the same paragraph, the words ''$351,000 under Option A or Option B'' are removed and replaced with ''$358,000 under Option A or $359,000 under Option B.''

§ 170.12 [Corrected]

5. On page 15890, in the third column, under § 170.12(f), in the sixth and tenth lines, the word ''ACT'' is revised to read ''ACH'.

§ 170.20 [Corrected]

6. On page 15891, in § 170.20, the first column, in the first line, insert ''$'' before 140.

§ 171.16 [Corrected]

7. On page 15896, in the table in § 171.16, the heading is corrected to read, ''Maximum annual fee per licensed category.''

8. On page 15897, in the table at the top of the page, the heading is corrected to read, ''Maximum annual fee per licensed category.''

9. On page 15899, under number 10. B. Quality assurance program approvals issued under 10 CFR part 71: Users and Fabricators, Option B, ''66,800'' is revised to read ''66,900.''

§ 171.19 [Corrected]

10. On page 15900, § 171.19(b), in the next to last line, insert ''or more'' after $100,000.

Dated at Rockville, Maryland, this 13th day of April, 1999.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

[FR Doc. 99–9537 Filed 4–15–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–59–AD]

Airworthiness Directives; Sikorsky Aircraft-Manufactured Model CH–54B Helicopters

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 Sikorsky Aircraft-manufactured Model CH–54B helicopters. This proposal would require initial and recurring inspections and rework or replacement, if necessary, of the second stage lower planetary plate (plate). This proposal is prompted by two reports of cracked plates that have been found during overhaul and inspections. The actions specified by the proposed AD are intended to prevent failure of the main gearbox plate due to fatigue cracking, which could lead to failure of the main gearbox and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 15, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–59–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–59–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, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–59–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This notice proposes the adoption of a new AD that is applicable to Sikorsky-

manufactured Model CH–54B helicopters. This proposal would require initial and recurring inspections, and rework or replacement, if necessary, of the plate. Cracks on the plate initiate at and radiate from the lightening holes in the plate web due to fatigue. This condition, if not corrected, could result in failure of the plate due to fatigue cracking, which could lead to failure of the main gearbox and subsequent loss of control of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other Sikorsky Aircraft-manufactured Model CH–54B helicopters of the same type design, the proposed AD would require a daily inspection of main gearboxes containing a plate with more than 1,600 hours time-in-service (TIS) for main gearbox oil filter magnesium contamination and, if magnesium contamination is discovered, replacement of the main gearbox assembly. For main gearbox assemblies containing a plate with more than 1,600 hours TIS, this AD also requires an inspection of the plate within the next 100 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 200 hours TIS, and replacement of the plate if necessary. This AD also requires, at the next overhaul of the main gearbox assembly, inspection and rework of plates that are not cracked.

The FAA estimates that 4 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per helicopter to accomplish the borescope inspection, 1 work hour to inspect the main gearbox oil filter pack, 140 work hours to remove and replace the main gearbox assembly, if necessary, and 20 work hours to rework the plate, and that the average labor rate is $60 per work hour. Required parts will cost approximately $8,000 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $67,760; $2,160 to accomplish the initial inspections and $65,600 to replace the plate in the main gearbox assembly in all 4 helicopters, if necessary. Daily preflight inspections of the main gearbox oil filter pack will cost $60 per helicopter for each day flight is conducted.

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 a new airworthiness directive to read as follows:

Blue Bird Helicopters: Docket No. 97–SW–59–AD.

Applicability: CH–54B helicopters with main gearbox second stage lower planetary plate (plate), part number (P/N) 6435–20516–101, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 failure of the plate due to fatigue cracking, which could lead to failure of the main gearbox and subsequent loss of control of the helicopter, accomplish the following:

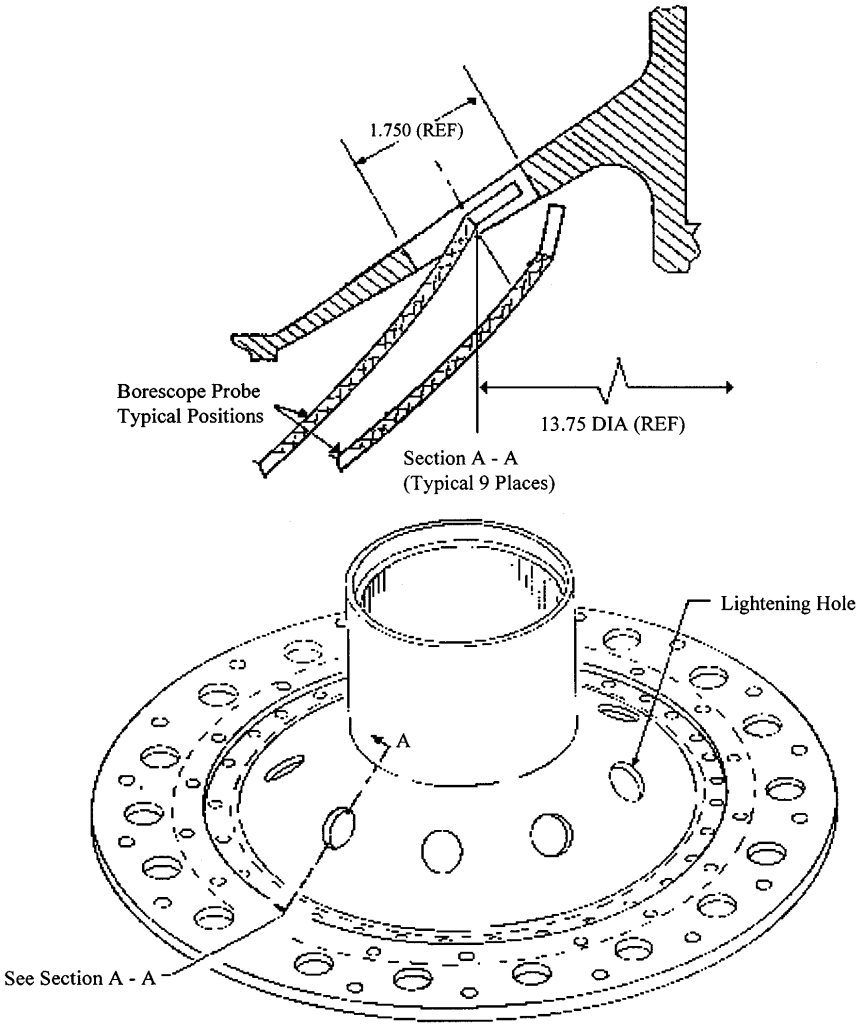
(a) For main gearbox assemblies containing plate, part number (P/N) 6435–20516–101 with 1,600 or more hours time-in-service (TIS):

Note 2: If the TIS hours of the plate is not known, use the main gearbox assembly's total operating time.

(1) Prior to the first flight of each day, inspect the main oil filter for magnesium contamination. If magnesium contamination is discovered, replace the main gearbox assembly.

(2) Within the next 100 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 200 hours TIS, conduct a borescope inspection of the plate for cracks in the area of the nine lightening holes (see Figure 1). If a crack is found, replace the plate with an airworthy plate. The plate, P/N 6435–20516–101, is part of the main gearbox second stage planetary set (P/N 6435–20514–041), which is a serialized matched set, and must be replaced as a set.

BILLING CODE 4910–13–P



Borescope Inspection of Second Stage
Lower Planetary Plate Lightening Holes
Figure 1

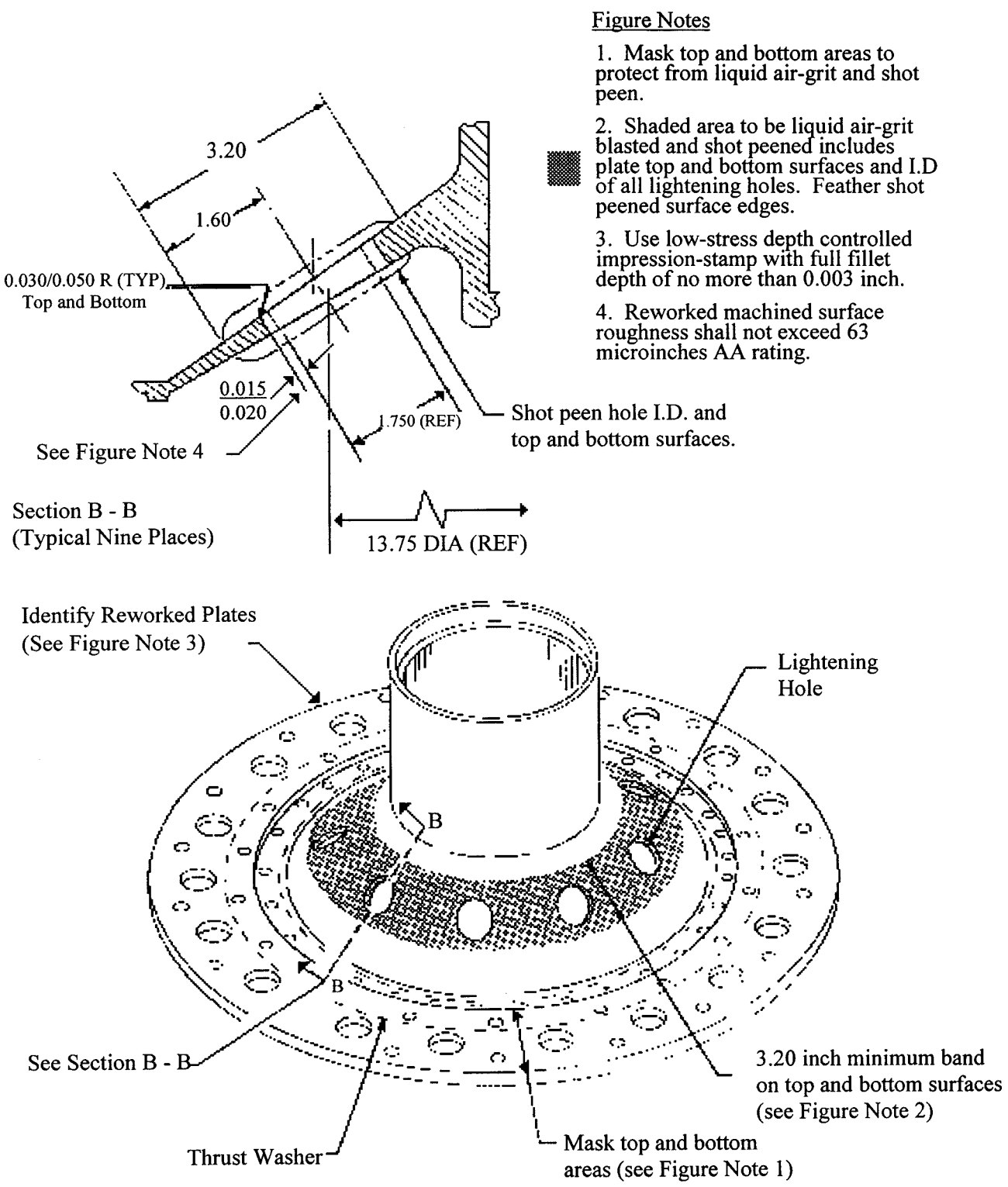
(b) At the next overhaul of the main gearbox assembly, inspect and rework the plate, P/N 6435–20516–101, as follows:

(1) Fluorescent magnetic particle inspect the plate per ASTM E1444 in circumferential and longitudinal directions using a wet continuous method. Pay particular attention to the area around the nine 1.750-inch diameter lightening holes.

(2) If a crack is found, the plate is unairworthy. Replace it with an airworthy plate.

(3) If no crack is found, rework the plate as follows, ensuring that all plate surfaces are free of any crack, scratch, dent, or corrosion.

(i) Measuring from the center of each 1.750-inch diameter lightening hole, machine 0.015/0.020 inch from the radius of the hole (see Figure 2). Machined surface roughness shall not exceed 63 microinches AA rating.



Rework of Second Stage Lower Planetary Plate
Figure 2

BILLING CODE 4910–13–C

(ii) Apply a 0.030/0.050-inch radius on the top and bottom edge of each hole.

(4) Fluorescent magnetic particle inspect the reworked areas per ASTM E1444 in circumferential and longitudinal directions using a wet continuous method.

(5) If a crack is found, the plate is unairworthy. Replace it with an airworthy plate.

(6) If no crack is found, rework the plate as follows:

(i) Remove the protective finish from the specified areas on the top and bottom of the plate as follows:

(A) Mask the top and bottom of the plate leaving exposed a 3.20-inch minimum circumferential band centered on 13.75-inch diameter of plate (see Figure 2). Mask the area to protect the thrust washer and the surrounding areas from vapor blast.

(B) Using a vapor blast machine, remove the protective finish from the exposed circumferential band on the top and bottom of the plate. Use No. 220 aluminum oxide grit at a pressure of 80–90 pounds per square inch.

(ii) Shot peen the specified areas on the plate by remasking the top and bottom of the plate leaving exposed the 3.20-inch minimum circumferential band centered on 13.75-inch diameter of the plate. Mask the area to protect the thrust washer and the surrounding areas from the shot peening process.

(iii) Shot peen the inside diameter of the lightening holes and the upper and lower surfaces of the plate in the 3.20-inch minimum circumferential band to 0.008 to 0.012A intensity, ensuring 200% coverage per MIL–S–13165C or latest revision. Use cast steel shot, size 170. Use a tracer dye inspection method.

Note 3: Overspray is permitted to allow a feathering application during the peening process from the peened surface to the non-peened surface.

(iv) Finish the reworked surfaces as follows:

(A) Clean the surfaces thoroughly with acetone (Fed. Spec O–A–51, or equivalent).

(B) Apply Presto black or blueing touchup solution to the reworked surfaces with cotton swabs. The solution temperature must be between 21° C and 49° C (70° F to 120° F). Keep the surfaces wet for about three minutes to get a uniform dark color.

(C) Rinse the surface in cold running water and dry with forced air.

Note 4: A hot water rinse may be used after the cold water rinse to speed up drying time.

(D) Using steel wool, Grade 00 or finer, rub the surfaces lightly. Polish with a soft cloth and then coat with a preservative oil (MIL–C–15074).

(v) Identify the reworked plate by stamping the number of this AD after the part number. Use a low-stress depth-controlled impression-stamp with full fillet depth of no more than 0.003 inch (see Figure 2). Marking must be such that it cannot be construed as part of the part number.

(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, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

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

Issued in Fort Worth, Texas, on April 2, 1999.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–9513 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–346–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, that currently requires revising the Airplane Flight Manual to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. This action would require modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane.

DATES: Comments must be received by May 17, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–346–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 Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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–346–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–346–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 11, 1998, the FAA issued AD 98–11–02, amendment 39–10529 (63 FR 27197, May 18, 1998), applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, to require revising the Airplane Flight Manual (AFM) to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The requirements of that AD are intended to prevent inadvertent deployment of the liftdumpers during approach for landing, and consequent reduced controllability and performance of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has determined that the design safety features that provide adequate electromagnetic interference (EMI) protection of the wheelspeed signal wiring, and verify erroneous ''high'' wheelspeed signals through the liftdumper arming test, may not be fully effective. Further analysis has determined that airplanes on which Fokker Service Bulletins SBF100–32–067 and SBF100–32–037 have been accomplished are less susceptible to effects of EMI on the wheelspeed signals. Measurements have indicated that the EMI is being generated between the electrical wiring supply for the lights and the electrical wiring for the wheelspeed sensors of the main landing gear (MLG), which run parallel to each other. If the EMI reaches a certain level, an erroneous wheelspeed signal may occur, which could result in inadvertent deployment of the liftdumpers or reduced brake pressure during low speed taxiing. These conditions, if not corrected, could result in reduced controllability and performance of the airplane.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100–32–067, Revision 1, dated July 6, 1998, which describes procedures for modification of the ground wiring to the shielding of the wheelspeed sensor wiring of the MLG. The modification involves modifying the applicable avionics rack and installing additional ground wiring to the shielding of the wheelspeed sensor wiring.

Fokker also has issued Service Bulletin SBF100–32–037, Revision 2, dated December 4, 1998, which describes procedures for installing new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The installation involves re-routing existing electrical wiring and installing new terminal blocks and electrical wiring.

These modifications would provide additional grounds to the shielding of the wheelspeed sensor wiring and to the power supplies of the anti-skid control box. These additional grounds reduce the effects of EMI generated by electrical wiring that runs parallel to the wheelspeed sensor wiring. The RLD classified these service bulletins as mandatory and issued Dutch airworthiness directives BLA 1998–100, dated August 31, 1998, and 1998–100/2, dated November 30, 1998, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 98–11–02 to continue to require revision of the Limitations and Normal Procedures sections of the FAA-approved AFM to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. In addition, this proposed AD would add requirements for modification of the grounds of the shielding of the wheelspeed sensor wiring of the MLG and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Interim Action

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

Cost Impact

There are approximately 131 airplanes of U.S. registry that would be affected by this proposed AD.

For all airplanes, the actions that are currently required by AD 98–11–02 take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $7,860, or $60 per airplane.

There are approximately 127 airplanes of U.S. Registry that would be required to accomplish the modification and installation. It would take approximately 33 work hours per airplane to accomplish the modification and installation, at an average labor rate of $60 per work hour. Required parts would cost between $755 and $1,236 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be between $347,345 and $408,432, or between $2,735 and $3,216 per airplane.

The cost impact figures discussed above are 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 removing amendment 39–10529 (63 FR 27197, May 18, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Fokker Services B.V.: Docket 98–NM–346–AD. Supersedes AD 98–11–02, Amendment 39–10529.

Applicability: All Model F.28 Mark 0070 and Mark 0100 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 (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, unless accomplished previously.

To prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

Restatement of Requirements of AD 98–11–02, Amendment 39–10529

(a) Within 5 days after June 2, 1998 (the effective date of AD 98–11–02), revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM) in accordance with paragraphs (a)(1) and (a)(2) of this AD. This may be accomplished by inserting a copy of this AD in the AFM.

(1) Add the following information to section 5—NORMAL PROCEDURES, sub-Section APPROACH AND LANDING, after the subject APPROACH:

''Before Landing

WARNING: DO *NOT* ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.

Selecting Landing Gear DOWN after arming the liftdumper system may result in inadvertent deployment of the liftdumpers, because the liftdumper arming test may be partially ineffective.''

(2) Add the following information to the LIMITATIONS section:

''Liftdumper System

DO *NOT* ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.''

New Requirements of This AD

Corrective Actions

(b) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100–32–067, Revision 1, dated July 6, 1998: Within 6 months after the effective date of this AD, modify the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) in accordance with Part 1, 2, 3, or 4 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 2: Modifications accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–32–067, dated March 12, 1993, are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

(c) For Model F.28 Mark 0100 series airplanes having serial numbers listed in Fokker Service Bulletin SBF100–32–037, Revision 2, dated December 4, 1998: Within 12 months after the effective date of this AD, install new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG in accordance with Part 1, 2, or 3 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 3: Installations accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–32–037, dated November 12, 1990, or Revision 1, dated November 16, 1998, are considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Alternative Methods of Compliance

(d) 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, International Branch, ANM–116, 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, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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.

Note 5: The subject of this AD is addressed in Dutch airworthiness directives BLA 1998–100, dated August 31, 1998 and 1998 100/2, dated November 30, 1998.

Issued in Renton, Washington, on April 9, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–9512 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–315–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

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 certain Lockheed Model L–1011–385 series airplanes. This proposal would require repetitive inspections to detect discrepancies of the lower actuator pins and/or bushings of the horizontal stabilizer, and replacement of any discrepant component with a new component. Replacement of all four actuator pins and bushings would

terminate the repetitive inspections. This proposal is prompted by a report indicating that a fractured lower actuator pin of the horizontal stabilizer was detected. The actions specified by the proposed AD are intended to detect and correct discrepancies of the lower actuator pins and bushings of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer control system, and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 1, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–315–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 Lockheed Martin Aircraft & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Program Manager, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337–2748; telephone (770) 703–6063; fax (770) 703–6097.

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–315–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–315-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that a fractured lower actuator pin of the horizontal stabilizer was detected on a Lockheed Model L–1011–385 series airplane. Subsequently, cracking of another pin and galling of two adjacent pins were detected. Such cracking and galling have been attributed to extensive pitting corrosion damage to the bushings of the horizontal stabilizer actuator assembly. Further investigation revealed that certain actuator pins could have been replaced without the installation of new bushings; the old bushings do not have the required interference fit with the new pins. This lack of adequate interference fit can result in the pin surface rubbing against the bushing, which, when combined with corrosion damage on the bushing, can lead to galling damage on the pin surface. The galling damage may lead to crack initiation and early failure of the pin. Such discrepancies, if not corrected, could result in reduced structural integrity of the horizontal stabilizer control system, and consequent reduced controllability of the airplane.

Other Relevant Rulemaking

In 1992, the FAA issued AD 92–16–19, amendment 39–8329 (57 FR 36892, August 17, 1992), which requires a one-time inspection to detect missing, sheared, or deformed horizontal stabilizer lower actuator pins, and replacement of the pins, if necessary. That AD also requires either a one-time magnetic particle inspection to detect cracks on the horizontal stabilizer actuator pins and replacement of any cracked pins found, or replacement of each of the four actuator pins. That AD also specifies a life limit of 12,000 flight cycles on certain actuator pins.

Explanation of Relevant Service Information

The FAA has reviewed and approved Lockheed Service Bulletin 093–27–306, dated January 14, 1998, which describes procedures for repetitive inspections (borescope, eddy current, magnetic particle) of the lower actuator pins and/or bushings of the horizontal stabilizer to detect discrepancies, and replacement of certain actuator pins and bushings with new components. Replacement of all four actuator pins and bushings would terminate the repetitive inspections. Accomplishment of the actions specified in the service bulletin 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 accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 235 airplanes of the affected design in the worldwide fleet. The FAA estimates that 117 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $28,080, or $240 per airplane, per inspection cycle.

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.

Should an operator elect to accomplish the optional terminating action that would be provided by this AD action, it would take approximately 2 work hours to accomplish it, at an average labor rate of $60 per work hour. Required parts would cost approximately $4,550 per set of four pins and bushings, per airplane. Based on these figures, the cost impact of the optional terminating action would be $4,670 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 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:

Lockheed: Docket 98–NM–315–AD.

Applicability: Model L–1011–385–1, –1–14, –1–15, and –3 series airplanes, as listed in Lockheed Service Bulletin 093–27–306, dated January 14, 1998; 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct discrepancies of the lower actuator pins and bushings of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer control system, and consequent reduced controllability of the airplane, accomplish the following:

Initial Inspection

(a) Except as provided by paragraph (a)(3) of this AD: Perform an inspection to detect discrepancies (e.g., damage, cracking), of the lower actuator pins and/or bushings of the horizontal stabilizer using one of the three inspection methods (borescope, eddy current, or magnetic particle) listed in Lockheed Service Bulletin 093–27–306, dated January 14, 1998, in accordance with that service bulletin, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For airplanes that have accumulated fewer than 3,500 flight cycles since replacement of the actuator pins or bushings as of the effective date of this AD: Inspect within 3,500 flight cycles since replacement, or within 6 months after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 3,500 or more flight cycles, but fewer than 5,000 flight cycles, since replacement of the actuator pins or bushings as of the effective date of this AD: Inspect within 60 days after the accumulation of 5,000 flight cycles since replacement, or within 6 months after the effective date of this AD, whichever occurs first.

(3) For airplanes that have accumulated 5,000 or more flight cycles since replacement of the actuator pins or bushings as of the effective date of this AD: Perform a magnetic particle inspection within 60 days after the effective date of this AD.

Repetitive Inspections

(b) Thereafter, repeat the inspection required by paragraph (a) of this AD in accordance with Lockheed Service Bulletin 093–27–306, dated January 14, 1998, at the interval specified in paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this AD; as applicable; until the actions specified in paragraph (d) of this AD have been accomplished.

(1) If the immediately preceding inspection was performed using borescope or eddy current procedures, and fewer than 5,000 flight cycles have accumulated since the most recent replacement of the actuator pins or bushings: Within 350 flight cycles after accomplishment of the initial inspection, perform a borescope, eddy current, or magnetic particle inspection. Repeat the inspection using a borescope or eddy current technique, as applicable, thereafter at intervals not to exceed 350 flight cycles.

(2) If the immediately preceding inspection was performed using borescope or eddy current procedures, and 5,000 or more flight cycles have accumulated since the most recent replacement of the actuator pins or bushings: Within 350 flight cycles after accomplishment of the initial inspection, perform a magnetic particle inspection. Repeat the magnetic particle inspection thereafter at intervals not to exceed 1,000 flight cycles.

(3) If the immediately preceding inspection was performed using magnetic particle procedures, and fewer than 5,000 flight cycles have accumulated since the most recent replacement of the actuator pins or bushings: Perform a borescope, eddy current, or magnetic particle inspection within 1,000 flight cycles.

(4) If the immediately preceding inspection was performed using magnetic particle procedures, and 5,000 or more flight cycles have accumulated since the most recent replacement of the actuator pins or bushings: Perform a magnetic particle inspection with 1,000 flight cycles. Repeat the magnetic particle inspection thereafter at intervals not to exceed 1,000 flight cycles.

Corrective Action

(c) If any discrepancy (e.g., damage, cracking) is detected during any inspection required by this AD, prior to further flight, accomplish paragraph (c)(1) or (c)(2) of this AD, as applicable, in accordance with Lockheed Service Bulletin 093–27–306, dated January 14, 1998.

(1) If any discrepancy is detected after performing a borescope or eddy current inspection, perform a magnetic particle inspection.

(2) If any discrepancy is detected after performing a magnetic particle inspection, replace the discrepant component with a new component. Accomplishment of this replacement terminates the repetitive inspections for that component.

Terminating Action

(d) Replacement of all four actuator pins and bushings with new actuator pins and bushings, in accordance with Lockheed Service Bulletin 093–27–306, dated January 14, 1998, constitutes terminating action for the repetitive inspections required by this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

Special Flight Permits

(f) Special flight permits may be issued in accordance with §§ 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 April 9, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–9511 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–02–AD]

Airworthiness Directives; Bell Helicopter Textron-manufactured Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A–1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Bell Helicopter Textron (Bell)-manufactured Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A–1 helicopters that currently requires modification and inspections of the tailboom vertical fin spar (vertical fin spar). This action would require the same modification and inspections plus two additional inspections, and replacement of the vertical fin spar. This proposal is prompted by 2 accidents involving fatigue cracks in the vertical fin spar that have occurred since the issuance of AD 97–20–09. The actions specified by the proposed AD are intended to prevent in-flight failure of the vertical fin spar and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 15, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5447, fax (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–02–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, (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On September 17, 1997, the FAA issued priority letter AD 97–20–09, applicable to Bell-manufactured Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters; and Southwest Florida Aviation SW204, SW204HP and SW205 helicopters, which requires modification and inspections of the vertical fin spar. That priority letter AD was prompted by two accidents involving in-flight failures of the vertical fin spars on Model TH–lL and UH–1B helicopters. One other accident occurred on a Model 205A–1 helicopter which is of similar type design. One of the accidents resulted in a fatality. As a result of those accident investigations, the FAA determined that a large number of high-power events that result from repeated heavy lift operations can cause fatigue cracks which will cause the vertical fin spar to fail. After the issuance of that AD, the FAA determined that additional model helicopters are affected by the same unsafe condition. The FAA then issued AD 97–20–09, Amendment 39–10521, on May 4, 1998 (63 FR 26439, May 13, 1998), and added Model SW205A–1 helicopters and the Utah State University UH–1H helicopters to the applicability of that AD.

Since the issuance of that AD, two accidents, one of which included fatalities, have occurred. The FAA has determined that additional inspections are needed, and replacement of the vertical fin spar, part number (P/N) 205–030–846-all dash numbers, is required. This proposal would require another inspection and another modification at 50 hours TIS, and further inspections thereafter at intevals not to exceed 50 hours TIS. This proposal would also require that the vertical fin be replaced within 12 calendar months.

Since an unsafe condition has been identified that is likely to exist or develop on other Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A–1 helicopters of the same type design, the proposed AD would supersede AD 97–20–09 to require inspections, modification, and replacement of the vertical fin spar.

The FAA estimates that 75 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours to accomplish the initial inspection, 8 work hours to accomplish the modification and the recurring inspections, and 180 hours to replace the vertical fin spar, and that the average labor rate is $60 per work hour. Required parts would cost approximately $200 for the modification and $15,000 for the replacement. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,004,000 to conduct an initial inspection, modify the vertical fin spars and conduct recurring inspections, and replace the vertical fin spars on all helicopters in the U.S. fleet.

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 removing Amendment 39–10521 (63 FR 26439, May 13, 1998), and by adding a new airworthiness directive (AD), to read as follows:

California Department of Forestry; Firefly Aviation Helicopter Services (Previously Erickson Air Crane Co.); Garlick Helicopters, Inc.; Hawkins and Powers Aviation, Inc.; International Helicopters, Inc.; Tamarack Helicopters (Previously Ranger Helicopter Services, Inc.); Robinson Aircrane; Williams Helicopter Corporation (Previously Scott Paper Co.); Smith Helicopters; Southern Helicopter Inc.; Southwest Florida Aviation; Utah State University; Western International Aviation, Inc.; UNC Helicopters; And U.S. Helicopter, Inc.: Docket No. 99–SW–02–AD. Supersedes AD 97–20–09, Amendment 39–10521, Docket No. 97–SW–35–AD.

Applicability: Model HH–1K (Type Certificate Data Sheet (TCDS) H5NM), TH–lF (TCDS H12NM, and R00008AT), TH–1L (TCDS H5NM, H7SO, and H4NM), UH–1A (TCDS H3SO), UH–1B (TCDS H1RM, H3NM, H13WE, H3SO, H5SO, and R00012AT), UH–1E (TCDS H5NM, H7SO, H8NM, and H4NM), UH–1F (TCDS H2NM, H7NE, H11SW, H12NM, and R00008AT), UH–1H (TCDS H13WE, H3SO, H15NM, and R00007DE), UH–lL (TCDS H5NM, H7SO, and H4NM), UH–1P (TCDS H12NM, and R00008AT), and SW204 (TCDS H6SO), SW204HP (TCDS H6SO), SW205 (TCDS H6SO), and SW205A–1 (TCDS H6SO) helicopters, with tailboom vertical fin spar (vertical fin spar), part number (P/N) 205–032–899-all dash numbers, 205–030–846-all dash numbers, or 205–032–851-all dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the tailboom vertical fin (fin) spar and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 8 hours time-in-service (TIS), modify the vertical fin spar as follows:

(1) Remove the 42° gearbox cover and open the drive shaft cover on the fin spar assembly (see Figure 1).

(2) Remove the first four rivets from the fin spar located at the bottom of the fin spar left-hand side at the tailboom and fin spar junction, and the first four rivets aft of the junction along the lower edge of the fin spar side-skin as shown (see Figure 2).

(3) Trim the fin spar left-hand skin using extreme care to not damage the fin spar assembly (see Figure 3).

(4) Deburr the rivet holes and trimmed skin edges. Remove all debris. In a ventilated work area, remove any surface contaminants with a cloth that has been dampened with aliphatic naphtha or an equivalent cleaning solvent.

(5) Reattach the side-skin to the fin spar using MS 20470AD rivets. DO NOT install the bottom two rivets into the fin spar where the skin was trimmed.

(6) Attach the fin spar side-skin lower edge using the rivets specified in Figure 3.

(7) Refinish all reworked areas.

(b) After modifying the fin spar assembly, inspect the fin spar for cracks before further flight and thereafter, at intervals not to exceed 8 hours TIS as follows:

(1) Remove the lower aft tailboom inspection door, located at tailboom station 180 (see Figure 1).

(2) Remove the 42° gearbox cover and open the drive shaft cover on the fin (see Figure 1).

(3) In a ventilated work area, clean all surfaces to be inspected with a cloth dampened with aliphatic naphtha or an equivalent cleaning solvent.

(4) Through the lower aft tailboom inspection door, using a bright light and an inspection mirror, inspect the fin spar assembly adjacent to the tailboom top skin on the forward side, paying special attention to the left-hand edge and the adjacent surfaces (see Figures 1 and 2).

(5) Using a bright light and a 10x or higher magnifying glass, inspect the fin spar assembly adjacent to the tailboom top-skin on the in-board and out-board sides, the vertical edge, and the two open rivet holes. Using a bright light and a mirror, inspect the aft side of the fin spar in the same area. Special attention must be given to the left-hand edge of the fin spar and any adjacent surfaces between fin stations 66.31 and 71.31 (see Figure 2).

(6) If any crack is discovered on the fin spar, replace the fin spar assembly with an airworthy fin spar assembly before further flight.

(c) Within 50 hours TIS, and thereafter at intervals not to exceed 50 hours TIS, inspect the fin spar assembly as follows:

(1) Remove the 42° gearbox cover and open the driveshaft cover on the fin spar assembly (see Figure 1). Remove the aft lower fin fairing and fin access panels that allow access to the aft side of the forward fin spar and the secondary spar (see Figure 1).

(2) In a ventilated work area, clean all surfaces to be inspected with a cloth dampened with aliphatic naphtha or an equivalent cleaning solvent. Using a bright light, 10x or higher magnifying glass, and a borescope as required, inspect all of the fin ribs, fittings, skins, and secondary aft spar of the fin assembly (see Figures 4 and 5). Pay particular attention to the upper and lower fittings at tailboom station 227 for cracked or corroded fittings or sheared or loose rivets.

(3) Gain access to the canted bulkhead aft of tailboom station 194.30 through the most aft lower access covers by removing the aft access covers or position light fairings as required. Visually inspect the canted bulkhead forward and aft sides through the lower tailboom inspection hole and position

light access holes for cracks, corrosion, or loose or sheared rivets in all skins, fittings and bulkheads using a bright light, an inspection mirror, and a borescope as required (see Figures 4 and 5). Pay particular attention to the area in the upper forward corners of the aft skin directly around the fin spar assembly and the overlap area of the top skin beneath the 42° gearbox for cracks, which are only visible from the underside.

(4) Any crack found in the fin spar assembly requires replacement with an airworthy part. Replacing the entire fin spar configuration with an airworthy fin spar configuration that has been demonstrated to the FAA to satisfy the structural fatigue requirements of repeated heavy lift operations, and is approved by the Manager, FAA, Rotorcraft Standards Staff, will constitute a terminating action for the requirements of this AD. Any corrosion, loose or sheared rivets, or cracked skins or ribs found within the inspection areas must be repaired prior to further flight.

(d) Within 50 hours TIS, modify the fin spar as follows:

(1) Remove the 42° gearbox cover and open the driveshaft cover on the fin spar assembly (see Figure 1).

(2) Remove the next 10 rivets from the fin spar located at the bottom of the fin spar left-hand side at the tailboom and fin spar junction (see Figures 6 and 7, whichever is applicable).

Caution: Extreme care must be taken when drilling and removing rivets from the side of the fin spar to ensure the fin spar assembly is not damaged.

(3) Trim the fin left-hand side skin using extreme care to not damage the fin spar assembly to expose the spar outboard edge (See Figure 6 or 7, whichever is applicable).

(4) Deburr the rivet holes and trimmed side skin edges. Remove all debris. In a ventilated work area, remove any surface contaminates with a cloth that has been dampened with aliphatic naphtha or an equivalent cleaning solvent.

(5) Fabricate cover plates in accordance with the notes and drawings of Figure 8 or 9, whichever is applicable. Ream prepare the holes in the fin spar and parts and install HI–LOK fasteners.

Note 2: Bell Helicopter Medium Structural Repair Manual, BHT–MED–SRM–1, pages 3–36 through 3–38, pertains to this installation and reaming procedure.

(6) Refinish all reworked areas, close driveshaft and replace 42° gearbox cover.

(e) After modification of the fin spar assembly, before further flight and thereafter at intervals not to exceed 100 hours TIS, inspect the fin spar for cracks as follows:

(1) Remove the 42° gearbox cover, open the driveshaft cover on the vertical fin spar assembly, and remove the spar cover plate and filler plate from the lower left-hand side of the fin assembly (see Figures 1 and 8 or 9, whichever is applicable).

Caution: Extreme care must be taken when removing the cover plate and filler from the side of the fin spar to ensure that the spar assembly is not damaged.

(2) In a ventilated work area, clean the surface to be inspected with a cloth dampened with aliphatic naphtha.

Caution: Do not use chemical paint strippers. Use Scotch-Brite Grade-A VFN and methyl-ethyl ketone (MEK) or a suitable solvent to remove the paint and primer in the inspection area.

(3) Perform a dye-penetrant inspection of the exposed area of the fin spar (See Figures 6 and 7).

Note 3: ASTM E1416 or MIL–STD–6866, or the Bell Helicopter Standard Practices Manual, BHT–ALL–SPM, Chapter 6.2, pertains to this inspection.

(4) If any crack is discovered on the fin spar, replace the fin spar assembly with an airworthy fin spar assembly before further flight.

(5) After inspection, apply zinc chromate primer to the bare surfaces. When dry, re-install the cover plate and the filler using fasteners specified in Figure 8 or 9, whichever is applicable.

(6) Install the 42° gearbox cover and the driveshaft cover.

(f) Within 12 calendar months, remove the fin spar, P/N 205–030–846-all dash numbers, P/N 205–032–899-all dash numbers, or P/N 205–032–851-all dash numbers, whichever is applicable, and replace it with an airworthy fin spar configuration that has been demonstrated to the FAA to satisfy the structural fatigue requirements of repeated heavy lift operations, and is approved by the Manager, FAA, Rotorcraft Standards Staff.

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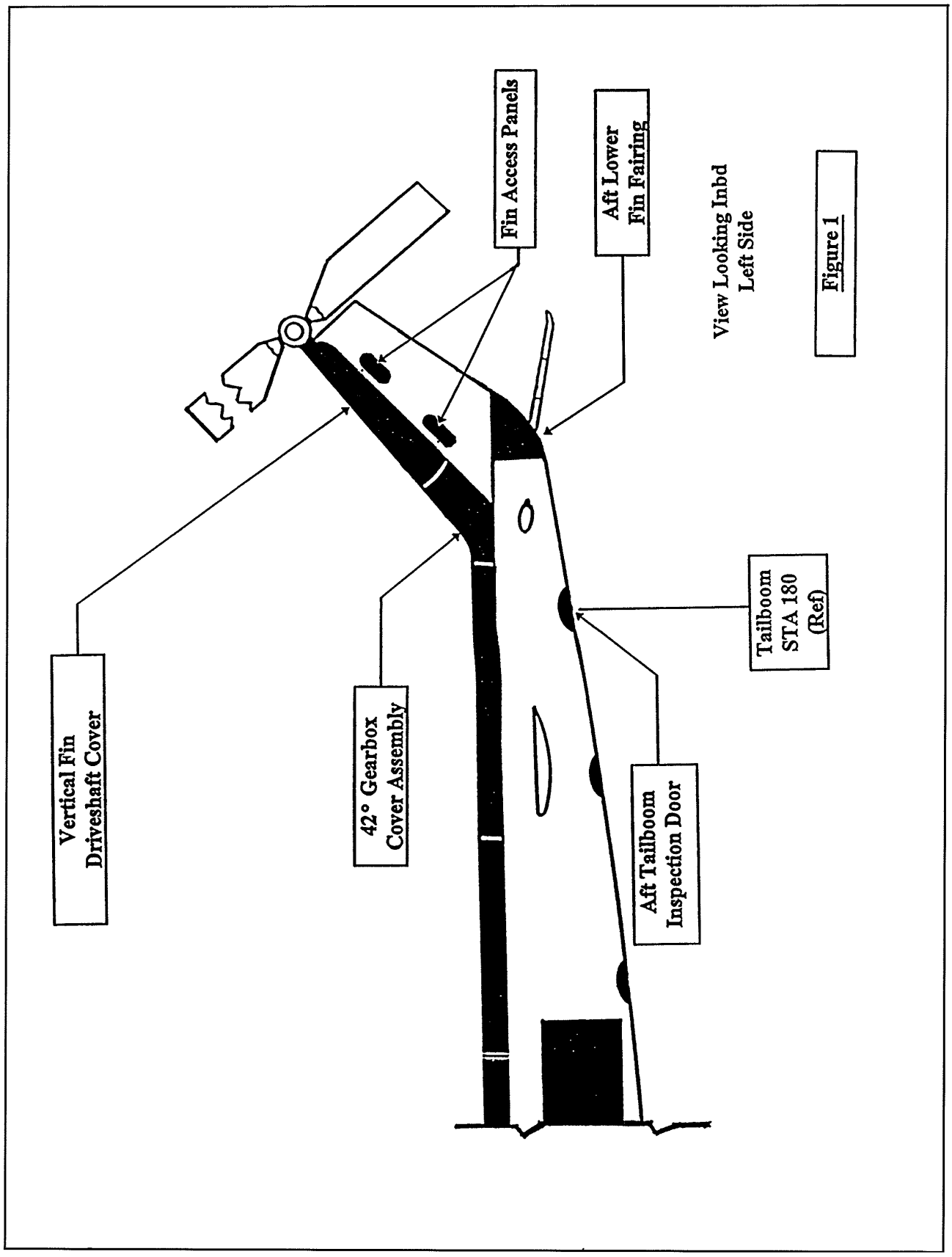
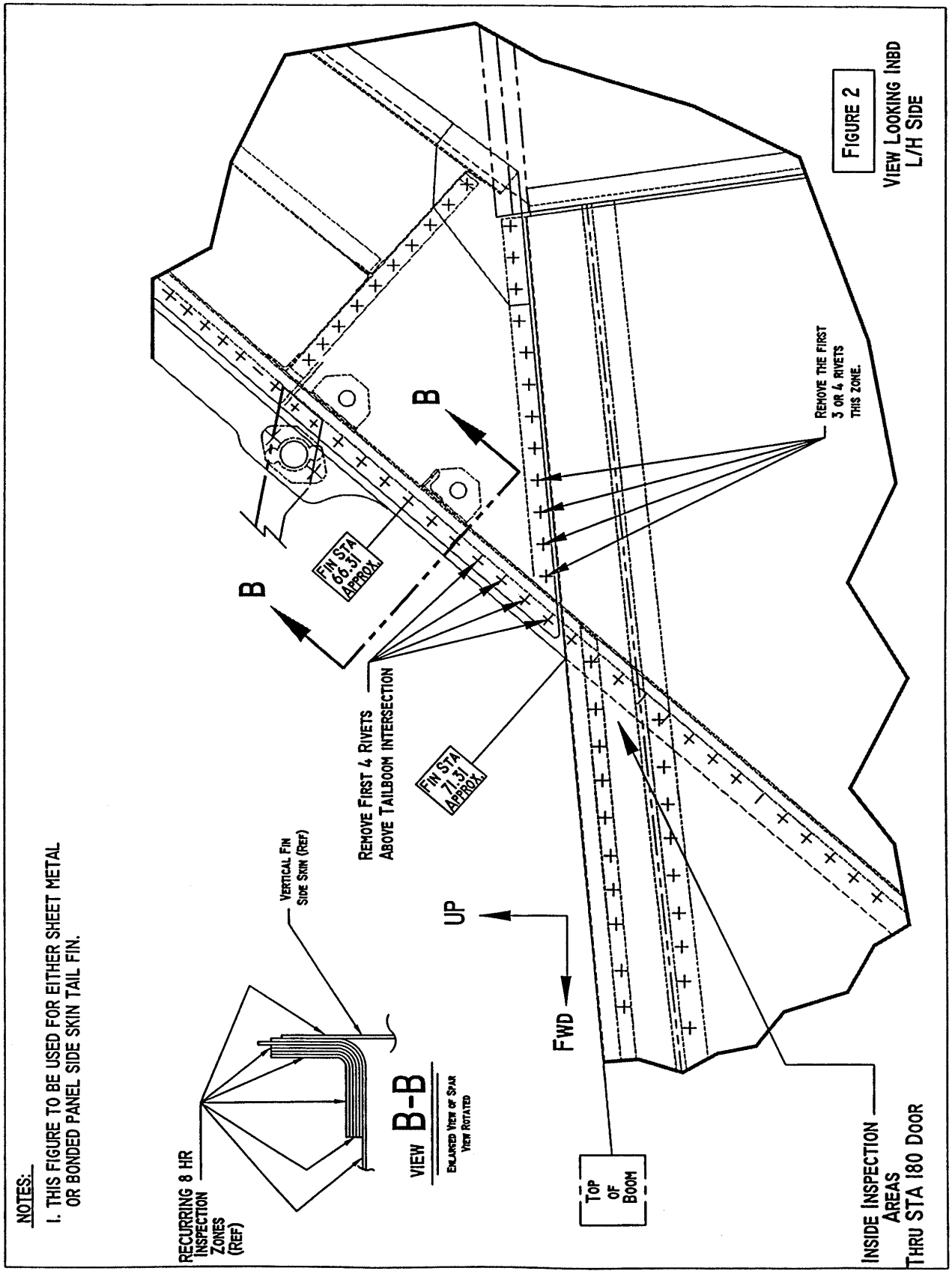
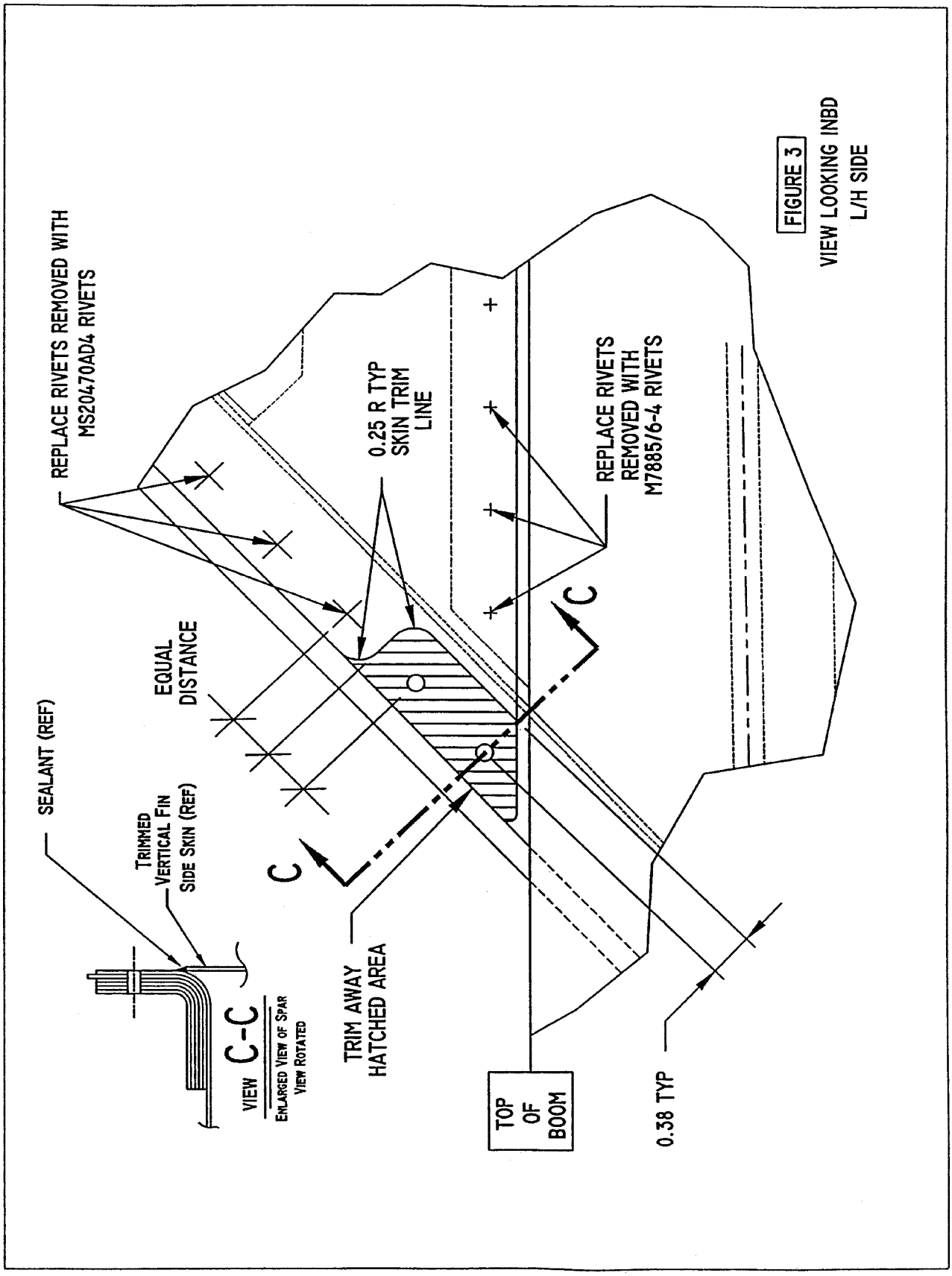

Fin Access Panels
Aft Lower Fin Fairing
View Looking Inbd Left Side
Figure 1
Vertical Fin Driveshaft Cover
42° Gearbox Cover Assembly
Tailboom STA 180 (Ref)
Aft Tailboom Inspection Door


NOTES:
1. THIS FIGURE TO BE USED FOR EITHER SHEET METAL OR BONDED PANEL SIDE SKIN TAIL FIN.
RECURRING 8 HR INSPECTION ZONES (REF)
VERTICAL FIN SIDE SKIN (REF)
VIEW B-B
ENLARGED VIEW OF SPAR VIEW ROTATED
UP
FWD
REMOVE FIRST 4 RIVETS ABOVE TAILBOOM INTERSECTION
FIN STA 66.31 APPROX
FIN STA 71.31 APPROX
B
B
REMOVE THE FIRST 3 OR 4 RIVETS THIS ZONE.
TOP OF BOOM
INSIDE INSPECTION AREAS THRU STA 180 DOOR
FIGURE 2
VIEW LOOKING INBD L/H SIDE


REPLACE RIVETS REMOVED WITH MS20470AD4 RIVETS
0.25 R TYP SKIN TRIM LINE
REPLACE RIVETS REMOVED WITH M7885/6-4 RIVETS
EQUAL DISTANCE
C
C
SEALANT (REF)
TRIMMED VERTICAL FIN SIDE SKIN (REF)
VIEW C-C
ENLARGED VIEW OF SPAR VIEW ROTATED
TRIM AWAY HATCHED AREA
TOP OF BOOM
0.38 TYP
FIGURE 3
VIEW LOOKING INBD L/H SIDE

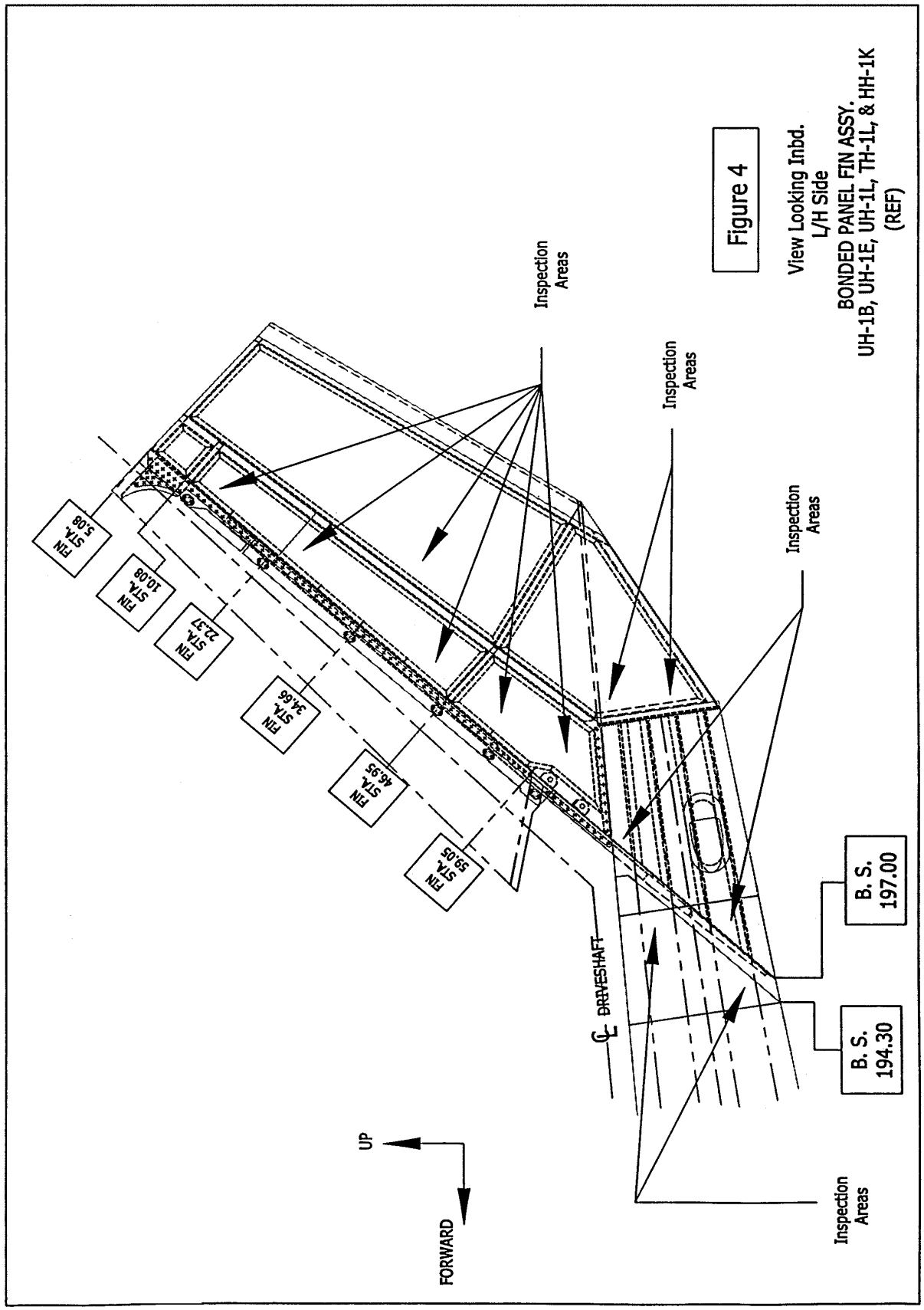


Figure 4
View Looking Inbd.
L/H Side
BONDED PANEL FIN ASSY.
UH-1B, UH-1E, UH-1L, TH-1L, & HH-1K
(REF)
Inspection Areas
Inspection Areas
Inspection Areas
Inspection Areas
FWD STA 5.08
FWD STA 10.08
FWD STA 22.37
FWD STA 34.66
FWD STA 46.95
FWD STA 59.05
DRIVESHAFT
B. S. 197.00
B. S. 194.30
UP
FORWARD

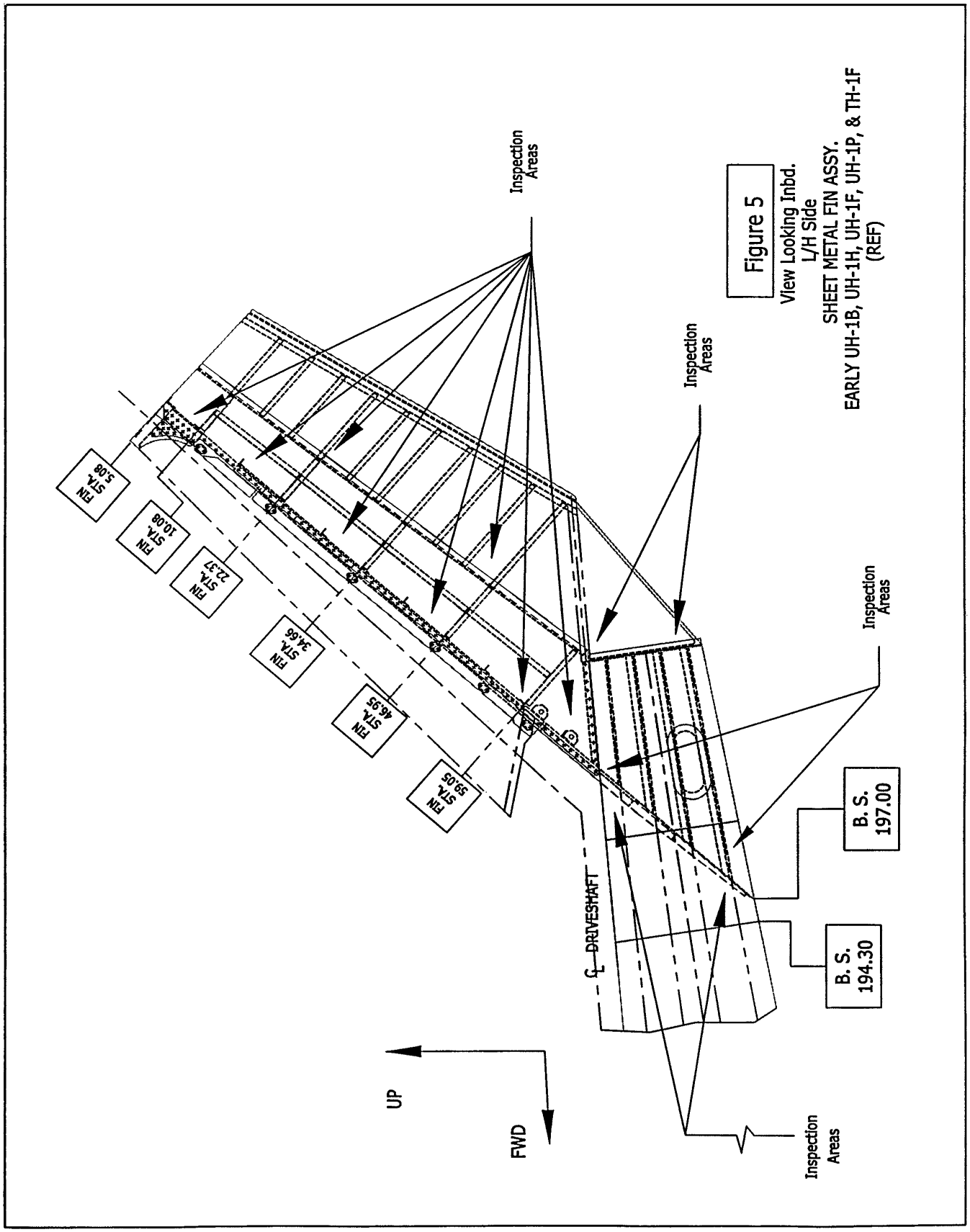


Figure 5
View Looking Inbd.
L/H Side
SHEET METAL FIN ASSY.
EARLY UH-1B, UH-1H, UH-1F, UH-1P, & TH-1F
(REF)
Inspection Areas
Inspection Areas
Inspection Areas
Inspection Areas
FIN STA. 5.08
FIN STA. 10.08
FIN STA. 22.37
FIN STA. 34.66
FIN STA. 46.95
FIN STA. 59.05
B. S. 197.00
B. S. 194.30
℄ DRIVESHAFT
UP
FWD

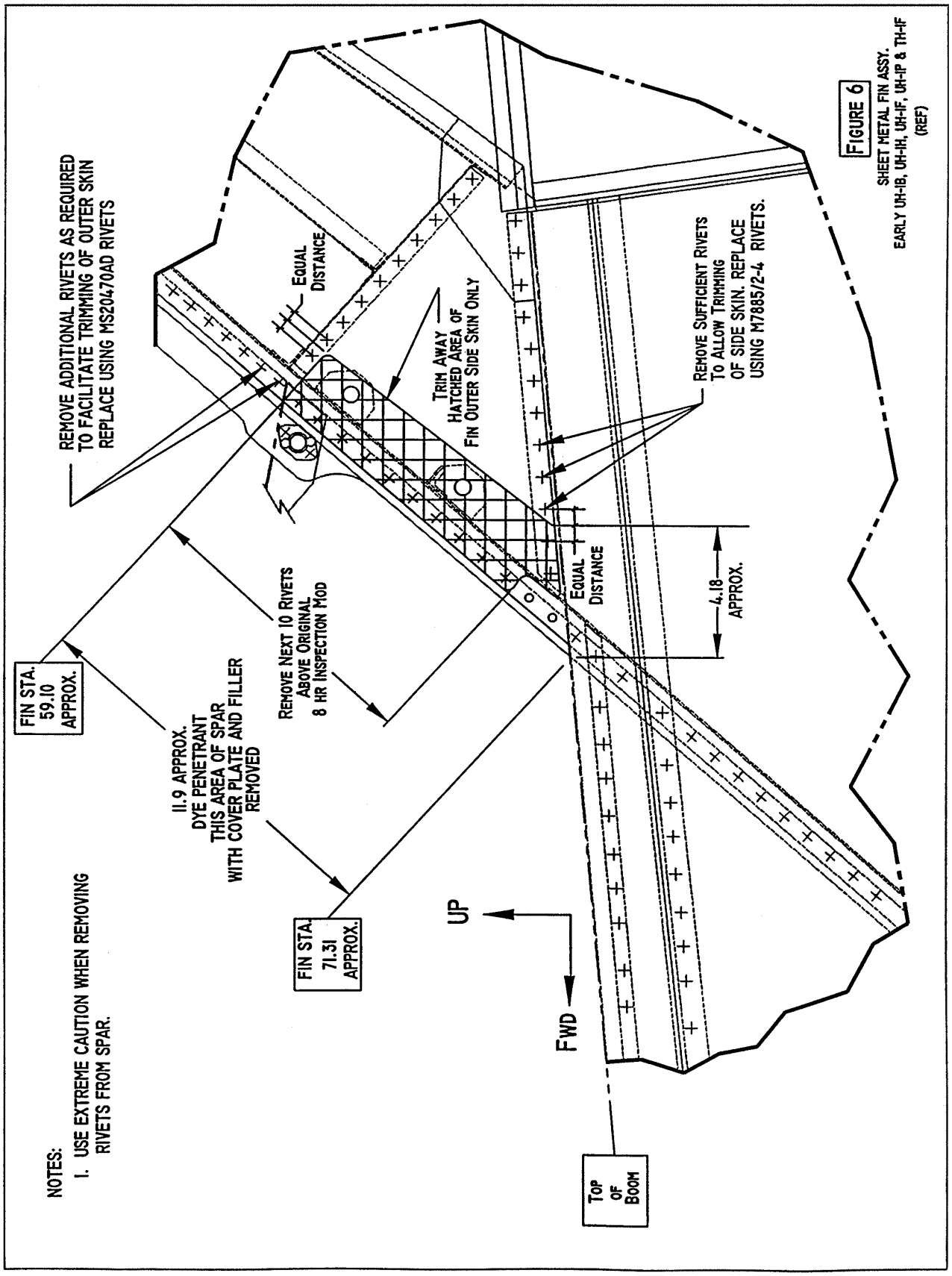
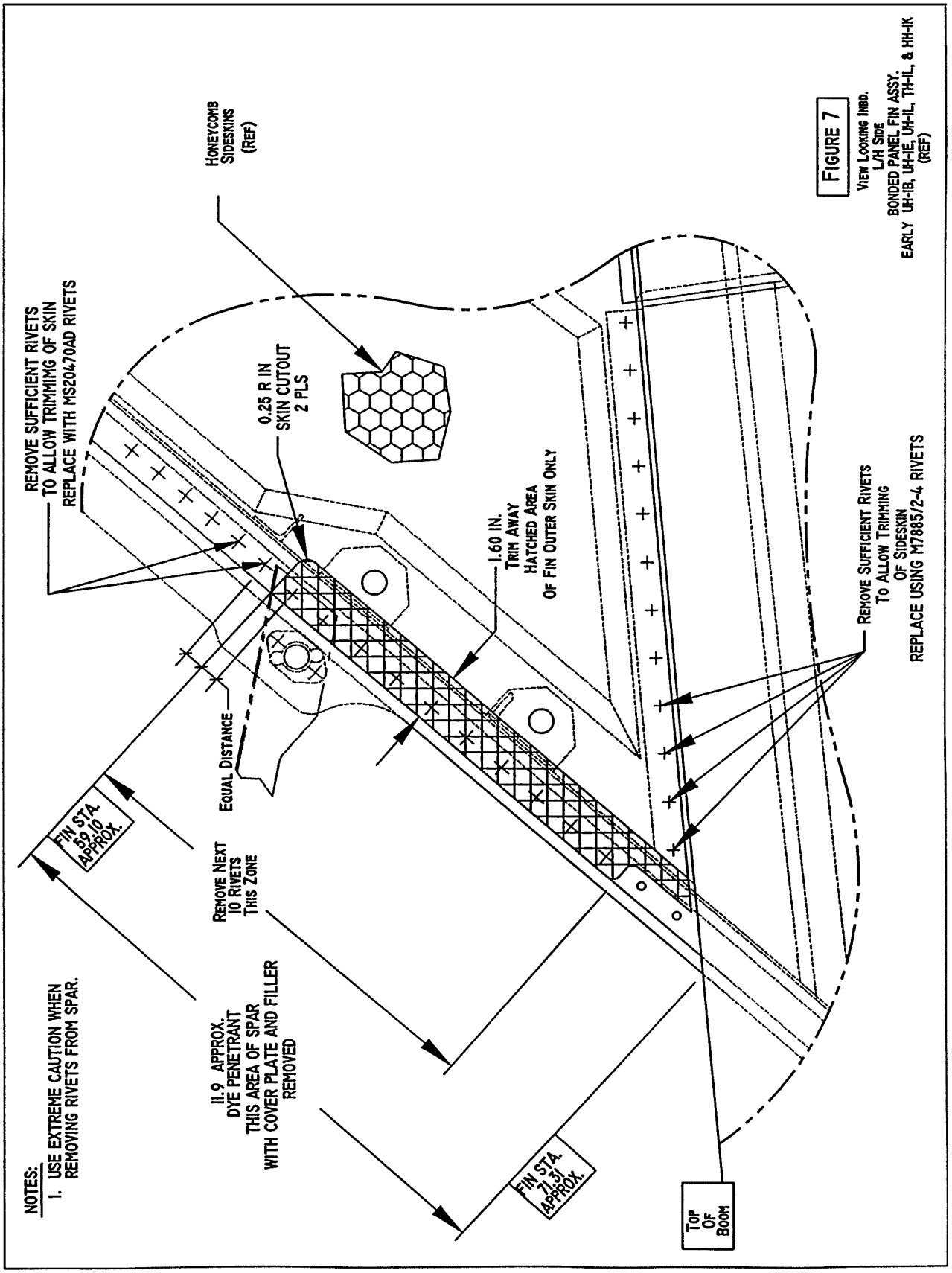


FIGURE 6
SHEET METAL FIN ASSY.
EARLY UH-1B, UH-1H, UH-1F, UH-1P & TH-1F
(REF)
REMOVE ADDITIONAL RIVETS AS REQUIRED TO FACILITATE TRIMMING OF OUTER SKIN REPLACE USING MS20470AD RIVETS
EQUAL DISTANCE
TRIM AWAY HATCHED AREA OF FIN OUTER SIDE SKIN ONLY
REMOVE SUFFICIENT RIVETS TO ALLOW TRIMMING OF SIDE SKIN. REPLACE USING M7885/2-4 RIVETS.
EQUAL DISTANCE
4.18 APPROX.
FIN STA. 59.10 APPROX.
11.9 APPROX. DYE PENETRANT THIS AREA OF SPAR WITH COVER PLATE AND FILLER REMOVED
REMOVE NEXT 10 RIVETS ABOVE ORIGINAL 8 HR INSPECTION MOD
FIN STA. 71.31 APPROX.
UP
FWD
TOP OF BOOM
NOTES:
1. USE EXTREME CAUTION WHEN REMOVING RIVETS FROM SPAR.


NOTES:
1. USE EXTREME CAUTION WHEN REMOVING RIVETS FROM SPAR.
FIN STA. 59.10 APPROX.
FIN STA. 71.31 APPROX.
11.9 APPROX. DYE PENETRANT THIS AREA OF SPAR WITH COVER PLATE AND FILLER REMOVED
REMOVE NEXT 10 RIVETS THIS ZONE
EQUAL DISTANCE
REMOVE SUFFICIENT RIVETS TO ALLOW TRIMMING OF SKIN REPLACE WITH MS20470AD RIVETS
HONEYCOMB SIDESKINS (REF)
0.25 R IN SKIN CUTOUT 2 PLS
1.60 IN. TRIM AWAY HATCHED AREA OF FIN OUTER SKIN ONLY
REMOVE SUFFICIENT RIVETS TO ALLOW TRIMMING OF SIDESKIN REPLACE USING M7885/2-4 RIVETS
TOP OF BOOM
FIGURE 7
VIEW LOOKING INBD. L/H SIDE
BONDED PANEL FIN ASSY. EARLY UH-1B, UH-1E, UH-1L, TH-1L, & HH-1K (REF)

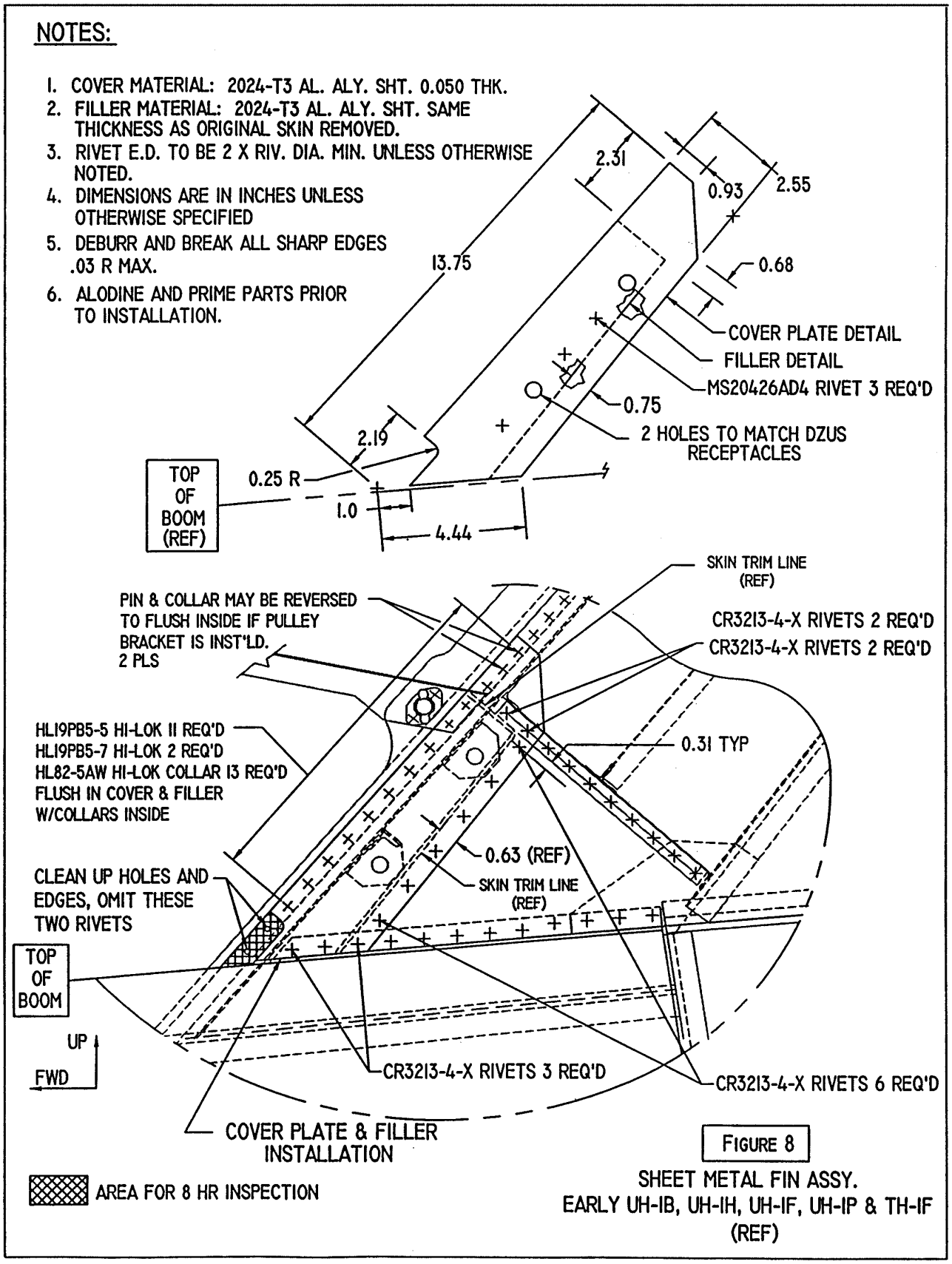
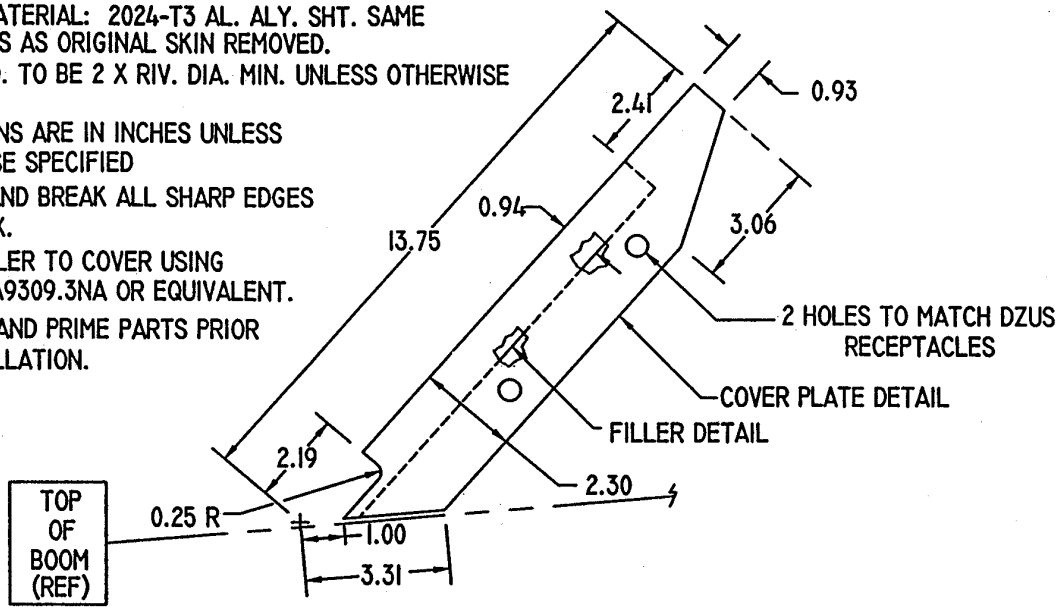


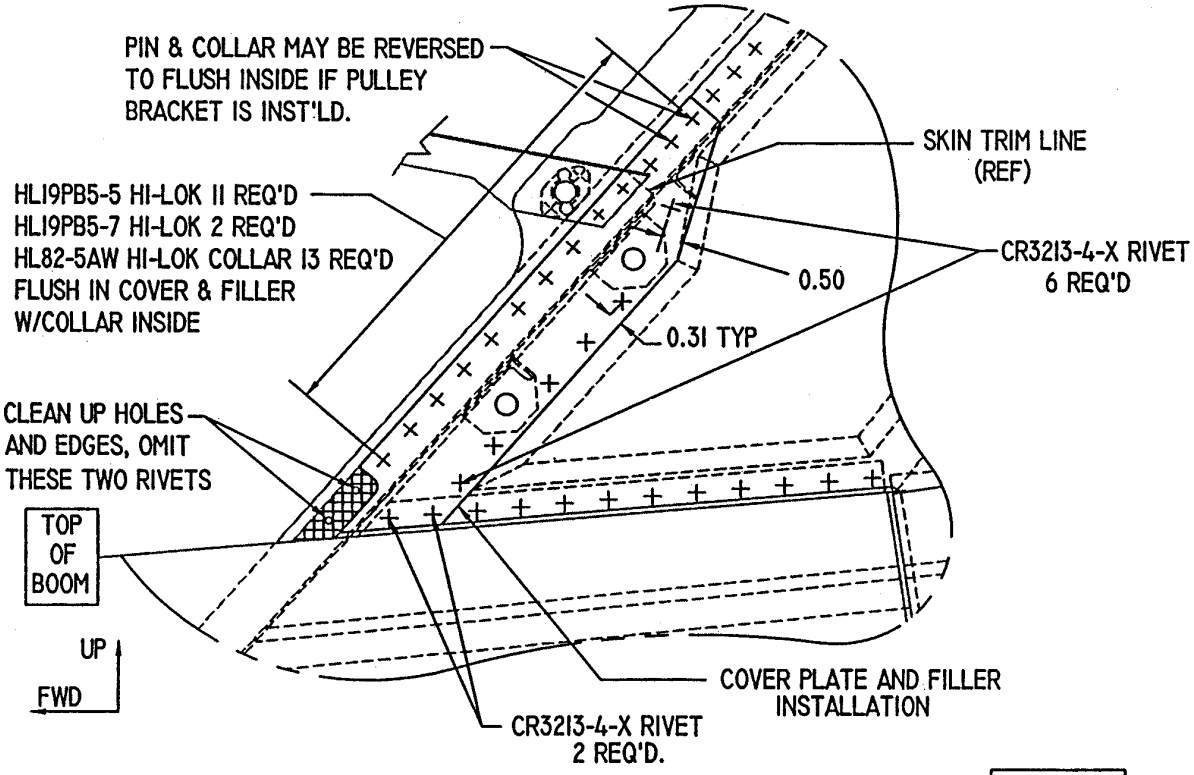
FIGURE 8

SHEET METAL FIN ASSY.
EARLY UH-1B, UH-1H, UH-1F, UH-1P & TH-1F
(REF)

NOTES:

1. COVER MATERIAL: 2024-T3 AL. ALY. SHT. 0.050 THK.
2. FILLER MATERIAL: 2024-T3 AL. ALY. SHT. SAME THICKNESS AS ORIGINAL SKIN REMOVED.
3. RIVET E.D. TO BE 2 X RIV. DIA. MIN. UNLESS OTHERWISE NOTED.
4. DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED
5. DEBURR AND BREAK ALL SHARP EDGES .03 R MAX.
6. BOND FILLER TO COVER USING HYSOL EA9309.3NA OR EQUIVALENT.
7. ALODINE AND PRIME PARTS PRIOR TO INSTALLATION.





AREA FOR 8 HR INSPECTION

FIGURE 9

BONDED PANEL FIN ASSY.
UH-1B, UH-1E, UH-1L, TH-1L & HH-1K
(REF)

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(g) Replacing the fin spar, P/N's 205–032–899-all dash numbers, 205–030–846-all dash numbers, or 205–032–851-all dash numbers, with an airworthy fin spar that has been demonstrated to the FAA to satisfy the structural fatigue requirements of repeated heavy lift operations and approved by the Manager, FAA, Rotorcraft Standards Staff, constitutes a terminating action for the requirements of this AD.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, FAA, Rotorcraft Standards Staff. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, FAA, Rotorcraft Standards Staff.

Note 4: Information concerning the existence of approved fin spar configurations and alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(i) 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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on April 9, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–9510 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–246–FOR]

Ohio Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio is proposing revisions to section 1501:13–1–04 of the Ohio Administrative Code (OAC) as it relates to exemptions for coal extraction incidental to government-financed highway or other construction. The amendment is intended to revise the Ohio program to include counterparts to the recently promulgated ''AML Enhancement Rule,'' which revised the Federal regulations at 30 CFR 707.5 and added a new provision, at 30 CFR 874.17.

DATES: If you submit written comments, they must be received by 4:00 p.m., [E.D.T.] May 17, 1999. If requested, a public hearing on the proposed amendment will be held on May 11, 1999. Requests to speak at the hearing must be received by 4:00 p.m., on May 3, 1999.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to George Rieger, Manager, Oversight and Inspection Office, at the address listed below.

You may review copies of the Ohio program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center

Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153

Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43244, Telephone: (614) 265–1076.

FOR FURTHER INFORMATION CONTACT: George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Telephone: (412) 937–2153. Internet: grieger@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. You can find background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the August 10, 1982, **Federal Register** (47 FR 34688). You can find later actions on conditions of approval and program amendments at 30 CFR 935.11, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated March 16, 1999 (Administrative Record No. OH–2178–00) Ohio submitted a proposed amendment to its program concerning exemptions for coal extraction incidental to government-financed highway or other construction. Ohio submitted the proposed amendment at its own initiative, in order to incorporate into its program the expanded exemption recently promulgated in the Federal regulations at 30 CFR 707.5, as part of the ''AML Enhancement Rule.'' Under this rule, approved Title IV abandoned mine land (AML) projects under SMCRA which involve incidental coal extraction and are less than 50 percent government financed may qualify for exemption. Projects which qualify for this expanded exemption must also meet the newly promulgated requirements contained in 30 CFR 874.17. (64 FR 7470, February 12, 1999). The changes proposed by Ohio in the amendment are discussed briefly below:

In the existing Ohio regulations under OAC section 1501:13–1–04(B), the subject exemption is limited to coal extraction incidental to ''government financed construction.'' ''Government financed construction'' is defined, in relevant part, as construction funded 50 percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds. In the amendment, the State proposes to include within the exemption coal extraction incidental to construction that is government-funded at less than 50 percent when the construction is undertaken as an approved reclamation project under Section 1513.30 (state financed projects) or 1513.37 (Federally funded AML projects) of the Revised Code. The proposed amendment also specifies requirements for approved reclamation projects with less than 50 percent government financing, such as procedures for determining whether a project qualifies for exemption, concurrence between the AML and regulatory program coordinators as to the limits and boundaries of incidental coal extraction, required documentation, and special requirements, including a requirement that projects be conducted in accordance with Ohio's approved AML program. Finally, the amendment requires a contractor to obtain a surface coal mining permit if it extracts coal beyond the limits which have been agreed upon by the AML and regulatory program coordinators.

III. Public Comment Procedures

According to the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we determine the amendment to be adequate, it will become part of the Ohio program.

Written Comments

Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on May 3, 1999. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will also allow us to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule will not produce a Federal mandate of $100 million or greater in any year, i.e., it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

List of Subjects in 30 CFR 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 9, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 99–9619 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA079–0141 FRL–6324–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern stationary source permitting requirements.

The intended effect of proposing approval of these rules under Clean Air Act (CAA or the Act) sections 110 and 112(l) is to regulate permitting of stationary sources in accordance with the requirements of the Act, as amended in 1990. The proposed rules include revisions to the Monterey Bay Unified Air Pollution Control District's New Source Review (NSR) program, as well as Acid Rain program monitoring requirements, and a rule that creates federally enforceable limits on potential to emit for sources with actual emissions less than 50% of the major source thresholds. EPA's final action on this proposed rule will incorporate these rules into the federally approved

SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals.

DATES: Comments on this proposed action must be received in writing by May 17, 1999.

ADDRESSES: To submit comments or receive further information, please contact Roger Kohn, Environmental Protection Specialist, Permits Office, Air Division (AIR–3), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105. Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: (1) EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105; (2) California Air Resources Board, 2020 L Street, Sacramento, CA 95814; (3) Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey CA 93940. A courtesy copy of these rules may be available via the Internet at http://arbis.arb.ca.gov/drdb/mbu/cur.htm. However, these versions of the District rules may be different than the versions submitted to EPA for approval. Readers are cautioned to verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval. The official submittals are only available at the three addresses listed above.

FOR FURTHER INFORMATION CONTACT: Roger Kohn, Permits Office, (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901; Telephone: (415) 744–1238; E-mail: kohn.roger@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being proposed for approval into the California SIP are: Monterey Bay Unified Air Pollution Control District (MBUAPCD), Rule 200, Permits Required; Rule 204, Cancellation of Applications; Rule 207, Review of New or Modified Sources; Rule 213, Continuous Emissions Monitoring; Rule 215, Banking of Emissions Reductions; and Rule 436, Title V: General Prohibitory Rule.

II. Background

The air quality planning requirements for Prevention of Significant Deterioration (PSD) and nonattainment NSR are set out in parts C and D of title I of the Clean Air Act. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment NSR SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion.

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act provide that each implementation plan or revision to an implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 172(c)(7) of the Act provides that plan provisions for nonattainment areas shall meet the applicable provisions of section 110(a)(2).

The rules were adopted by the District Board of Directors on the following dates: December 17, 1986 (Rule 200); July 17, 1985 (Rule 204); December 18, 1996 (Rule 207); February 16, 1994 (Rule 213); March 26, 1997 (Rule 215); May 17, 1995 (Rule 436).

The rules were subsequently submitted to EPA by the California Air Resources Board to EPA as proposed revisions to the California SIP on the following dates: June 9, 1987 (Rule 200); February 10, 1986 (Rule 204); March 3, 1997 (Rule 207); March 29, 1994 (Rule 213); June 3, 1997 (Rule 215); and August 10, 1995 (Rule 436).

EPA deemed the submittals complete on the following dates: August 12, 1997 (Rule 207); June 3, 1984 (Rule 213); September 5, 1997 (Rule 215); and October 4, 1995 (Rule 436). The following is EPA's evaluation and proposed action for these rules.

III. EPA Evaluation and Proposed Action

MBUAPCD submitted the rules listed in the Applicability section of this action for adoption into the applicable SIP. With the exception of Rule 436, which has not been previously incorporated into the SIP, all of these rules are intended to replace the existing SIP rules of the same number and title. MBUAPCD's most recent submittals for Rules 200, 204, 207, 213, and 215 contain the following changes from the current SIP:

Rule 200

- Adding a provision to explicitly state that a violation of any permit term or condition will be considered a violation of District regulations;

Rule 204

- Allowing the District to extend the life of Authority to Construct permits for up to seven years if the source is pursuing the project;

Rule 207

- Deleting the definition of Halogenated Compounds;
- Deleting the definition of Reactive Organic Compounds;
- Replacing the term Reactive Organic Compounds with Volatile Organic Compounds;
- Adding a new reference to Rule 101 (approved into the SIP on February 6, 1998, 63 FR 6073) for definitions of Exempt Compounds and Volatile Organic Compounds;
- Revising two chemical formulae used to determine whether specific compounds are VOCs;

Rule 213

- Adding monitoring requirements for Acid Rain sources;

Rule 215

- Deleting the definition of Halogenated Compounds;
- Deleting the definition of Reactive Organic Compounds;
- Replacing the term Reactive Organic Compounds with Volatile Organic Compounds;
- Adding a new reference to Rule 101 (approved into the SIP on February 6, 1998, 63 FR 6073) for definitions of Exempt Compounds and Volatile Organic Compounds;
- Revising two chemical formulae used to determine whether specific compounds are VOCs;

There is currently no version of Rule 436 in the SIP. The submitted rule contains the following provisions:

- This rule provides a mechanism for sources to limit their potential to emit (PTE) to avoid being subject to MBUAPCD's title V Operating Permit Program.

The California Air Resources Board (CARB) also submitted Rule 436 for approval under section 112(l) of the Act. The separate request for approval under section 112(l) is necessary because the proposed SIP approval only provides a mechanism for controlling criteria pollutants.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the MBUAPCD rules cited above are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Parts C and D.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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 rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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. This rule is not subject to E.O. 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Carbon monoxide, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: April 6, 1999.

Laura K. Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 99–9469 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL174–1b; FRL–6325–7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On June 29, 1990, USEPA promulgated Federal stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for emission sources (including the miscellaneous organic chemical manufacturing processes at the Stepan Company Millsdale Plant (Stepan) manufacturing facility in Elwood, Illinois) located in six northeastern Illinois (Chicago area) counties. At Stepan's request USEPA agreed to reconsider its rule as it applied to Stepan and on October 1, 1993, proposed a site-specific rule for Stepan. USEPA subsequently approved three VOC rules submitted by the Illinois Environmental Protection Agency that are collectively applicable to all of Stepan's VOC sources that would have been subject to the FIP. USEPA is proposing to revoke the Federally promulgated rules, as they apply to Stepan, and replace them with the Illinois rules that have been previously approved and apply to Stepan. In the final rules section of this **Federal Register**, USEPA is revoking the Federally promulgated rules, as they apply to Stepan, and replacing them with the Illinois rules that have been previously approved and apply to Stepan. This is being done as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale is set forth in the direct final rule. The direct final rule will become effective without further notice unless USEPA receives relevant adverse written comments or a request for a public hearing on this action. Should USEPA receive such comment, it will publish a timely withdrawal informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments or request for a public hearing are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments or a request for a public hearing on this action must be received on or before May 17, 1999.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, U. S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604,(312) 886–6052.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and record keeping requirements.

Dated: April 9, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–9467 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 114–4085; FRL–6325–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Revision to the 1990 Baseyear Emission Inventory for One Source

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Commonwealth of Pennsylvania State Implementation Plan (SIP) submitted by the Pennsylvania Department of Environmental Protection (PADEP) on April 8, 1998. This revision consists of including the carbon monoxide (CO), volatile organic compounds (VOCs) and nitrogen oxides (NO_X) emissions from Rockwell Heavy Vehicles, Inc., New Castle Forge Plant, in Lawrence County (Rockwell) in the point source portion of Pennsylvania's 1990 baseyear emission inventory. The intended effect of this action is to grant approval of the revision to the 1990 baseyear inventory and in so doing to render Rockwell's emissions eligible for consideration as emission reduction credits (ERCs) in accordance with the Pennsylvania SIP. EPA is approving the revision to the 1990 baseyear emissions inventory for Rockwell in accordance with the requirements of the Clean Air Act. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 17, 1999.

ADDRESSES: Written comments should be addressed to David Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 814–2185, at the EPA Region III address above, or via e-mail at lewis.janice@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: April 5, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–9465 Filed 4–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA129–4083b; FRL–6323–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Pennsylvania state implementation plan (SIP) submitted by the Pennsylvania Department of Environmental Protection (PADEP) . The revisions impose reasonably available control technology (RACT) to reduce volatile organic compounds (VOC) from six (6) major sources located in Pennsylvania. EPA is proposing these revisions to impose RACT requirements in accordance with the Clean Air Act.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of PADEP's submittals and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received by May 17, 1999.

ADDRESSES: Written comments on this action should be addressed to Kathleen Henry, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814–2068, at the EPA Region III office or via e-mail at miller.linda@epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action with the same title that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: April 5, 1999

Thomas Voltaggio,

Acting Regional Administrator,

Region III.

[FR Doc. 99–9463 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6326–3]

RIN 2060–A128

Hazardous Air Pollutants: Amendment to Regulations Governing Equivalent Emission Limitations by Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: On May 20, 1994, the Agency promulgated a rule in the **Federal Register** (59 FR 26429) governing the establishment of equivalent emission limitations by permit, pursuant to section 112(j) of the Clean Air Act (Act). After the effective date of a Title V permit program in a State, each owner or operator of a major source in a source category for which the EPA was scheduled, but failed, to promulgate a section 112(d) emission standard will be required to obtain an equivalent emission limitation by permit. The permit application must be submitted to the Title V permitting authority 18 months after the EPA's missed promulgation date. This action proposes to amend the original Regulations Governing Equivalent Emission Limitations by Permit rule to delay the section 112(j) permit application deadline for all 7-year source categories listed in the regulatory schedule until December 15, 1999. This action is needed to alleviate unnecessary paperwork for both major source owners or operators and permitting agencies. EPA does not consider this amendment to be controversial and does not anticipate receiving adverse comments. Because timely relief from the existing application deadline is essential, this amendment is being issued as a direct final rule in the final rules section of this **Federal Register**. EPA will consider any adverse comments concerning the direct final rule to also be adverse comments concerning this proposal. If EPA does not receive timely adverse comments concerning this proposal or the accompanying direct final rule, or a timely request for a public hearing on this proposal, we will take no further action with respect to this proposal, and the direct final rule will become final on May 17, 1999.

DATES: *Comments.* EPA will accept comments regarding this proposal on or before April 26, 1999. Additionally, a public hearing regarding this proposal will be held if anyone requesting to speak at a public hearing contacts the EPA by April 23, 1999. If a hearing is requested, the hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, NC on May 3, 1999 beginning at 10:00 a.m.

ADDRESSES:*1 Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A–93–32 (see docket section below), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. EPA requests that a separate copy also be sent to the contact person listed below.

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 on May 3, 1999 beginning at 10 a.m. Persons requesting to speak at or interested in attending a public hearing concerning this proposal should contact Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–2452 (Szykman) or (919) 541–0837 (Markwordt).

Docket. Docket No. A–93–32, containing the supporting information for the original Regulations Governing Equivalent Emission Limitations by Permit rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 260–7548. A reasonable fee may be charged for copying.

An electronic version of this rule is available for download through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

FOR FURTHER INFORMATION CONTACT: Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–2452 (Szykman) or (919) 541–0837 (Markwordt).

SUPPLEMENTARY INFORMATION: If EPA does not receive timely adverse comments or a timely hearing request concerning this proposed rule, no further action will be taken concerning this proposal, 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 EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule based on this proposal. The EPA will not provide further opportunity for public comment on this action. All parties interested in commenting on this amendment must do so at this time.

Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–93–22. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

EPA is proposing to extend the section 112(j) permit application filing deadline for all emission standards in the 7-year category from May 15, 1999 until December 15, 1999. For an additional explanation of the nature of the proposed amendment, the detailed rationale supporting the amendment, and the rule provision, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative

A. Docket

The docket for this regulatory action is A–93–32, the same docket as the original final rule, and a copy of the proposed amendment to the final rule will be included in the docket. The principle purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

B. Paperwork Reduction Act

The information collection requirements in this rule 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 will be prepared by EPA (ICR No. 1648.02) and a copy will be available 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@epamail.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 are not effective until OMB approves them.

Section 112(j) of the Clean Air Act as amended in 1990 (CAAA) requires a source to submit a permit application if EPA fails to promulgate a MACT standard for a category of subcategory of major sources on schedule. The permit application is used by the permitting to issue permits containing maximum achievable control technology (MACT) emission limitation on a case-by-case (source-by-source) basis, equivalent to what would have been promulgated by EPA. The requirement to submit the permit application is not voluntary. Section 112(j) of the CAAA contains the need and authority for this information collection. [42 U.S.C. 7401 (*et. seq.*) as amended by Pub. L. 101–549]. Any information submitted to a permitting authority with a claim of confidentiality is to be safeguarded according to policies in 40 CFR Chapter 1, Part 2, Subpart B—Confidentiality of Business Information.

The total estimated burden, which includes all activities associated with the respondents or government agencies, is $1,323,000 and 46,339 hours. This collection of information has an estimated reporting burden of 171 hours per respondent and 140 hours per permitting agency. The permit application is a one time occurrence along with the issuance of the permit by the permitting agency. This estimated cost per respondent is $4,600 and $4,300 per permitting agency.

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.

C. Under E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions that are the subject of today's notice would delay an existing requirement, this action is not a ''significant'' regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not

necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory change proposed here is expected to reduce regulatory burdens on small businesses, and will not have a significant impact on a substantial number of small entities. EPA certifies that the proposed amendment will not have a significant impact on a substantial number of small entities.

D. National Technology Transfer and Advancement Act

Under section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of ''voluntary consensus standards,'' if available and applicable, when implementing policies and programs, unless it would be ''inconsistent with applicable law or otherwise impractical.'' The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A ''voluntary consensus standard'' is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines ''technical standards'' as ''performance-based or design-specific technical specifications and related management systems practices.'' A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is ''economically significant'' as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects 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.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

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 rule does not significantly or uniquely affect the communities of Indian tribal governments. These rule revisions impose no enforceable duties on these entities. Rather, these rule revisions reduce burdens associated with certain regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

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 rule changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any enforceable duties on these entities. Rather, the rule changes reduce burden for certain regulatory requirements. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 12, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–9572 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[TX–81–1–7350; FRL–6324–3]

Clean Air Act Reclassification or Eligibility for Extension of Attainment Date, Texas; Beaumont/Port Arthur Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We propose to find that the Beaumont/Port Arthur moderate ozone nonattainment area has failed to attain the one-hour ozone National Ambient Air Quality Standard (NAAQS). This proposed finding is based on the requirements of the Federal Clean Air Act (the Act), and our review of monitored air quality data from the area. If we take final action on this proposed finding, the area would be reclassified as a serious ozone nonattainment area. Alternatively, we are proposing to extend the area's attainment date, if Texas, by November 15, 1999, submits a SIP that meets EPA's July 1998 transport policy. If Texas submits a SIP meeting these requirements, we will issue a supplemental proposal to extend the area's attainment date, as appropriate.

DATES: We must receive comments on or before May 17, 1999.

ADDRESSES: All comments should be addressed to: Lt. Mick Cote, EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

Copies of the Beaumont/Port Arthur monitored air quality data analyses, guidance on extension of attainment dates in downwind transport areas, our technical support document, and other relevant documents used in support of this proposal, are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning Section, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202; Texas Natural Resource Conservation Commission, 12124 Park 35 Circle, Austin, Texas 78753. Please contact the appropriate office at least 24 hours in advance.

FOR FURTHER INFORMATION: Lt. Mick Cote at (214) 665–7219.

SUPPLEMENTARY INFORMATION:

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I. What Action Are We Taking Today?

We are proposing to find pursuant to section 181(b)(2) of the Clean Air Act that the Beaumont/Port Arthur area has failed to attain the ozone one-hour NAAQS by the date prescribed under the Act for moderate ozone nonattainment areas, or November 15, 1996. If we finalize this finding, the Beaumont/Port Arthur area will be reclassified from moderate nonattainment to serious nonattainment.

Alternatively, we are proposing to extend the attainment date, providing that Texas meets the criteria of our July 16, 1998 transport policy, *Guidance on Extension of Attainment Dates for Downwind Transport Areas.* If Texas submits a SIP by November 15, 1999, that meets the July 1998 transport policy, we will issue a supplemental proposal in a **Federal Register** notice to extend the Beaumont/Port Arthur area's attainment date as appropriate. If Texas does not submit by November 15, 1999, a SIP that meets the July 1998 transport policy, or fails to submit a SIP by this date, we would finalize this proposed finding of failure to attain, and the Beaumont/Port Arthur area would be reclassified as a serious ozone nonattainment area.

II. What Are the National Ambient Air Quality Standards?

We have set NAAQS for six air pollutants: Carbon Monoxide (CO), Lead (Pb), Nitrogen Dioxide (NO_2), Ozone (O_3), Particulate matter (PM), and Sulfur Dioxide (SO_2). The Act requires us to set these NAAQS at levels that protect public health and welfare with an adequate margin of safety. These NAAQS provide information to the American people about whether the air in their community is healthful. Also, the NAAQS present state and local governments with the minimum pollutant concentrations allowed to achieve clean air.

For several pollutants, there are two types of NAAQS—primary and secondary. Primary NAAQS protect against adverse health effects; secondary NAAQS protect against welfare effects, such as damage to farm crops and vegetation and damage to buildings. Because different pollutants have varying effects, the form of NAAQS also varies. Some pollutants have NAAQS for both long-term and short-term averaging times. The short-term NAAQS are designed to protect against acute, or short-term, health effects, while the long-term NAAQS were established to protect against chronic health effects.

III. What Is the NAAQS for Ozone?

The NAAQS for ozone is expressed in two forms, which are referred to as the one-hour and 8-hour standards. Table 1 summarizes the ozone NAAQS.

TABLE 1.—SUMMARY OF OZONE NAAQS

Standard	Value	Type	Method of compliance
One-hour	0.12 ppm	Primary and Secondary	Must not be exceeded on average more than one day per year over any three-year period.
8-hour	0.08 ppm	Primary and Secondary	The 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration measured at each monitor within an area.

The one-hour ozone NAAQS of 0.12 parts per million has existed since 1979. The 8-hour ozone NAAQS was promulgated by EPA on July 18, 1997 (62 FR 38856). The one-hour ozone NAAQS continues to apply for existing nonattainment areas until these areas attain the one-hour ozone NAAQS (40 CFR 50.9(b)). It is the classification of the Beaumont/Port Arthur area relative to the one-hour ozone NAAQS that is addressed in this document.

IV. What Is the Beaumont/Port Arthur Ozone Nonattainment Area?

The Beaumont/Port Arthur moderate ozone nonattainment area is located in Southeast Texas, and consists of Hardin, Jefferson, and Orange Counties.

V. Why Is the Beaumont/Port Arthur Area Currently Classified as Moderate?

Each ozone area designated nonattainment for the one-hour ozone standard prior to enactment of the 1990 Act Amendments was designated nonattainment by operation of law upon enactment of the 1990 Amendments. Under section 181(a) of the Act, each ozone area designated nonattainment under section 107(d) was also classified by operation of law as ''marginal,'' ''moderate,'' ''serious,'' ''severe,'' or ''extreme,'' depending on the severity of the area's air quality problem. The design value for an area is represented by the fourth highest one-hour daily monitored ozone level in a given three-year period. Table 2 provides the design value ranges for each nonattainment classification. Ozone nonattainment areas with design values between 0.138 and 0.160 parts per million (ppm), such as the Beaumont/Port Arthur area, were classified as moderate.[1] These nonattainment designations and classifications were codified in 40 CFR part 81 (see 56 FR 56694, November 6, 1991).

TABLE 2.—OZONE NONATTAINMENT CLASSIFICATIONS

Area class	Design value (ppm)	Attainment date
Marginal	0.121 up to 0.138	11/15/93
Moderate ...	0.138 up to 0.160	11/15/96
Serious	0.160 up to 0.180	11/15/99
Severe	0.180 up to 0.280	11/15/05
Extreme	0.280 and above	11/15/10

States containing areas that were classified as moderate nonattainment were required to submit SIPs which required control measures to reduce emissions, and to provide for attainment of the ozone standard no later than November 15, 1996. Moderate area SIP requirements are found primarily in section 182(b) of the Act.

VI. Why Is EPA Proposing To Reclassify the Beaumont/Port Arthur Area?

Section 181(b)(2) of the Act provides that we determine, within 6 months following the applicable attainment date, whether an ozone nonattainment area has attained the one-hour ozone standard. If we find that the nonattainment area has failed to attain the one-hour ozone standard by the applicable attainment date, then we are to publish a notice in the **Federal Register** identifying the area that we have determined has failed to attain, and the appropriate reclassification. In the case of Beaumont/Port Arthur, we have yet to make the determination as described above.

We make attainment determinations for ozone nonattainment areas using quality-assured air quality data. In the case of the Beaumont/Port Arthur area, the attainment determination is based on 1994–1996 air quality data. The data show that for 1994–1996 four monitoring sites averaged more than one exceedance day per year. We propose to determine that the Beaumont/Port Arthur area's air quality has not met the one-hour ozone NAAQS by November 15, 1996, based upon all quality-assured air quality data available to us for the years 1994–1996.

Our data includes all data available from the State and local/national air monitoring (SLAM/NAMS) network as submitted to our Aerometric Information Retrieval System, and all data available to us from special purpose monitoring (SPM) sites that meet our monitor siting criteria (40 CFR 58.13). Our policy on the use of ozone SPM data is described in the August 22, 1997, Memorandum from John Seitz, Director, Office of Air Quality Planning and Standards, to Regional Air Directors, entitled, *Agency Policy on the Use of Ozone Special Purpose Monitoring Data.*

Table 3 lists the number of recorded exceedances of the one-hour ozone standard at each SLAMS/SPM monitoring site in the Beaumont/Port Arthur area for the period 1994 through 1998, and each monitor's design value for that period. A complete listing of the ozone exceedances at each monitor as well as EPA's calculations of the design values can be found in the technical support document.

Table 3: Ozone Exceedances in the Beaumont/Port Arthur Area

Site	Type	1994	1995	1996	1997	1998	Site Design Value (ppm)		
							94–96	95–97	96–98
Beaumont	SLAMS	1	5	0	3	3	0.128	0.133	0.133
Port Arthur	SLAMS	0	5	0	0	0	0.139	0.139	0.118
West Orange	SLAMS	1	0	0	2	1	0.12	0.121	0.122
Sabine	SPM	2	1	7	2	.....	0.157	0.157	.....
Mauriceville	SPM	0	0	0	2	.....	0.109	0.104	.....
Jefferson Co. Airport	SPM	2	6	0	2	.....	0.139	0.139	.....

—We do not have any data for 1998 from the three SPMs. However, data from the SLAMS sites alone indicates continued violation of the one-hour ozone NAAQS. Although our decision to propose reclassification does not depend on the SPM data for 1998, we have requested it from the State.

If we finalize this proposed action, the new classification will be the higher of the next higher classification or the classification appropriate to the design value at the time the notice of reclassification is published. The next highest classification for the Beaumont/Port Arthur area is serious. The design value of the Beaumont/Port Arthur area at the time of the proposed finding of failure to attain is based on air quality monitoring data from 1996 through 1998. This design value is .133 ppm. This design value correlates with a marginal classification, as taken from Table 2. Since the next higher classification is greater than what the current design value indicates, the correct classification would be serious nonattainment under the statutory scheme.

[1] The Beaumont/Port Arthur area (the area) was classified as a serious ozone nonattainment area by EPA on November 6, 1991 (56 FR 56694). However, we corrected the ozone design value from 0.160 ppm to 0.158 ppm. Pursuant to section 110(k)(6) of the Act, which allows us to correct our actions, we corrected the classification of the area from serious to moderate (61 FR 14496, April 2, 1996).

VII. Has Air Quality Improved in the Beaumont/Port Arthur Area in Recent Years?

The air quality in the Beaumont/Port Arthur area has not improved in recent years. Two of the three SLAMS monitors listed in Table 3 have design values that have increased since 1994. Likewise, two of the three SPM monitors listed in Table 3 have design values that have increased between 1994 and 1997.

VIII. What Would a Reclassification Mean for Beaumont/Port Arthur?

The Beaumont/Port Arthur area would need to reach the ozone NAAQS as expeditiously as practicable, but no later than November 15, 1999. Texas would also need to submit SIP revisions addressing the serious area requirements for the one-hour ozone standard in section 182(c) of the Act. The requirements for serious ozone nonattainment areas include, but are not limited to, the following:[2]

1. Attainment and Reasonable Further Progress demonstrations.
2. Clean-fuel vehicle programs.
3. A 50 ton-per-year major source threshold.
4. More stringent new source review requirements.
5. An enhanced monitoring program.
6. Transportation Control Measures.
7. Contingency provisions.

IX. Can an Extension of the Attainment Date Be Granted Based on 1996 Air Quality Data?

Two mechanisms exist for the Beaumont/Port Arthur area to obtain an extension of its attainment date. First, a State may request, and at our discretion we may grant, up to two one-year attainment date extensions. We may grant an extension under section 181(a)(5) of the Act only if:

1. The State has complied with the requirements and commitments pertaining to the applicable implementation plan for the area.
2. The area has measured no more than one exceedance of the ozone NAAQS at any monitoring site in the nonattainment area in the year in which attainment is required.

On January 9, 1997, the Governor of the State of Texas submitted a request for a one-year extension of the attainment date for the Beaumont/Port Arthur area. The request was based on the absence of exceedances from SLAMS data in the area in 1996. However, the area had more than one exceedance at the Sabine SPM monitor in 1996, and numerous exceedances at SLAMS and SPM sites in 1997. Since the 1996 and 1997 data show that the area failed to attain, and Texas has not submitted a plan providing for attainment, we are exercising our discretion to not grant a section 181(a)(5) extension. However, Texas has another mechanism available for obtaining an extension. This mechanism is discussed below.

X. What Is EPA's New Policy Regarding Extension of Attainment Dates for Downwind Transport Areas?

A number of areas in the country that have been classified as moderate or serious are affected by pollutants that have traveled downwind from other areas. For these downwind areas, transport of pollutants from upwind areas has interfered with their ability to meet the ozone standard by the dates prescribed by the Act. As a result, many of these areas, such as Beaumont/Port Arthur, find themselves facing the prospect of being reclassified, or ''bumped up,'' to a higher classification for failing to meet the ozone standard by the specified date.

On July 16, 1998, in consideration of these factors and the realization that many areas are unable to meet the mandated attainment dates due to transport[3], we issued a policy memorandum entitled *Guidance on Extension of Air Quality Attainment Dates for Downwind Transport Areas.* This policy outlines the criteria by which the attainment date for an area may be extended.

Our July 1998 transport policy offers another opportunity for Texas to request an extension of the attainment date for the Beaumont/Port Arthur area. This policy draws on other provisions of the Act to authorize attainment date extensions for downwind transport areas.

XI. What Does the July 1998 Transport Policy Require Texas To Do?

This transport policy outlines the steps Texas will need to take in order for us to consider extending the Beaumont/Port Arthur area's attainment date. The steps we believe Texas will need to take include:

1. Demonstrate that the Beaumont/Port Arthur Area's air quality is affected by transport from (a) an upwind area in Texas with a later attainment date, or (b) an upwind area in another State, which significantly contributes to Beaumont/Port Arthur's continued ozone nonattainment.

2. Submit to us an approvable attainment demonstration by November 15, 1999. This demonstration must show that the Beaumont/Port Arthur area will attain as expeditiously as practicable, but no later than the attainment date of the upwind area.

3. Submit any additional local control measures needed for expeditious attainment. Any additional measures must be adopted prior to November 15, 1999.

4. Submit proof that all applicable local control measures required under the moderate classification have been adopted and implemented. In addition, submit any necessary changes to the State's existing rules for control of emissions from industrial wastewater and Synthetic Organic Chemical Industry batch processing operations. Some changes may be needed to ensure that these rules meet our Reasonably Available Control Technology requirements. Any necessary changes must be adopted prior to November 15, 1999.

5. Provide that all newly adopted control measures will be implemented as expeditiously as practical. All measures must be implemented no later than the date that the upwind reductions needed for attainment will be achieved.

We contemplate that when we act to approve an area's attainment demonstration, we will, as necessary, extend that area's attainment date to a date appropriate for that area in light of the schedule for achieving the necessary upwind reductions. The area would no longer be subject to reclassification or ''bump-up'' for failure to attain by its original attainment date under section 181(b)(2).

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[2] An enhanced vehicle Inspection and Maintenance (I/M) program would normally be listed as a requirement for a serious ozone nonattainment area. However, the Federal I/M Flexibility Amendments of 1995 determined that urbanized areas with populations less than 200,000 for 1990 (such as Beaumont/Port Arthur) are not mandated to participate in the I/M program (60 FR 48033, September 18, 1995).

[3] Through a two-year effort known as the Ozone Transport Assessment Group (OTAG), the EPA worked in partnership with the 37 easternmost states and the District of Columbia, industry representatives, academia, and environmental groups to develop recommended strategies to address transport of ozone-forming pollutants across state boundaries.

On November 7, 1997, the EPA acted on OTAG's recommendations and issued a proposal (the proposed NOx SIP call, 62 FR 60318) requiring 22 states and the District of Columbia to submit state plans addressing the regional transport of ozone. These state plans, or SIPS, will decrease the transport of ozone across state boundaries in the eastern half of the United States by reducing emissions of nitrogen oxides (a precursor to ozone formation known as NOx). The EPA took final action on the NOx SIP call on October 27, 1998 (63 FR 57356). The EPA expects the final NOx SIP call will assist many areas in attaining the 1-hour ozone standard.

XII. Can Beaumont/Port Arthur Qualify for an Attainment Date Extension Under the Transport Policy?

It is premature to say whether or not the Beaumont/Port Arthur area will qualify for an attainment date extension under the July 1998 transport policy. We believe that the area may be affected by upwind transport. However, before the Beaumont/Port Arthur area can qualify for an attainment date extension under the July 1998 transport policy, all the criteria specified in the transport policy must be met.

In October 1998, we notified the Governor of Texas of the availability of the July 1998 transport policy. We also requested that the Governor respond to us with a letter committing Texas to meet the requirements necessary to qualify for an attainment date extension under the July 1998 transport policy by November 15, 1999. We received the Governor's commitment letter on December 21, 1998.

We are aware that local representatives are working closely with the TNRCC to meet the requirements of the July 1998 transport policy, and to improve the area's air quality. Their efforts have already resulted in the implementation of rules for oxides of nitrogen in the Beaumont/Port Arthur area.

XIII. When Will EPA Make a Final Decision on Whether To Bump-Up or Grant an Extension for the Beaumont/ Port Arthur area?

We will review Texas' proposed SIP submittal during the State's public comment period. If we receive it by November 15, 1999, we will publish a document in the **Federal Register** to address the approvability of the SIP submittal. If we propose approval, we would also propose to extend the attainment date for the Beaumont/Port Arthur area to an appropriate expeditious date. However, if Texas fails to meet the requirements of the extension policy by November 15, 1999, we will finalize the finding of failure to attain, and the Beaumont/Port Arthur area will be reclassified to Serious nonattainment.

XIV. If the Beaumont/Port Arthur Area Is Reclassified, What Would Its New Schedule Be?

If the Beaumont/Port Arthur area is reclassified, Texas would be required to submit a SIP that adopts the serious area requirements. Under section 181(a)(1) of the Act, the new attainment deadline for moderate ozone nonattainment areas reclassified to serious under section 181(b)(2) would be as expeditious as practicable but no later than the date applicable to the new classification, i.e., November 15, 1999. However, for the reasons given above, we do not expect to take final action on this proposed finding until after November 15, 1999. This will allow Texas adequate time to make a demonstration that an extension of the attainment date, instead of a reclassification, would be appropriate under the transport policy. As a practical matter, there would likely be insufficient time for Texas to submit a new attainment demonstration and actually demonstrate attainment of the one-hour ozone NAAQS by November 15, 1999.

If the Beaumont/Port Arthur area is reclassified, and if we do not act until after its November submittal, it will plainly be too late for the area to demonstrate attainment by a date that will have already passed. We believe that the impossibility of meeting the November 15, 1999, deadline for serious areas requires us to establish a new attainment date in the event that the area is reclassified to serious.

November 15, 1999, is a date that is impossible to set as a date for the area to attain and for Texas to have made a SIP submission. Since it is impossible, the principles underlying what we do for areas that must submit 15 percent plans after the deadline for submission has passed should apply here. Consistent with what we have done with respect to setting new applicable deadlines for those plans, we believe that a deadline that is expeditious as possible would be appropriate.

Section 182(i) states that the Administrator may adjust applicable deadlines (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency for submission of the new requirements applicable to an area which has been reclassified. Where an attainment date has already passed or is otherwise impossible to meet, we believe that the Administrator may also adjust an attainment date to assure fair and equitable treatment consistent with the provisions in section 182(i), notwithstanding the parenthetical clause.

We also note another provision of the Act in section 110(k)(5) pertaining to findings of SIP inadequacy that allows the Administrator to adjust attainment dates when such have passed. Although this latter provision is not directly applicable to a reclassification, we believe that the provision illustrates a recognition by Congress of limited instances in which it becomes necessary to adjust attainment dates, particularly where it is otherwise impossible to meet the statutory date. For the Beaumont/ Port Arthur area, we are proposing to construct a schedule consistent with recent reclassifications of other areas.

We have recently reclassified other moderate ozone nonattainment areas, including Santa Barbara, California; Phoenix, Arizona; and Dallas-Fort Worth, Texas. In these cases, the new attainment date is November 15, 1999. The most recent reclassification was for the Dallas-Fort Worth area. We published the notice reclassifying this area on February 18, 1998, thereby providing approximately 21 months for the area to attain the standard. We concluded that 21 months was an adequate period for a moderate attainment area to attain the standard where the new attainment date had not yet lapsed, but where there was less time remaining than the Act had contemplated. If we finalize this proposed reclassification, we suggest an attainment date with a similar time frame, and which would allow Texas an opportunity to make submissions to meet the serious area requirements and implement measures to attain the standard.

Applying this approach to the Beaumont/Port Arthur area would result in a new attainment date 21 months from publication of the final reclassification notice. We welcome any comments on the appropriateness of this proposed time frame, and whether a shorter or later attainment date would be more appropriate.

If we reclassify the Beaumont/Port Arthur area, we must also address the schedule by which Texas will be required to submit a SIP revision meeting the serious area requirements. We propose to have Texas submit this SIP within one year after a final action on the reclassification is taken. If the submission shows that the area can attain the ozone NAAQS sooner than the attainment date established in the final reclassification notice, we would adjust the attainment date to reflect the earlier date, consistent with the requirement in section 181(a)(1) that the NAAQS be attained as expeditiously as practicable. We solicit comments on this proposed schedule.

XIV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order (E.O.) 12866, entitled *Regulatory Planning and Review*.

B. Executive Order 12875

Under E.O. 12875, *Enhancing the Intergovernmental Partnership,* the 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, E.O. 12875 requires EPA to provide to the OMB 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, E.O. 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 proposals would not create a mandate on State, local, or tribal governments. These proposals do not impose any enforceable rules on any of these entities. The SIP submission requirements are not judicially enforceable. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to these proposals.

C. 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, EPA 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.

The 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. These proposals are not subject to E.O. 13045 because they are not economically significant regulatory actions as defined by E.O. 12866. These proposals are not subject to E.O. 13045 because they implement a previously promulgated health or safety-based Federal standard.

D. Executive Order 13084

Under Executive Order 13084, *Consultation and Coordination with Indian Tribal Governments,* 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 proposals would not significantly or uniquely affect the communities of Indian tribal governments. These proposed actions would not impose any requirement that affects Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to these proposals.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act 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. The proposal to reclassify will not have a significant impact on a substantial number of small entities because a finding of failure to attain under section 182(b)(2) of the Act, and the establishment of a SIP submittal schedule for the reclassified area, do not, in and of themselves, directly impose any new requirements on small entities. See *Mid-Tex Electric Cooperative, Inc.* v. FERC, 773 F.2d 327 (D.C. Cir. 1985)(agency's certification need only consider the rule's impact on entities subject to requirements of the rule). Instead, this proposal to reclassify proposes to make a determination and to establish a schedule for States to submit SIP revisions, and does not propose to directly regulate any entities.

The alternative proposal to extend the attainment date if Texas meets the specified criteria does not directly impose any new requirements on small entities. To the extent that the area must adopt new regulations, we will review the effect of those actions at the time the State submits those regulations. Therefore, I certify that these proposed actions will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

Sections 202 and 205 do not apply to today's action because the proposed determination that the Beaumont/Port Arthur area failed to reach attainment does not, in-and-of-itself, constitute a Federal mandate because it does not impose an enforceable duty on any entity. In addition, the Act does not permit EPA to consider the types of analyses described in section 202, in determining whether an area has attained the ozone standard or qualifies for an extension. Finally, section 203 does not apply to today's proposal because the SIP submittal schedule and the extension of the attainment date would affect only the state of Texas, which is not a small government.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Area designations and

classifications, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: April 6, 1999.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 99–9470 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL–6327–2]

RIN 2060–AG85

Change in Dates of EPA Inspection of Transuranic Waste Characterization Systems and Processes at the Rocky Flats Environmental Technology Site Related to the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a change in the dates of a planned inspection of systems and processes for characterizing certain transuranic (TRU) radioactive waste at the Rocky Flats Environmental Technology Site (RFETS), as described in EPA's **Federal Register** document of March 25, 1999 (64 FR 14418). The original dates were April 12–16, as announced in the March 25 notice. The inspection will now be held the week of April 26, 1999. This will allow for the 30-day public comment period on Department of Energy (DOE) documents applicable to characterization of TRU waste at RFETS, which was announced in the March 25 notice, to occur in advance of the inspection. The documents available for comment are entitled: (1) ''Transuranic Waste Management Manual, Rev. 2,'' (2) ''RFETS TRU Waste Characterization Program Quality Assurance Project Plan,'' and (3) ''Salt Residue Stabilization, Building 707 Process Control/Qualification Plan.'' They are available for review in the public dockets listed in **ADDRESSES.** In accordance with EPA's WIPP Compliance Criteria at 40 CFR 194.8, EPA will conduct an inspection of waste characterization systems and processes at RFETS to verify that the proposed systems and processes at RFETS can characterize transuranic waste at issue properly, consistent with the Compliance Criteria. This notice of the inspection and comment period accords with 40 CFR 194.8.

DATES: Comments must be received by EPA's official Air Docket on or before May 10, 1999.

ADDRESSES: Comments should be submitted to: Docket No. A–98–49, Air Docket, Room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington DC, Docket No. A–98–49, Category II–A–2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday–Thursday, 10 am–9 pm, Friday–Saturday, 10 am–6 pm, and Sunday 1 pm–5 pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Monday–Thursday, 8 am–9 pm, Friday, 8 am–5 pm, Saturday–Sunday, 1 pm–5 pm; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Monday–Thursday, 8 am–12 am, Friday, 8 am–5 pm, Saturday, 9 am–5 pm, and Sunday, 1 pm–9 pm.

Copies of items in the docket may be requested by writing Docket A–98–49 at the address provided above, or by calling (202) 260–7548. As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Scott Monroe, Office of Radiation and Indoor Air, (202) 564–9310, or call EPA's toll–free WIPP Information Line, 1–800–331–WIPP.

Dated: April 12, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99–9602 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL–6327–3]

RIN 2060–AG85

Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste at the Idaho National Engineering and Environmental Laboratory Proposed for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents on waste characterization programs applicable to certain transuranic (TRU) radioactive waste at the Idaho National Engineering and Environmental Laboratory (INEEL) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents are: ''Quality Assurance Project Plan for the Transuranic Waste Characterization Program (PLN–190), Revision 3 (April 1999),'' ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan (PLN–182), Revision 3 (April 1999),'' and ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste (INEL–96/0345), Revision 2 (April 1999).'' These documents are available for review in the public dockets listed in **ADDRESSES.** The EPA will use these documents to evaluate waste characterization systems and processes at INEEL that DOE described as applicable to waste streams containing homogeneous solids, debris, and soils and gravels. In accordance with EPA's WIPP Compliance Criteria at 40 CFR 194.8, EPA will conduct an inspection of waste characterization systems and processes at INEEL to verify that the proposed systems and processes at INEEL can characterize transuranic waste at issue properly, consistent with the Compliance Criteria. This notice of the inspection and comment period accords with 40 CFR 194.8.

DATES: The EPA is requesting public comment on these documents. Comments must be received by EPA's official Air Docket on or before May 17, 1999.

ADDRESSES: Comments should be submitted to: Docket No. A–98–49, Air Docket, Room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460.

The DOE documents ''Quality Assurance Project Plan for the Transuranic Waste Characterization Program (PLN–190), Revision 3 (April 1999),'' ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan (PLN–182), Revision 3 (April 1999),'' and ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste (INEL–96/0345), Revision 2 (April 1999),'' are available for review in the official EPA Air Docket in Washington, D.C., Docket No. A–98–49, Category II–A–2, and at the

following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10 am-9 pm, Friday-Saturday, 10 am-6 pm, and Sunday, 1 pm-5 pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Monday-Thursday, 8 am-9pm, Friday, 8 am-5 pm, Saturday-Sunday, 1 pm-5 pm; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Monday-Thursday, 8 am-12 pm, Friday, 8 am-5 pm, Saturday, 9 am-5 pm, and Sunday, 1 pm-9 pm.

Copies of items in the docket may be requested by writing Docket A–98–49 at the address provided above, or by calling (202) 260–7548. As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Jim Oliver, Office of Radiation and Indoor Air, (202) 564–9310, or call EPA's 24-hour, toll-free WIPP Information Line, 1–800–331–WIPP, or visit our website at http://www.epa.gov/radiation/wipp/announce.html.

SUPPLEMENTARY INFORMATION: The DOE is developing the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Public Law 102–579), as amended (Public Law 104–201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Most TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and organic and inorganic sludges.

On May 13, 1998, EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision states that the WIPP will comply with the EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

The final WIPP certification decision includes a condition that prohibits shipment of TRU waste for disposal at WIPP from any site other than LANL until EPA has approved the procedures developed to comply with the waste characterization requirements of § 194.24(c)(4) (condition 3 of appendix A to 40 CFR part 194). The EPA's approval process for waste generator sites is described in § 194.8. As part of EPA's decision making process, DOE is required to submit to EPA appropriate documentation of waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, EPA will place such documentation in the official Air Docket in Washington, D.C., and in informational dockets in the State of New Mexico, for public review and comment.

EPA inspected certain waste characterization processes at INEEL on July 28–30, 1998. DOE is proposing to use processes that EPA did not previously inspect at INEEL that are applicable to waste streams in the categories of homogeneous solids, debris waste, and soils and gravels. EPA will conduct an inspection of INEEL to verify that these additional processes comply with 40 CFR 194.24.

The INEEL documents submitted to EPA are: ''Quality Assurance Project Plan for the Transuranic Waste Characterization Program (PLN–190), Revision 3 (April 1999),'' ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan (PLN–182), Revision 3 (April 1999),'' and ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste (INEL–96/0345), Revision 2 (April 1999).'' The ''Quality Assurance Project Plan for the Transuranic Waste Characterization Program (PLN–190), Revision 3 (April 1999)'' and the ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan (PLN–182), Revision 3 (April 1999)'' set forth the quality assurance program applied to TRU waste characterization at INEEL. The ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste (INEL–96/0345), Revision 2 (April 1999)'' sets forth the waste characterization procedures for TRU wastes at INEEL. After EPA reviews these documents, EPA will conduct an inspection of INEEL to determine whether the requirements set forth in these documents are being adequately implemented in accordance with Condition 3 of the EPA's WIPP certification decision (appendix A to 40 CFR part 194). In accordance with § 194.8 of the WIPP compliance criteria, EPA is providing the public 30 days to comment on the documents placed in EPA's docket relevant to the site approval process.

If EPA determines that the provisions in the documents are adequately implemented, EPA will notify the DOE by letter and place the letter in the official Air Docket in Washington, D.C., and in the informational docket locations in New Mexico. A positive approval letter will allow DOE to ship additional TRU waste from INEEL. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the EPA's radioactive waste disposal standards (40 CFR part 191), the compliance criteria (40 CFR part 194), and the EPA's certification decision is filed in the official EPA Air Docket, Dockets No. R–89–01, A–92–56, and A–93–02, respectively, and is available for review in Washington, D.C., and at the three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, D.C., plus those documents added to the official Air Docket after the October 1992 enactment of the WIPP LWA.

Dated: April 12, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99–9601 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–122, RM–9553]

Radio Broadcasting Services; Minatare, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting to allot Channel 295A to Minatare, NE, as the community's first local aural service. Channel 295A can be allotted to Minatare in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 41–48–34 NL; 103–30–12 WL.

DATES: Comments must be filed on or before June 1, 1999, and reply comments on or before June 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A.

Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–122, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–9542 Filed 4–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–121, RM–9552]

Radio Broadcasting Services; Eagle Nest, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting to allot Channel 284C2 to Eagle Nest, NM, as its first local aural service. Parties filing comments are requested to provide specific information to demonstrate that Eagle Nest is a community for allotment purposes. Channel 284C2 can be allotted to Eagle Nest in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36–33–17 NL; 105–15–47 WL.

DATES: Comments must be filed on or before June 1, 1999, and reply comments on or before June 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–121, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–9541 Filed 4–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–120, RM–9551]

Radio Broadcasting Services; Magdalena, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting seeking the allotment of Channel 240C2 to Magdalena, NM, as the community's first local aural service. Channel 240C2 can be allotted to Magdalena in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 34–07–00 NL; 107–14–36 WL. Mexican concurrence in the allotment is required since Magdalena is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

DATES: Comments must be filed on or before June 1, 1999, and reply comments on or before June 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–120, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–9540 Filed 4–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–119, RM–9550]

Radio Broadcasting Services; Shiprock, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting seeking the allotment of Channel 293C1 to Shiprock, NM, as the community's first local aural service. Channel 293C1 can be allotted to Shiprock in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36–47–08 NL; 108–41–11.

DATES: Comments must be filed on or before June 1, 1999, and reply comments on or before June 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–119, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–9539 Filed 4–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–118, RM–9549]

Radio Broadcasting Services; Logandale, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting to allot channel 291C1 to Logandale, NV, as its first local aural service. Petitioner is requested to provide further information to demonstrate that Logandale is a community for allotment purposes. Channel 291C1 can be allotted to Logandale in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.9 kilometers (16.1 miles) northeast, at coordinates 36–47–25 NL; 114–19–21 WL, to avoid a short-spacing to Stations KSTJ, Channel 288C2, Boulder City, NV, KSNE–FM, Channel 293C, Las Vegas, NV, KRCY, Channel 290C1, Kingman, AZ, and the proposed allotment of Channel 291A at Tecopa, CA (MM Docket No. 99–46, RM–9470).

DATES: Comments must be filed on or before June 1, 1999, and reply comments on or before June 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–118, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–9538 Filed 4–15–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 64, No. 73
Friday, April 16, 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

Agricultural Marketing Service

[Docket No. FV99–929–1NC]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, Marketing Order No. 929.

DATES: Comments on this notice must be received by June 15, 1999.

ADDITIONAL INFORMATION OR COMMENTS: Contact Valerie L. Emmer-Scott, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S., P.O. Box 96456, Washington, DC 20090–6456; Tel: (202) 205–2829, Fax: (202) 720–5698, or E-mail: moabdocket__clerk@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, Marketing Order No. 929.

OMB Number: 0581–0103.

Expiration Date of Approval: December 31, 1999.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674) industries enter into marketing order programs. The Secretary of Agriculture is authorized to oversee the order operations and issue regulations recommended by a committee of representatives from each commodity industry.

The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the program, which has operated since 1962.

The cranberry marketing order regulates the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to as the ''order.'' The order authorizes the issuance of allotment provisions for producers and regulates the quantities of cranberries handled. The order also has research and development authority.

The order, and rules and regulations issued thereunder, authorize the Cranberry Marketing Committee (Committee), the agency responsible for local administration of the order, to require handlers and producers to submit certain information. Much of this information is compiled in aggregate and provided to the industry to assist in marketing decisions.

The Committee has developed forms as a means for persons to file required information with the Committee relating to cranberry supplies, shipments, dispositions, and other information needed to effectively carry out the purpose of the AMAA and order. As shipments of cranberries are normally year-round, these forms are utilized accordingly. A USDA form is used to allow growers to vote on amendments or continuance of the marketing order. In addition, cranberry growers who are nominated by their peers to serve as representatives on the Committee must file nomination forms with the Secretary.

Formal rulemaking amendments to the order must be approved in referenda conducted by the Secretary. Also, the Secretary may conduct a continuance referendum to determine industry support for continuation of the order. Handlers are asked to sign an agreement to indicate their willingness to abide by the provisions of the order whenever the order is amended. These forms are included in this request.

The forms covered under this information collection require the minimum information necessary to effectively carry out the requirements of the order, and their use is necessary to fulfill the intent of the AMAA as expressed in the order, and the rules and regulations issued under the order.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Programs' regional and headquarter's staff, and authorized employees of the Committee. Authorized Committee employees and the industry are the primary users of the information, and AMS is the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.4173 hours per response.

Respondents: Cranberry growers and handlers in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 1,306

Estimated Number of Responses per Respondent: 2.398

Estimated Total Annual Burden on Respondents: 902 hours.

Comments: Comments are invited on: (1) Whether the proposed collection of the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

(3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581–0103 and the Cranberry Marketing Order No. 929, and be mailed to Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, D.C. 20090–6456; Fax (202) 720–5698; or E-mail: moabdocket__clerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register**. All comments received will be available for public inspection in the Office of the Docket Clerk during regular USDA business hours at 14th and Independence Ave., S.W., Washington, D.C., room 2525–S.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 9, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–9516 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–031–1]

Wildlife Services; Availability of Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and a finding of no significant impact for a program to alleviate damage to agriculture, property, natural resources, and human health or safety caused by nonmigratory Canada geese, migratory Canada geese, and urban ducks in the Commonwealth of Virginia. The environmental assessment provides a basis for our conclusion that the methods to be employed to alleviate such damage will not have a significant impact on the quality of the human environment.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Lowney, State Director, Wildlife Services, APHIS, P.O. Box 130, Moseley, VA 23120. Copies of the environmental assessment and finding of no significant impact may be obtained by contacting Mr. Lowney at the above address or by calling (804) 739–7739.

SUPPLEMENTARY INFORMATION:

Background

Wildlife Services of the Animal and Plant Health Inspection Service cooperates with Federal agencies, State and local governments, and private individuals to research and implement the best methods of managing wildlife to protect human health and safety and prevent damage to agriculture, property, and natural resources.

In this document, APHIS is advising the public of the availability of an environmental assessment relative to the management by Wildlife Services of conflicts and damage caused by nonmigratory Canada geese, migratory Canada geese, and urban ducks in the Commonwealth of Virginia.

The habitat preference, breeding and feeding behavior, and adaptability of nonmigratory Canada geese, migratory Canada geese, and urban ducks can involve conflicts with humans and affect human health and safety in a number of ways, including the following: by contaminating surface water and ground cover with fecal matter, causing damage to aircraft and other means of transportation as a result of collisions, and causing injury to approaching humans, especially children, through aggressive action. The environmental assessment examines the environmental impacts of Wildlife Services activities to manage such conflicts and damage and provides a basis for our conclusion that the methods to be employed to alleviate such damage will not have a significant impact on the quality of the human environment.

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

Done in Washington, DC, this 13th day of April 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–9523 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949, as Amended, in Fiscal Year 1999

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: On March 19, 1999, the President, Commodity Credit Corporation (CCC), determined that 350,000 metric tons of corn be made available for donation overseas under section 416(b) of the Agricultural Act of 1949, as amended, during fiscal year 1999. This determination increases the amount of corn available for donation overseas under section 416(b) during fiscal year 1999 to 400,000 metric tons.

FOR FURTHER INFORMATION CONTACT: Ira Branson, Director, CCC Program Support Division, FAS, USDA, (202) 720–3573.

Dated: March 17, 1999.

Timothy J. Galvin,

Acting Vice President, Commodity Credit Corporation.

[FR Doc. 99–9517 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Risk Management Agency

Risk Management Advisory Committee

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of intent to establish; extension of date to submit nominations and comments.

SUMMARY: The U.S. Department of Agriculture (USDA) extends the date for accepting nominations of individuals to be considered for selection as

Committee members on the Risk Management Advisory Committee. Comments are also requested on categories of membership and duties of the Committee.

On March 11, 1999, the Risk Management Agency (RMA) published a notice in the **Federal Register** at 64 FR 12152 with a request for nominations on the Risk Management Advisory Committee. Written nominations were required to have been submitted no later than April 12, 1999, in order to be assured consideration. USDA/RMA is extending that nomination period to April 30, 1999, so that interested parties will have additional time to submit their nominations.

DATES: Written nominations must be received on or before April 30, 1999.

ADDRESSES: Nominations should be sent to Ms. Diana Moslak, Risk Management Agency, USDA, 1400 Independence Ave., SW, Room 3053–S, Ag. Box 0801, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Diana Moslak, (202) 720–2832.

Dated: April 9, 1999.

Sally Thompson,

Acting Assistant Secretary for Administration.

[FR Doc. 99–9527 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–08–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Deletion to the Procurement List; Correction

In the document appearing on page 17313 FR Doc. 99–8899, in the issue of April 9, 1999, in the third column, a Janitorial/Custodial, BEQ Naval Station, Staten Island, New York, is listed as deleted from the Procurement List, effective May 10, 1999. The Committee voted to delete this service on the information that the base had closed and that this service would no longer be required. Since the April 9, 1999 deletion notice, the Navy has indicated that it still requires this service.

Accordingly, the notice of April 9, 1999 referenced above is corrected to remove the Janitorial/Custodial, BEQ Naval Station, Staten Island, New York from the list of services deleted from the Procurement List.

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–9623 Filed 4–15–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: May 17, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 5, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (63 FR 10620 and 10621) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Janitorial/Custodial, Child Development Centers, Buildings 6058 and 6060, Fort Carson, Colorado

Janitorial/Custodial, Johnstown USARC #1, 295 Goucher Street, Johnstown, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities.

3. The action may result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Cap, Utility, Camouflage
8405–01–246–4176
8405–01–246–4177
8405–01–246–4178
8405–01–246–4179
8405–01–246–4180
8405–01–246–6658

Cap, Hot Weather
8415–01–393–6291
8415–01–393–6292
8415–01–393–6293
8415–01–393–6294
8415–01–393–6295
8415–01–393–6296
8415–01–393–6297
8415–01–393–6298
8415–01–393–6299
8415–01–393–7813
8415–01–393–7820

8415–01–393–7952

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–9624 Filed 4–15–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 17, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Tray, Half Size MM, Fiberboard
PSIN 3916B
(16,000,000 each annually)

Sleeves, Half Size MM, Fiberboard
PSIN 3916C
(16,000,000 each annually)

NPA: South Texas Housing and Community Development Corporation, Inc., San Antonio, Texas

Services

Janitorial/Custodial, Basewide, Fort Carson, Colorado
NPA: Platte River Industries, Inc., Denver, Colorado

Janitorial/Custodial, Curlew Conservation Center, Colville National Forest, Curlew, Washington
NPA: Ferry County Community Services, Republic, Washington

Photocopying Service, GPO Program ıC294–S
(Requirements for the Government Printing Office, Washington, DC)
NPA: Alliance, Inc., Baltimore, Maryland

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the commodities proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Gloves, Cloth, Cotton
8415–00–964–4615
8415–00–964–4925
8415–00–964–4760

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–9625 Filed 4–15–99; 8:45 am]

BILLING CODE 6353–01–U

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Competitive Enhancement Needs Assessment Survey Program.

Agency Form Number: N/A.

OMB Approval Number: 0694–0083.

Type of Request: Renewal of an existing collection of information.

Burden: 2,000 hours.

Average Time Per Response: 30 minutes per response.

Number of Respondents: 5,000 respondents.

Needs and Uses: The Defense Production Act of 1950, as amended, and Executive Order 12919, authorizes the Secretary of Commerce to assess the capabilities of the defense industrial base to support the national defense and to develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs. The information collected from voluntary surveys will be used to assist small and medium-sized firms in defense transition and in gaining access to advanced technologies and manufacturing processes available from Federal Laboratories. The goal is to improve regions of the country adversely by cutbacks in defense spending and military base closures.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230.

Dated: April 9, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–9490 Filed 04–15–99; 8:45 a.m.]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Update of the National Security Assessment of the U.S. Cartridge Actuated Device Industry.

Agency Form Number: N/A.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 200 hours.

Average Time Per Response: 5 hours per response.

Number of Respondents: 40 respondents.

Needs and Uses: Commerce/BXA, in consultation with Naval Surface Warfare Center/Indian Head Division (NSWC/IHD), is conducting a follow-on national security assessment of the domestic cartridge and propellant actuated device industry in order to re-evaluate the health and competitiveness of the U.S. industry and its ability to support current and future defense needs. The original assessment was conducted in 1994 (approved under OMB Control No. 0694–0080). NSWC/IHD is interested in conducting a follow-on assessment in light of recent Navy and industry actions to maintain and enhance this critical sector.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230 (or via the Internet LEngelme@doc.gov).

Dated: April 9, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–9491 Filed 4–15–99; 8:45 a.m.]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–99]

Foreign-Trade Zone 163—Poncé, Puerto Rico; Application For Foreign-Trade Subzone Status: Peerless Oil & Chemicals, Inc.—Petroleum Product Storage and Processing Peñuelas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Codezol, C.D., grantee of FTZ 163, requesting special-purpose subzone status for the petroleum product storage and processing facility of Peerless Oil & Chemicals, Inc., located at sites in Peñuelas, Puerto Rico. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 29, 1999.

The Peerless facilities are located at three sites in the vicinity of Rt. 127, Km. 17.1 in Peñuelas, Puerto Rico. The facilities (27 employees) are used for receipt, storage, distribution, and minor processing of petroleum products (duty rates on these items range from 5.25 to 84 cents per barrel). The company also uses a number of foreign-sourced products that are duty free.

Zone procedures would exempt Peerless from Customs duties on petroleum products which are re-exported. On domestic sales, the company would be able to defer Customs duty payments until the products leave the facility. No authority is being sought which would result in a change in tariff classification, and the company would admit imported merchandise into the proposed subzone in privileged foreign status (19 CFR 146.41).

The application indicates that the main benefit to Peerless from FTZ procedures will be an improved ability to attract international customers. The company will also achieve some savings by deferral of Customs duties while foreign merchandise is stored within Peerless' facilities. FTZ status may also make a site eligible for benefits provided under commonwealth/local programs.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 15, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 30, 1999.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce Export Assistance Center, 525 F.D. Roosevelt Avenue, Suite 905, San Juan, PR 00918

Dated: April 7, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–9611 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–331–602]

Certain Fresh Cut Flowers From Ecuador: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review

SUMMARY: In response to a request from a domestic interested party, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Ecuador for the period March 1, 1997, through February 28, 1998.

We have preliminarily determined that sales have been made below normal

value by various companies subject to this review. If these preliminary results are adopted in the final results of this administrative review, we will instruct the Customs Service to assess antidumping duties equal to the difference between the export price or constructed export price and the normal value. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Edythe Artman, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–4794 or (202) 482–3931, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (1998).

Background

On March 11, 1998, the Department published a notice of ''Opportunity to Request Administrative Review'' with respect to the antidumping duty order on certain fresh cut flowers from Ecuador (63 FR 11868). The Floral Trade Council (FTC) requested a review on March 31, 1998. An association of U.S. flower producers, the FTC was the petitioner in the original investigation of this proceeding. In response to the FTC's request, the Department published a notice of initiation of an administrative review on April 24, 1998, in accordance with 19 CFR 351.213(b) (63 FR 20378). On November 24, 1998, we extended the deadline for the preliminary results of the review until March 30, 1999 (see 63 FR 66528).

Scope of Review

Imports covered by this review are shipments of certain fresh cut flowers from Ecuador. Specifically, the products are standard carnations, standard chrysanthemums, and pompon chrysanthemums. These products are currently classifiable under item numbers 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS item numbers are provided for convenience and for customs purposes, the Department's written description of the scope of this proceeding remains dispositive.

Period of Review

The period of review (POR) is from March 1, 1997, through February 28, 1998.

Partial Rescission of the Review

In light of past administrative practice and relevant provisions of the law, we are rescinding some companies from the review which were listed in the notice of initiation.

The respondent U.S. Floral Corporation submitted a letter stating that it was an importer of Ecuadorian fresh cut flowers. It stated that it had no ownership or affiliation with any farm or exporter in Ecuador and did not exist as a corporate entity in Ecuador. The company also stated that it had made no shipments of subject merchandise to the United States during the POR.

A review of Customs Service documentation regarding shipments of the subject merchandise during the POR confirms that U.S. Floral did not have any shipments of the merchandise. See Memorandum from Laurie Parkhill to Richard W. Moreland (May 26, 1998). Therefore, we have rescinded our review of U.S. Floral in accordance with 19 CFR 351.213(d).

Flores Equinocciales (listed in the notice of initiation as Florequisa) stated in a submission that it had received a *de minimis* weighted-average margin in the original investigation. It stated that, as a result, it had never been subject to suspension of liquidation and did not consider itself a candidate for an administrative review. We agree (see Letter from Laurie Parkhill to Flores Equinocciales (June 3, 1998)) and have rescinded the review of this company.

Noelia Flowers (listed in the notice of initiation as Noeliaflowers) reported that it had shipped flowers to the United States during the POR, but that all of the shipments had been supplied by a single, unaffiliated farm which knew that the destination of the merchandise was within the United States. It submitted a copy of a receipt from a farm which shows that the farm knew of the ultimate destination of the flowers. Because the supplier of the flowers that Noelia Flowers shipped to the United States during the POR had knowledge, at the time it sold the merchandise to Noelia Flowers, that those sales were destined for export to the United States, the Department considers the supplier to be the source of any dumping activity, not Noelia Flowers. As such, the supplier established the price of the subject merchandise we would use in our antidumping analysis. Therefore, we have rescinded the review of Noelia Flowers. This is consistent with our practice of rescinding a review of an exporter where the producer had knowledge that the subject merchandise would ultimately end up in the United States. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Japan, Singapore, Sweden, Thailand, and the United Kingdom; Preliminary Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Notice of Intent to Revoke Order,* 60 FR 62817, 62818 (December 7, 1995). *Request for Revocation of the Antidumping Duty Order.*

On May 29, 1998, Florisol Cia. Ltda. (also listed as Florisol in the notice of initiation) submitted a letter in which it requested revocation of the antidumping duty order with respect to its sales.

Section 351.222(e) of the Department's regulations states that a request for revocation of an order may be submitted ''[d]uring the third and subsequent annual anniversary months of the publication of an antidumping order.'' The anniversary month of the order under review is March. Hence, the request for revocation was received two months following the prescribed time frame for its submission. For this reason, the Department found that the request was untimely and, therefore, rejected the request. See Memorandum from the Ecuadorian Flowers Team to Laurie Parkhill (March 3, 1999).

Selected Respondents

Section 777A(c)(2) of the Act provides the Department with the authority to determine margins either by limiting its examination to a statistically valid sample of exporters or by limiting its examination to exporters which account for the largest volume of the subject merchandise that can reasonably be examined. This subparagraph is formulated as an exception to the general requirement of the Act that we examine each company, for which a review is requested, individually and calculate a company-specific margin.

Because over 40 companies were named in the initiation notice for this review and because of the limited resources available to calculate individual margins, we determined that it was necessary to restrict the number of respondents selected for examination. This approach enabled the Department

to analyze the responses of the selected companies thoroughly and carefully to consider all issues raised in the proceeding within the statutory deadlines. This approach is consistent with that taken in reviews of the antidumping duty order on certain fresh cut flowers from Colombia (see, *e.g., Certain Fresh Cut Flowers from Colombia: Preliminary Results and Partial Termination of Antidumping Duty Administrative Review*, 63 FR 5354 (February 2, 1998)).

Consistent with section 777A(c)(2)(B) of the Act, we limited our examination to six respondents since the sales of these companies accounted for over ninety percent of the sales to the United States by companies for which the review was requested. See Memorandum from Laurie Parkhill to Richard W. Moreland (June 15, 1998). The six selected respondents for this review are Agritab Cia. Ltda. (Agritab), Claveles de la Montana, S.A. (Montana), Flores del Quinche S.A. (Floraquin), Floricultura Ecuaclavel S.A. (Ecuaclavel), Florisol Cia. Ltda. (Florisol), and Flores Mitad del Mundo, S.A. (Floremit).

Non-Selected Respondents

On May 1, 1998, the Department issued a questionnaire to each of the companies named in the initiation notice. Sixteen of the companies completed and returned the questionnaire and 22 sent letters in which they reported having no shipments of subject merchandise during the POR.

Of the sixteen who returned the questionnaire, we selected six as respondents, as discussed above, and we consider the remaining ten as non-selected respondents. Consistent with our practice in recent administrative reviews of the antidumping duty order on certain fresh cut flowers from Colombia, we are assigning the non-selected, cooperative respondents a weighted-average margin based on the calculated margins of the selected respondents, excluding any zero or *de minimis* margins and margins based entirely on facts available. See Memorandum from Laurie Parkhill to the File (July 17, 1998), and *Certain Fresh Cut Flowers from Colombia: Final Results of Antidumping Duty Administrative Review*, 63 FR 31724 (June 10, 1998) (*Colombian Flowers Tenth Review*).

For companies that reported having no shipments during the POR, we reviewed the Customs Service entry documentation for the subject merchandise from Ecuador during the POR, which confirmed that these companies had no shipments of the merchandise. Consequently, these respondents will either retain the company-specific rate most recently assigned to them (as a result of a prior review or the original less-than-fair-value investigation) or their entries will receive the ''all others'' rate for future cash-deposit purposes.

The non-selected companies are listed as the ''Non-Selected Respondents'' in the ''Preliminary Results of Review'' section below.

Facts Available

Two companies, Ecuaplanta and San Alfonso, did not respond to our original questionnaire or to a follow-up letter that was issued to them. Section 776(a)(2) of the Act provides that, if an interested party (1) withholds information that has been requested by the Department, (2) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act, (3) significantly impedes a determination under the antidumping statute, or (4) provides such information but the information cannot be verified as provided in section 782(i) of the Act, then the Department shall, subject to section 782(d) of the Act, use facts otherwise available in reaching the applicable determination. Because Ecuaplanta and San Alfonso did not respond to the questionnaire or the follow-up letter, the provisions of sections 782(c)(1) and (e) of the Act do not apply and we must use facts otherwise available to determine their dumping margins.

Section 776(b) of the Act provides that, if the Department finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. The section provides that an adverse inference may include reliance on information derived from (1) the petition, (2) the final determination in the investigation segment of the proceeding, (3) a previous review under section 751 of the Act or a determination under section 753 of the Act, or (4) any other information placed on the record. In addition, the Statement of Administrative Action accompanying the URAA, H.R. Doc. 316, Vol. 1, 103d Cong. (1994) (SAA), establishes that the Department may employ an adverse inference ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' SAA at 870. In employing adverse inferences, the Department is instructed to consider ''the extent to which a party may benefit from its own lack of cooperation.'' *Id.* Because Ecuaplanta and San Alfonso did not cooperate by complying with our request for information and in order to ensure that they do not benefit from their lack of cooperation, we are employing an adverse inference in selecting from the facts available.

The Department's practice when selecting an adverse rate from among the possible sources of information has been to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' See *Static Random Access Memory Semiconductors From Taiwan; Final Determination of Sales at Less Than Fair Value*, 63 FR 8909, 8932 (February 23, 1998). The Department will also consider the extent to which a party may benefit from its own lack of cooperation in selecting a rate. See *Roller Chain Other Than Bicycle, From Japan; Notice of Final Results and Partial Recission of Antidumping Duty Administrative Review*, 62 FR 69472, 69477 (November 10, 1997), and *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Administrative Review*, 62 FR 53808, 53820–21 (October 16, 1997).

In order to ensure that the rate is sufficiently adverse so as to induce Ecuaplanta's and San Alfonso's cooperation, we have assigned these companies as adverse facts available a rate of 23.50 percent, the highest margin determined in any segment of this proceeding. This rate was calculated for Eden Flowers in the amended final determination. See *Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance with Decision Upon Remand: Certain Fresh Cut Flowers from Ecuador*, 54 FR 29595 (July 13, 1989). As such, the margin constitutes ''secondary information'' under section 776(c) of the Act.

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information used for facts available by reviewing independent sources reasonably at its disposal. The SAA provides that to ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. SAA at 870. As noted in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or*

Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 57391, 57392 (November 6, 1996), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources from which the Department can derive calculated dumping margins; the only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period.

As to the relevance of the margin used for adverse facts available, the Department stated in *Tapered Roller Bearings* that it will ''consider information reasonably at its disposal'' as to whether there are circumstances that would render a margin irrelevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin.'' *Id.*; see also *Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review,* 60 FR 49567 (September 26, 1995).

As stated above, the highest rate determined in any segment of this proceeding is 23.50 percent for Eden Flowers. We have determined that there is no evidence on the administrative record for the less-than-fair-value investigation which indicates that the 23.50 percent rate is irrelevant or inappropriate as total facts available for Ecuaplanta and San Alfonso for this review.

The FTC's Status as a Domestic Interested Party

Five of the respondents requested that the Department require the FTC to identify its members, citing 19 CFR 351.213(b)(1) as requiring that an administrative review be requested by a domestic interested party. They argued that section 771(9)(E) of the Act provides that a trade association may constitute a domestic interested party if the majority of its members are manufacturers, producers or wholesalers of a domestic like product in the United States but that, because the FTC had not identified its members in its request for a review or any subsequent submissions to the Department, it was impossible to know if the FTC met the definition of domestic interested party. In the event that the FTC was not found to meet the definition of interested party, the respondents argued that the Department should terminate the review.

Further submissions by the FTC clarified the position of the FTC in the industry. We determined that a November 1998 affidavit by the President of the FTC stating that the majority of the association's members were growers or wholesalers of the subject merchandise was sufficient evidence of the nature of the association's membership. Therefore, we concluded that the FTC meets the definition of ''domestic interested party'' within the meaning of section 771(9)(E) of the Act. See Memorandum from Laurie Parkhill to Richard W. Moreland (January 27, 1999).

Request for Separate Rates

Since the original investigation the Department has calculated company-specific weighted-average margins for all subject merchandise. Because the International Trade Commission (ITC) found that each of the three flower types subject to investigation was a separate like product, five of the respondents requested that the Department calculate a weighted-average rate for each flower type. Because the order is subject to a ''sunset'' review in 1999, the respondents contend that the ITC would most likely use the like-product analysis that it had developed at the investigation stage.

The purpose of an administrative review is to determine the amount of duties due on entries during the POR and to establish estimated antidumping duties for future entries. We calculate, where possible, customer-specific duty-assessment rates and it is our long-established practice to calculate a weighted-average margin for the subject merchandise to set the cash-deposit rate for future entries. Respondents' argument addresses the conduct of the sunset review, not the assessment of antidumping duties. Therefore, we find no basis upon which to assign separate weighted-average margins for the three flower types in this administrative review.

Duty Absorption

On March 31, 1998, the FTC requested that the Department determine whether antidumping duties had been absorbed by the respondents during the POR. Section 751(a)(4) of the Act provides for the Department, if requested, to determine, during an administrative review initiated two years or four years after publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. For transition orders as defined in section 751(c)(6)(C) of the Act (*i.e.*, orders in effect as of January 1, 1995), section 351.213(j)(2) of our regulations provides that we will make a duty-absorption determination, if requested, for any administrative review initiated in 1996 or 1998. This approach ensures that interested parties will have the opportunity to request a duty-absorption determination prior to the time of a sunset review of an antidumping order under section 751(c) of the Act, even though the second and fourth years following the issuance of that order have passed.

Since the order on certain fresh cut flowers from Ecuador has been in effect since 1987, it is a transition order. Furthermore, we received the request for a duty-absorption determination in connection with a review that we initiated in 1998. Consequently, in accordance with the policy described above, it is appropriate to examine duty absorption in this review.

Section 751(a)(4) of the Act provides that duty absorption may occur if the subject merchandise is sold in the United States through an affiliated importer. Of the selected respondents, Agritab, Floremit, and Ecuaclavel have affiliated importers. We have preliminarily determined that the following percentage of their U.S. affiliates' sales, by quantity, have dumping margins:

Name of firm	Percentage of U.S. affiliate's sales with dumping margins
Agritab	13.79
Floricultura Ecuaclavel S.A	38.04
Flores Mitad del Mundo, S.A	15.00

With respect to the above companies, we presume that the duties will be absorbed for those sales that we found to have been dumped. However, this presumption can be rebutted with evidence (*e.g.*, an agreement between the affiliated importer and the unaffiliated purchaser) that the unaffiliated purchasers in the United States will pay the full duty ultimately assessed on the subject merchandise. An interested party who wishes to submit such evidence may do so no later than 15 days after publication of these

preliminary results. In the absence of such evidence, we will find that the antidumping duties have been absorbed by the above-listed firms on the percentage of U.S. sales indicated.

Export Price and Constructed Export Price

As permitted by section 777A(d)(2) of the Act, we have preliminarily determined that it is appropriate to average U.S. prices on a monthly basis in order to use actual price information (often available only on a monthly basis) and account for practices associated with pricing perishable products. The Department has used this averaging technique in the most recently completed review of this order and other reviews of the order covering certain fresh cut flowers from Colombia. *Certain Fresh Cut Flowers from Ecuador; Final Results of Antidumping Duty Administrative Review*, 61 FR 37044 (July 16, 1996), and *Colombian Flowers Tenth Review*.

For the price to the United States, we used export price (EP) or constructed export price (CEP) as defined in sections 772(a) and 772(b) of the Act, as appropriate. CEP was used for consignment sales through unaffiliated U.S. consignees and sales (consignment or otherwise) made through affiliated importers.

We calculated EP based on the packed price, consisting of invoice price plus certain additional charges (*e.g.*, box charges), to the first unaffiliated purchaser in the United States. We made deductions, where appropriate, for foreign inland freight and return credits.

For sales made on consignment, we calculated CEP based on the packed price consisting of invoice price plus certain additional charges by the consignee (*e.g.*, box charges) to the unaffiliated purchaser. For sales made through affiliated parties, we based CEP on the packed price, consisting of invoice price plus certain additional charges (*e.g.*, box charges), to the first unaffiliated customer in the United States. We made adjustments to these prices, where appropriate, for discounts and rebates, foreign inland freight, international (air) freight, freight charges incurred in the United States, brokerage and handling, U.S. customs fees, direct selling expenses related to commercial activity in the United States, return credits and royalties. Finally, consistent with our approach in the previous review, we made adjustments for either commissions paid to unaffiliated U.S. consignees or for the U.S. selling expenses of affiliated consignees.

Pursuant to sections 772(d)(3) and 772(f) of the Act, we calculated and reduced the price further by an amount for profit on sales made through affiliated parties to arrive at CEP.

Normal Value

1. Basis for Calculating Normal Value

Section 773(a)(1)(B)(i) of the Act defines normal value (NV) as the price at which the foreign like product is first sold for consumption in the exporting country (home market). However, pursuant to section 773(a) of the Act, certain conditions must be satisfied in order for the Department to consider sales in the home market as the basis for calculating NV. One condition is that the home market must be viable. Generally, the Department will consider the home market to be viable if the aggregate quantity (or, if quantity is not appropriate, value) of sales of the foreign like product sold by an exporter or producer in that market is five percent or more of the aggregate quantity (or value) of its sales of the subject merchandise to the United States. Where the home market is not viable, NV may be calculated based on sales to a viable third-country market or on constructed value (CV). See sections 773(a)(1) and 773(a)(4) of the Act.

Agritab, Florisol, and Floraquin had sales in excess of five percent of their aggregate quantity of sales of the subject merchandise to the United States. Thus, we found the home market to be viable for them.

Ecuaclavel had sales in the home market, but they constituted less than five percent of its aggregate sales to the United States. Therefore, its home market is not viable. Floremit had no home market sales and Montana had only ''cull'' sales. We consider sales of culls, or flowers of lesser grade than those produced for export to the United States, to be sales of by-products of the flowers grown for export. See *Certain Fresh Cut Flowers from Colombia; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 62 FR 53287, 53298 (October 14, 1997). Hence, we examined the viability of third-country-market sales for these three companies.

The test for viability of a third-country market is also whether the sales in that market equal five percent or more of the aggregate sales to the United States. See section 773(a)(1)(B)(ii)(II) of the Act. In the case of Floremit, there were no third-country sales equal to or greater than five percent of its U.S. aggregate sales, so we have based NV for this company on CV.

Montana and Ecuaclavel had sales to a third-country, Russia, that accounted for more than five percent of sales to the United States. We have concluded, however, that conditions existed in Russia that rendered a comparison between a NV based on sales in Russia and an EP or CEP inappropriate. Specifically, the Department found that the flower prices in the United States were more volatile than those in Russia where there is a more constant demand for the product. There were also different peak price periods, or holidays, in the two countries; since the United States had three of these peak periods and Russia had only one, these periods affected price volatility in the United States to a greater extent than prices in Russia. Thus, we have concluded that a particular market situation exists which prevents a proper comparison between a NV based on the third-country-market sales and the EP or CEP.

In such a circumstance, we may decline to calculate a NV based on the sales of the third-country market. See 19 CFR 351.404(c)(2). Rather, we may opt to calculate the NV based on CV, pursuant to section 773(a)(4) of the Act. Because we found the comparison of prices between the third-country market and the U.S. market to be inappropriate, we have used CV to establish NV for Montana and Ecuaclavel. For a more detailed explanation of this determination and the other NV determinations, see Memorandum from Laurie Parkhill to Susan Kuhbach (August 12, 1998).

2. Arm's-Length Test

During the POR, Agritab reported home market sales to employees. We tested Agritab's home market sales to employees to see if they were made at arm's-length prices. To test whether these sales were made at arm's-length prices, we compared, by flower type, the prices of sales to employees and unaffiliated customers net of appropriate home market price adjustments (for Agritab these adjustments consisted of credit expenses and packing expenses incurred on home market sales). Since we found that the prices to the employees were on average less than 99.5 percent of the price to unaffiliated parties, we determined that all sales made to the employees were not at arm's length and disregarded them in determining NV. See 19 CFR 351.403(c).

3. Sales Below the Cost of Production

On September 11, 1998, the FTC alleged that Agritab, Florisol, and Floraquin made home market sales of

certain fresh cut flowers at prices below the cost of production (COP) and requested that the Department initiate a below-cost investigation.

Upon review of the allegation with regard to Agritab, we determined that there were reasonable grounds to believe or suspect that Agritab made sales at prices below its COP, in accordance with section 773(b)(2)(A)(i) of the Act. Accordingly, we initiated a COP investigation of this company pursuant to section 773(b)(1) of the Act. With regard to Florisol and Floraquin, we determined that the FTC's allegations of below-cost sales did not provide reasonable grounds to believe or suspect that their home market sales were made at prices below COP. Therefore, we did not initiate COP investigations of Florisol and Floraquin. For a more detailed explanation of our analysis of the allegations of below-cost sales, see Memorandum from Laurie Parkhill to Richard W. Moreland (November 2, 1998).

In our COP analysis, we used the information that Agritab provided in its questionnaire responses. In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus general and administrative expenses and all costs and expenses incidental to packing the merchandise. Section 773(b)(3) of the Act provides for the inclusion of home market selling expenses in COP. However, Agritab reported that it had no selling expenses on sales of export-quality flowers in the home market. For Agritab's COP, therefore, we used zero as the actual amount of selling expenses incurred on home market sales.

After calculating the COP, in accordance with section 773(b)(1) of the Act we tested whether Agritab's home market sales of certain fresh cut flowers were made at prices below the COP. We compared the COP of each flower type to the reported home market prices less any applicable movement charges. As a result of our comparisons of prices to weighted-average COPs for the POR, we determined that all of Agritab's home market sales were below the COP and were not at prices which would permit recovery of all costs within a reasonable period of time, as defined by section 773(b)(2)(D) of the Act. Therefore, we disregarded all of Agritab's home market sales.

4. Calculation of NV

For Florisol and Floraquin, we based NV on the reported home market prices. We based home market prices for these two respondents on their packed, ex-farm or delivered prices to unaffiliated purchasers. When applicable, we made adjustments for differences in packing and for movement expenses in accordance with section 773(a)(6)(A) and (B) of the Act and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act. For comparisons to EP, we made COS adjustments by adding U.S. direct selling expenses to NV.

In accordance with section 773(a)(1)(B)(i) of the Act, we based NV on sales at the same level of trade as the EP or CEP. Since NV was always calculated at the same level of trade, we did not make any adjustments for differences in the level of trade. (See ''Level of Trade'' section below.) For Agritab, Floremit, Montana, and Ecuaclavel, in accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV in accordance with section 773(e) of the Act.

For CV, we used the cost of materials, direct labor, and overhead as reported by the respondents. Some respondents reported revenues from the sale of non-export-quality flowers. As noted above, we consider non-export-quality flowers, or culls, which are produced in conjunction with export-quality flowers, to be by-products. Therefore, we adjusted the cost of materials, direct labor, and overhead to reflect revenue from sales of the culls.

Section 773(e) of the Act also provides for the inclusion of selling, general, and administrative expenses in the calculation of CV. We used the general and administrative expenses reported by each respondent. With regard to selling expenses, all respondents reporting sales of export-quality flowers in the home market reported that they had no selling expenses. Therefore, we used zero as the actual amount of selling expenses incurred by the exporters and producers examined in this review.

With respect to profit, section 773(e)(2)(A) of the Act instructs us to calculate the amount realized in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the home market. However, for all the respondents for which we based NV on CV, it was necessary to calculate profit for CV using an alternative methodology because the calculation of profit in accordance with section 773(e)(2)(A) of the Act was not attainable from the information on the record. Specifically, for Agritab there were no home market sales above COP. For Montana, Floremit, and Ecuaclavel, the respondents do not have home market sales of the foreign like product under consideration for NV on which to calculate profit for CV. Therefore, we selected an alternative CV-profit calculation methodology for these four firms pursuant to section 773(e)(2)(B)(iii) of the Act, which permits us to use ''any other reasonable method'' to compute an amount for profit, provided that the amount does ''not exceed the amount normally realized by exporters or producers * * * in connection with the sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise.'' In reviewing the record for information on profits earned in Ecuador by producers of merchandise that is in the same general category of products as flowers, we determined that the best available sources of information are the 1997 financial statements that producers of certain fresh cut flowers from Ecuador submitted in response to section A of our questionnaire. Where there was a positive profit amount on the 1997 financial statements, we used the data to calculate an average profit rate. In order to calculate a positive amount for profit consistent with *Silicomanganese from Brazil: Final Results of Antidumping Administrative Review*, 62 FR 37877 (July 15, 1997), we disregarded financial statements of producers that incurred losses. Disregarding these financial statements enabled us to derive an ''element of profit'' as contemplated by the SAA. See SAA at 839. Furthermore, we disregarded financial statements that were not contemporaneous with sales during the POR (e.g., 1996 financial statements).

We included U.S. packing expenses in the calculation of CV. In addition, for EP sales, we made COS adjustments for direct selling expenses, where appropriate, in accordance with section 773(a)(6)(C)(iii) of the Act.

Consistent with the methodology we used in recent reviews of the order on certain fresh cut flowers from Colombia, we first converted each month's CV from Ecuadorian sucres to dollars using that month's exchange rate. We then totaled the monthly cost, expressed in dollars over the POR, and divided by the quantity of export-quality flowers sold by the producer/exporter in order to arrive at the per-stem CV in dollars. The CV was then converted to Ecuadorian sucres using the period-end exchange rate; we deflated each monthly figure to ensure a constant cost over the POR. We converted the sucre per-stem CV to dollars based on the date

of the U.S. sale, in accordance with section 773A(a) of the Act.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A and profit.

For EP, the LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP, it is the level of the constructed export sale from the exporter to the affiliated importer.

To determine whether NV sales are at a different LOT than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the farm than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP sales affect price comparability, we adjust NV under section 773(A)(7)(B) of the Act (the CEP offset provision). See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In this review, no respondent requested a LOT adjustment or a CEP offset. To determine whether a LOT adjustment was necessary, in accordance with principles discussed above, we examined information regarding the distribution systems in both the U.S. and Ecuadorian markets, including the selling functions, classes of customer, and selling expenses for each respondent. We determined that no LOT adjustment or CEP offset was necessary for any of the respondents.

For a company-specific description of our LOT analysis for these preliminary results, see the Level of Trade Memorandum from the Ecuadorian Flowers Team to Laurie Parkhill (March 26, 1999).

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act. The Department's preferred source for daily exchange rates is the Federal Reserve Bank.

Preliminary Results of Review

As a result of our comparison of EP and CEP with NV, we preliminarily determine that there are margins in the amounts listed below for the period March 1, 1997, through February 28, 1998. When a different spelling of a respondent's name appears in parentheses beside its listed name, it is because we used that alternative spelling of the name in the initiation notice.

Selected Respondents

The following six respondents received individual rates, as indicated below:

Respondent	Weighted-average margin (percent)
Agritab Cia. Ltda	1.16
Claveles de la Montana, S.A	6.18
Flores del Quinche S.A. (Flores del Qinche, S.A.)	0.00
Floricultura Ecuaclavel S.A. (Floricultural Ecuaclavel)	15.11
Florisol Cia. Ltda	0.00
Flores Mitad del Mundo, S.A	0.27

Non-Selected Respondents

The following respondents, which reported shipments of subject merchandise during the POR but were not selected for examination, will receive a weighted-average rate of 6.43 percent:

Agricola Landwork Cia. Ltda.
Agroindustrial Espialmor Ltda.
Colors from the World (Colorsfromtheworld)
Flores del Ecuador Armizo Cia. Ltda. (Armizo)
Flores La Antonia
Guala Export/Import (Guala Import)
Illinizia Flowers
Miliflowers Cia.
Nerita Flowers
Plantaciones Malima

The following respondents reported no shipments or sales of the subject merchandise during the POR. A previously-reviewed or -investigated company will retain the company-specific rate most recently assigned to it. A company not subject to the investigation or a prior review will be assigned a cash deposit rate of 5.89 percent, the adjusted ''all others'' rate from the LTFV investigation. This determination applies to the following companies:

Americflowers
Arco Valeno
Biocare Limited
Comedinsa
Comercializadora Agricola Caribe
Comprinz S.A.
Ecoflowers/Ecopacifico Cia. Ltda. (Ecoflowers)
Ecuaflor
Ecuaplanet Trading
Empagri Cia. Ltda.
Flores Barragan Rodriguez Cia. Ltda.
Florimex Verwaltung GMBH
Guanguilqui-Agro-Industrial S.A. (Guaiisa Farms)
Incaflor
Maximafarms
Navado Naranjo Ecuador
Panorama Roses S.A.
Quito Inor Flowers
Trevis S.A.
Velvet Flores Cia. Ltda. (Velvet)

Entries from the following companies will receive an adverse facts-available rate of 23.50 percent:

Ecuaplanta
San Alfonso

Interested parties may request a hearing not later than 30 days after publication of this notice. Interested parties may also submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing case briefs. Parties who submit arguments are requested to submit with each argument a statement of the issue and a brief summary of the argument. All memoranda to which we refer in this notice can be found in the public reading room, located in the Central

Records Unit, room B–099 of the main Department of Commerce building. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish the final results of this administrative review, including a discussion of its analysis of issues raised in any case or rebuttal brief or at a hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Upon completion of the final results in this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an importer/customer-specific per-stem duty-assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the quantity of subject merchandise shipped during the POR. This rate will be assessed uniformly on all entries of that particular importer/customer made during the POR. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this review, except that no cash deposit will be required if the rate is *de minimis, i.e.*, less than 0.5 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 5.89 percent, the adjusted ''all others'' rate from the less-than-fair-value investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.401(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 30, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–9612 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–833]

Notice of Postponement of Preliminary Antidumping Duty Determination: Live Cattle From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Kris Campbell, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–1442 or (202) 482–3813, respectively.

Postponement of Preliminary Determination

The Department of Commerce (the Department) is postponing the preliminary determination in the antidumping duty investigation of live cattle from Canada. The deadline for issuing the preliminary determination in this investigation is now no later than June 30, 1999.

On December 30, 1998, the Department published its initiation of an antidumping investigation of live cattle from Canada. *See Initiation of Antidumping Duty Investigations: Live Cattle from Canada and Mexico,* 63 FR 71886, 71889. The notice stated we would issue our preliminary determination by May 11, 1999.

On April 7, 1999, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended, the Ranchers-Cattlemen Action Legal Foundation (the petitioners) requested that the Department postpone the issuance of the preliminary determination in this investigation.

The petitioners' request for postponement was timely, and the Department finds no compelling reason to deny the request. Therefore, we are postponing the deadline for issuing this determination until no later than June 30, 1999.

This extension is in accordance with section 733(c) of the Act and 19 CFR 351.205(b)(2).

Dated: April 12, 1999.

Richard W. Moreland,

Deputy Assistant Secretary Import Administration.

Dated: April 12, 1999.

[FR Doc. 99–9610 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0187]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; DoD Acquisition Process (Solicitation Phase)

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through July 31, 2000. DoD proposes that OMB extend its approval for three years from approval date.

DATES: Consideration will be given to all comments received by June 15, 1999.

ADDRESSES: Written comments and recommendations on the proposed information collection requirement should be sent to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil.

Please cite OMB Control Number 0704–0187 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0187 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, at (703) 602–0131. A copy of this information collection requirement is available electronically via the Internet at:

htt;://www.acq.osd.mil/dp.dars/dfars.html

Paper copies may be obtained from Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Information Collection in Support of the DoD Acquisition Process (Solicitation Phase), OMB Control Number 0704–0187.

Needs And Uses: This information collection requirement pertains to information that an offeror must submit to DoD in response to a request for proposals or an invitation for bids. DoD uses this information to (1) evaluate offers, (2) determine which offeror to select for contract award, and (3) determine whether the offered price is fair and reasonable. DoD also uses this information in determining whether to furnish precious metals as Government-furnished material; whether to accept alternate preservation, packaging, or packing; and whether to trade in existing personal property towards the purchase of new items.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 23,986,320.

Number of Respondents: 192,173.

Responses Per Respondent: Approximately 12.

Number of Responses: 2,333,667.

Average Burden Per Response: 10.28 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection pertains to information, not separately covered by another OMB clearance, that an offeror must submit to DoD in response to a request for proposals or an invitation for bids. In particular, the information collection covers the following DFARS requirements:

- 217.70, Exchange of Personal Property. Section 217.7004, paragraph (a), of this subpart requires that solicitations which contemplate exchange (trade-in) of personal property, and application of the exchange allowance to the acquisition of similar property, shall include a request for offerors to state prices for the new items being acquired both with and without any exchange allowance.
- 217.72, Bakery and Dairy Products. Section 217.7201, paragraph (b)(2), of this subpart requires a contractor's list of cabinet equipment in the schedule of the contract, when the contractor is required to furnish its own cabinets for dispensing milk from bulk containers.
- 217.74, Undefinitized Contract Actions. Unless an exception in 217.7404–5 of this subpart applies, paragraph (b) of 217.7404–3 requires the contractor to submit a qualifying proposal in accordance with the definitization schedule of the undefinitized contract action. A ''qualifying proposal'' is defined in paragraph (c) of 217.7401 as a proposal containing sufficient information for DoD to do complete and meaningful analyses and audits of the information in the proposal and any other information that the contracting officer has determined that DoD needs to review in connection with the contract.
- 217.75, Acquisition of Replenishment Parts. Paragraph (d) of 217.7504 of this subpart permits contracting officers to include, in sole-source solicitations for replenishment parts, a provision requiring an offeror to supply, with its proposal, price and quantity data on any Government orders for the replenishment part issued within the most recent 12 months.
- 252.208–7000, Intent to Furnish Precious Metals as Government-Furnished Material. Paragraph (b) of this clause requires an offeror to cite the type and quantity of precious metals required in the performance of the contract. Paragraph (c) requires the offeror to submit two prices for each deliverable item that contains precious metals: one based on the Government furnishing the precious metals, and the other based on the contractor furnishing the precious metals.
- 252.209–7001, Disclosure of Ownership or Control by the Government of a Terrorist Country. Paragraph (c) of this provision requires an offeror to provide a disclosure with its offer if the government of a terrorist country has a significant interest in the offeror, in a subsidiary of the offeror, or in a parent company of which the offeror is a subsidiary.
- 252.211–7004, Alternate Preservation, Packaging, and Packing. Paragraph (b) of this provision requires an offeror to submit information sufficient to allow evaluation of any alternate preservation, packaging, or packing proposed by the offeror.
- 252.226–7000, Notice of Historically Black College or University and Minority Institution Set-Aside. Paragraph (c)(2) of this clause requires that, upon request of the contracting officer, the offeror will provide evidence prior to award that the Secretary of Education has determined the offeror to be a historically black college or university or minority institution.
- 252.226–7001, Historically Black College or University and Minority Institution Status. Paragraph (b) of this provision requires an offeror that is a historically black college or university or minority institution to check the appropriate block to indicate its status as such.
- 252.237–7000, Notice of Special Standards of Responsibility. Paragraph (c) of this provision requires the apparently successful offeror, under a solicitation for audit services, to give the contracting officer evidence that it is licensed by the cognizant licensing authority in the state or other political jurisdiction where the offeror operates its professional practice.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 99–9558 Filed 4–15–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army Research Laboratory, Adelphi, Maryland.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patents for non-exclusive, partially exclusive or exclusive licensing. All of the listed patents have been assigned to the United States of America as represented by the Secretary of the Army, Washington, D.C.

This patent covers a wide variety of technical arts including: A ceramic part to a semi-conductor substrate.

Under the authority of Section 11(a)(2) of the Federal Technology

Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patents listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

Title: Bonding for Silicon Carbide Directly to a Semiconductor Substrate by Using Silicon to Silicon Bonding.

Inventors: Timothy Mermagen, Judith McCullen, Robert Reams and Bohdam Dobriansky.

Patent Number: 5,877,516.

Issued Date: March 2, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Rausa, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005–5055, tel: (410) 278–5028; fax: (410) 278–5820.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–9613 Filed 4–15–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive licensing

AGENCY: U.S. Army Research Laboratory, Adelphi, Maryland.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patents for non-exclusive, partially exclusive or exclusive licensing. All of the listed patents have been assigned to the United States of America as represented by the Secretary of the Army, Washington, D.C.

This patent covers a wide variety of technical arts including: An incoherent LADAR which achieves high range resolution employing focal plane detector arrays and a Method for detecting the presence and concentration of bacterial spores in a medium.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patents listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

Title: Scannerless Ladar Architecture Employing Focal Plane Detector Arrays and FM–CW Ranging Theory.

Inventors: Barry Stann, William C. Ruff and Zoltan G. Sztankay.

Patent Number: 5,877,851.

Issued Date: March 2, 1999.

Title: Bacterial Spore Detection and Quantification Methods

Inventor: David L. Rosen.

Patent Number: 5,876,960.

Issued Date: March 2, 1999.

FOR FURTHER INFORMATION CONTACT: Norma Cammaratta, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, 2800 Powder Mill Road, Adelphi, MD 20783–1197, tel: (301) 394–2952; fax: (301) 394–5818.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–9614 Filed 4–15–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.282A]

Public Charter Schools Program (PCSP)

Notice inviting applications for new awards for fiscal year (FY) 1999.

Purpose of Program: The major purpose of the PCSP is to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for the planning, program design, and initial implementation of public charter schools; evaluation of the effects of charter schools; and the dissemination of information about charter schools and successful practices in charter schools.

Who May Apply: (a) State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools. The Secretary awards grants to SEAs to enable them to conduct charter school programs in their States. SEAs use their PCSP funds to award subgrants to ''eligible applicants,'' as defined in this notice, for planning, program design, and initial implementation of a charter school; and to support the dissemination of information about, and successful practices in, charter schools. A charter school may apply for funds to carry out dissemination activities, whether or not the charter school has applied for or received funds under the PCSP for planning or implementation, if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success , including—

(i) Substantial progress in improving student achievement;

(ii) High levels of parent satisfaction; and

(iii) The management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

(b) Under certain circumstances, an authorized public chartering agency participating in a partnership with a charter school developer. Such a partnership is eligible to receive funding directly from the U.S. Department of Education if—

(i) The SEA in its State elects not to participate in this program; or

(ii) The SEA in its State does not have an application approved under this program.

If an SEA's application is approved in this competition, applications received from non-SEA eligible applicants in that State will be returned to the applicants. In such a case, the eligible applicant should contact the SEA for information related to its subgrant competition.

Note: The following States currently have approved applications under this program: California, Colorado, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Rhode Island, Pennsylvania, South Carolina, and Texas. In these States, only the SEA is eligible to receive an award under this competition. Eligible applicants in these States should contact their respective SEAs for information about participation in the State's charter school subgrant program.

Deadline for Transmittal of Applications: June 1, 1999.

Deadline for Intergovernmental Review: June 30, 1999.

Applications Available: April 16, 1999.

Available Funds: $50,000,000.

Estimated Range of Awards:

State educational agencies: $500,000–$5,000,000 per year

Other eligible applicants: $25,000–$150,000 per year

Estimated Average Size of Awards:

State educational agencies: $3,000,000 per year

Other eligible applicants: $100,000 per year

Estimated Number of Awards:

State educational agencies: 10–15

Other eligible applicants: 20–30

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period:

State educational agencies: Up to 36 months

Other eligible applicants: Up to 36 months

Note: Grants awarded by the Secretary directly to non-SEA eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use—

(a) Not more than 18 months for planning and program design;

(b) Not more than two years for the initial implementation of a charter school; and

(c) Not more than two years to carry out dissemination activities.

Applicable Regulations and Statute: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 76, 77, 79, 80, 81, 82, 85, and 86. Title X, Part C, Elementary and Secondary Education Act of 1965 (ESEA), *as amended,* 20 U.S.C. 8061–8067.

SUPPLEMENTARY INFORMATION: As part of wider education reform efforts to strengthen teaching and learning, charter schools can be an innovative approach to improving public education and expanding public school choice. While there is no one model, public charter schools are exempted from most statutory and regulatory requirements in exchange for performance-based accountability. They are intended to stimulate the creativity and commitment of teachers, parents, students, and citizens and contribute to better student academic achievement.

Congress reauthorized the PCSP in October 1998, by enacting the Charter School Expansion Act of 1998. Under the new legislation, SEA applicants for funding are required to include in their applications descriptions of how the SEA (a) will inform each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; (b) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the charter school's first year of operation; and (c) will disseminate best or promising practices of charter schools to LEAs in the State. The new legislation also added a requirement that SEA applicants as well as charter school applicants include in their applications descriptions of how charter schools that are considered to be LEAs under State law and LEAs in which a charter school is located will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act. Additional information regarding the required contents of applications, diversity of projects, and waivers are provided in the application package for this program.

The following definitions, selection criteria, priority criteria, amount criteria, authorized uses of funds for dissemination activities, and allowable activities are taken from the Public Charter Schools statute, in Title X, Part C, of the ESEA. They are being repeated in this application notice for the convenience of the applicant.

Definitions

The following definitions apply to this program:

(a) *Charter school* means a public school that—

(i) In accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(ii) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(iii) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(iv) Provides a program of elementary or secondary education, or both;

(v) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(vi) Does not charge tuition;

(vii) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(viii) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(ix) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(x) Meets all applicable Federal, State, and local health and safety requirements;

(xi) Operates in accordance with State law; and

(xii) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(b) *Developer* means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) *Eligible applicant* means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) *Authorized public chartering agency* means a State educational agency, local educational agency, or other public entity that has the authority under State law and is approved by the Secretary to authorize or approve a charter school.

Selection Criteria for SEAs

The maximum possible score for all of the criteria in this section is 140 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an SEA, the Secretary considers the following criteria:

(a) The contribution that the charter schools grant program will make in assisting educationally disadvantaged and other students to achieve State content standards, State student performance standards, and, in general, a State's education improvement plan (20 points).

(b) The degree of flexibility afforded by the SEA to charter schools under the State's charter schools law (20 points).

(c) The ambitiousness of the objectives for the State charter school grant program (20 points).

(d) The quality of the strategy for assessing achievement of those objectives (20 points).

(e) The likelihood that the charter schools grant program will meet those objectives and improve educational results for students (20 points).

(f) The number of high quality charter schools created under this part in the State (20 points).

(g) In the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C)of the

ESEA, the quality of those activities and the likelihood that those activities will improve student achievement (20 points).

Selection Criteria for Non-SEA Eligible Applicants

The maximum possible score for all of the criteria in this section is 140 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an eligible applicant other than an SEA the Secretary considers the following criteria:

(a) The quality of the proposed curriculum and instructional practices (20 points).

(b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency to the charter school (20 points).

(c) The extent of community support for the application (20 points).

(d) The ambitiousness of the objectives for the charter school (20 points).

(e) The quality of the strategy for assessing achievement of those objectives (20 points).

(f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

(g) In the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C) of the ESEA, the quality of those activities and the likelihood that those activities will improve student achievement (20 points).

Priority Criteria

In awarding grants for FYs 1999, 2000, and 2001 from funds appropriated under section 10311 of the ESEA that are in excess of $51 million for the FY, the Secretary gives priority under this competition to States to the extent that the States meet the criteria described in paragraph (a) below, and one or more of the criteria described in paragraphs (b) through (d) below (20 points).

(a) The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

(b) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this competition.

(c) The State—

(i) Provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

(ii) In the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(d) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

Amount Criteria

In determining the amount of a grant to be awarded under this competition to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating or approved to open in the State.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds for only—

(a) Post-award planning and design of the educational program, which may include—

(i) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

(ii) Professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include—

(i) Informing the community about the school;

(ii) Acquiring necessary equipment and educational materials and supplies;

(iii) Acquiring or developing curriculum materials; and

(iv) Other initial operating costs that cannot be met from State or local sources.

Use of Funds for Dissemination Activities

A State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities. A charter school may use such funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

(a) Assisting other individuals with the planning and startup of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement.

FOR APPLICATIONS OR INFORMATION CONTACT: John Fiegel, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington, D.C. 20202–6140. Telephone (202) 260–2671. Internet address: *John—Fiegel@ed.gov*. 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.

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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. 8061–8067.

Dated: April 12, 1999.

Judith Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 99–9616 Filed 4–15–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–283–000]

Colorado Interstate Gas Company; Notice of Application

April 12, 1999.

Take notice that on April 1, 1999, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP99–283–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct an operate a fuel line in its Panhandle Field in Potter county, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

CIG states that the Texas Panhandle Field was the original producing area for CIG when the company began operations in 1928. CIG states that because of the long period of time in which the Panhandle Field has been producing, the wellhead pressure for many of the wells has decline significantly resulting in the need to install non-jurisdictional field and wellhead compression. CIG also states that as the field has depleted, the lower quality of unprocessed fuel gas from the field has caused operating and maintenance problems for various compressor stations. CIG states that in 1996, its non-jurisdictional Panhandle Field Compressor No. 1 (PFC–1) was retired from service. It is stated that this compressor compressed gas from 17 wells and CIG installed six wellhead compressors to maintain gas production from these wells. CIG states that the PFC–1 obtained its fuel gas from a raw gas line. However, CIG maintains that the lower quality of unprocessed fuel gas from the field using well production gas as fuel may cause the field compressor to be subject to pre-ignition or pre-detonation, resulting in loss of efficiency, and increased maintenance. Therefore, CIG maintains that it would be beneficial to change the operation to allow the compressor unit to consume processed fuel. In order to do so, CIG proposes to construct and operate 70 feet of 2-inch diameter fuel line that would extend from an existing fuel gas line located in Potter County, Texas, to CIG's PFC–1.

CIG estimates the cost of the facilities to be $1,000 which will be financed from funds on hand and internally generated cash from operations.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before May 3, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involve. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for CIG to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9494 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–287–030]

El Paso Natural Gas Company; Notice of Filing

April 12, 1999.

Take notice that on March 30, 1999, El Paso Natural Gas Company (El Paso) tendered for filing two firm Transportation Service Agreements (TSAs) between El Paso and Pemex Gas y Petroquimica Basica (Pemex) and Twelfth Revised Sheet No. 1 to its FERC

Gas Tariff, Second Revised Volume No. 1–A.

El Paso states the TSAs are being filed to implement two negotiated rate contracts pursuant to the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines issued January 31, 1996 at Docket Nos. RM95–6–000 and RM96–7–000.

El Paso states that it is submitting Twelfth Revised Sheet No. 1 for Commission approval since the referenced TSAs also contain payment provisions that differ from El Paso's Volume No. 1–A Tariff pursuant to Section 154.112(b) of the Commission's Regulations. The tariff sheet is proposed to become effective on May 1, 1999.

Any person desiring to protest said 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 on or before April 19, 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. 99–9498 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–109–000]

Geysers Power Company, LLC Notice of Application For Commission Determination of Exempt Wholesale Generator Status

April 12, 1999.

Take notice that on April 7, 1999, Geysers Power Company, LLC (Geysers Power) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Geysers Power is a Delaware limited liability company and an indirect wholly-owned subsidiary of Calpine Corporation. Geysers Power's eligible facilities will consist of fifteen geothermal generating units and other ancillary facilities with a combined generating capacity of 744 MW. Geysers Power states that prior to its purchase of fourteen of the generating units from Pacific Gas and Electric Company (PG&G), these facilities were part of PG&E's integrated system. Therefore, a rate or charge in connection with these facilities was in effect under the laws of California on October 24, 1992. On April 6, 1999, the Public Utilities Commission of the State of California (CPUC) mailed a final Opinion Granting Requested Authorization, D.99–04–026, which concluded that allowing these facilities to be an exempt wholesale generator within the meaning of PUHCA would benefit consumers, would be in the public interest, and would not violate California law. Geysers Power attached a copy of the CPUC D.99–04–026 to its application.

Geysers Power further states that copies of the application were served upon the California Independent System Operator Corporation, the California Power Exchange Corporation, the Securities Exchange Commission and the CPUC.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments 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). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before April 21, 1999, and must be served on the applicant. 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 or on the Internet at http://www.ferc/fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9501 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–17–000]

High Island Offshore System, L.L.C.; Notice of Compliance Filing

April 12, 1999.

Take notice that on April 7, 1999 High Island Offshore System, L.L.C. (HIOS), (formerly High Island Offshore System) in conjunction with its request to redesignate the certificate of public convenience and necessity of High Island Offshore System to reflect the new name of the pipeline—High Island Offshore System, L.L.C.—filed a complete copy of its proposed FERC Gas Tariff, Third Revised Volume No. 1 (Original Sheet Nos. 1 to 221).

High Island Offshore System, L.L.C. states that the proposed tariff is the current High Island Offshore System tariff, revised only to reflect the new name of the pipeline on the tariff sheet headings, references to page numbers and company name in the text of the tariff and to incorporate changes pending in Docket No. RP99–227–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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 protesttants 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 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. 99–9495 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–280–000]

Mid Louisiana Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 12, 1999.

Take notice that on April 7, 1999, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing, to be included in its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of May 10, 1999:

Fourth Revised Sheet No. 78
Second Revised Sheet No. 142
Third Revised Sheet No. 143
Second Revised Sheet No. 144
Third Revised Sheet No. 145
Third Revised Sheet No. 146
Fifth Revised Sheet No. 155
First Revised Sheet No. 155A
Third Revised Sheet No. 157

Mid Louisiana states that the purpose of this filing is to comply with Commission Order No. 587–H, issued July 15, 1998 in Docket No. RM96–1–008 wherein the Commission adopted, by reference, certain standardized business procedures, Version 1.2 as submitted by the Gas Industry Standards Board (GISB), delete certain obsolete standards and modify previously existing standards.

Mid Louisiana requests that the Commission grant a waiver of the filing deadline as stipulated in the Order thereby allowing the indicated tariff sheet(s) be accepted to be effective May 10, 1999.

Pursuant to Section 154.7(a)(7) of the Commission's Regulations, Mid Louisiana respectfully requests waiver of any additional requirement of the Regulations in order to permit the tendered tariff sheet to become effective May 10, 1999, as submitted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. 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. 99–9499 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. ER99–2394–000, et al.]

Nevada Power Company, et al.; Electric Rate and Corporate Regulation Filings

April 9, 1999.

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

1. Nevada Power Company

[Docket No. ER99–2394–000]

Take notice that on April 6, 1999, Nevada Power Company tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Notice of Termination of Nevada Power Company's Agreement for Power Scheduling Service with Valley Electric Association.

Copies of this filing were supplied to Valley Electric Association, the Bureau of Consumer Protection and the Public Utility Commission of Nevada.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Con Edison Solutions, Inc., Con Edison Energy, Inc., J. Aron & Company, Salem Electric, Inc., and The Mack Services Group

[Docket Nos. ER97–705–008, ER98–2491–003, ER95–34–019, ER98–2175–004, ER99–1750–001]

Take notice that on April 8, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the internet at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. New England Power Pool, ISO New England Inc. and New England Power Pool

[Docket Nos. ER99–1374–000, ER99–1609–000 and ER99–2175–000]

Take notice that on April 6, 1999, the New England Power Pool (NEPOOL) Executive Committee and ISO New England Inc. (ISO), tendered for filing a joint Notice of Market Test. NEPOOL and ISO state that the test will be conducted on April 7 through 9, 1999, prior to full activation of the NEPOOL markets.

The NEPOOL Executive Committee states that copies of these materials were sent to all participants in the New England Power Pool, the New England state governors and regulatory commissions, and to the entities identified on the service lists in the captioned proceedings.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Energy Corporation

[Docket No. ER99–2395–000]

Take notice that on April 6, 1999, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Carolina Power & Light Company (CP&L), for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on July 1, 1999.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. PJM Interconnection, L.L.C.

[Docket No. ER99–2396–000]

Take notice that on April 6, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing five executed umbrella service agreements for firm point-to-point transmission service (1) Duke Energy Trading and Marketing, L.L.C., (2) Edison Mission Marketing and Trading, Inc., (3) EME Home City Generation L.P., (4) FirstEnergy Trading and Power Marketing, Inc., and (5) Pepco Services, Inc., and four executed service agreements for non-firm point-to-point transmission service with (1) Edison Mission Marketing and Trading, Inc., (2) EME Homer City Generation L.P.; (3) FirstEnegy Trading and Power Marketing, Inc., and (4) Pepco Service, Inc., under the PJM Open Access Transmission Tariff.

Copies of this filing were served upon the parties to the service agreements.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power Corporation

[Docket No. ER99–2397–000]

Take notice that on April 6, 1999, Florida Power Corporation (FPC), tendered for filing a Power Sale Agreement for sale of 11.4 MW of capacity and associated energy to the City of Tallahassee.

FPC requests waiver of the 60-day notice requirement in order to allow the Power Sale Agreement to become effective on May 5, 1999.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Niagara Mohawk Power Corporation

[Docket No. ER99–2398–000]

Take notice that on April 6, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Florida Power & Light Company (FP&L). This Transmission Service Agreement specifies that FP&L has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and FP&L to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for FP&L as the parties may mutually agree.

Niagara Mohawk requests an effective date of March 31, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and FP&L.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER99–2399–000]

Take notice that on April 6, 1999, Niagara Mohawk (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Florida Power & Light Company (FP&L). This Transmission Service Agreement specifies that FP&L has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and FP&L to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for FP&L as the parties may mutually agree.

Niagara Mohawk requests an effective date of March 31, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and FP&L.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Niagara Mohawk Power Corporation

[Docket No. ER99–2400–000]

Take notice that on April 6, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and TransAlta Energy Marketing (U.S.), Inc. (TransAlta). This Transmission Service Agreement specifies that TransAlta has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and TransAlta to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for TransAlta as the parties may mutually agree.

Niagara Mohawk requests an effective date of March 31, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and TransAlta.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER99–2401–000]

Take notice that on April 6, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and TransAlta Energy Marketing (U.S.), Inc. (TransAlta). This Transmission Service Agreement specifies that TransAlta has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and TransAlta to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for TransAlta as the parties may mutually agree.

Niagara Mohawk requests an effective date of March 31, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and TransAlta.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Niagara Mohawk Power Corporation

[Docket No. ER99–2402–000]

Take notice that on April 6, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission an executed, amended Transmission Service Agreement between Niagara Mohawk and Niagara Mohawk Energy Marketing, Inc., (NMEM). This amended Transmission Service Agreement specifies that NMEM has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000.

Niagara Mohawk requests an effective date of April 1, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon New York Public Service Commission and NMEM.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER99–2403–000]

Take notice that on April 6, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed, amended Transmission Service Agreement between Niagara Mohawk and Niagara Mohawk Energy Marketing, Inc., (NMEM). This amended Transmission Service Agreement specifies that NMEM has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000.

Niagara Mohawk requests an effective date of April 1, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon New York Public Service Commission and NMEM.

Comment date: April 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Sithe Maryland Holdings LLC, Sithe Keystone LLC, Sithe Conemaugh LLC, Sithe Hunterstown LLC, Sithe Orrtanna LLC, Sithe Titus LLC, Sithe Warren LLC, Sithe Blossburg LLC, Sithe Tolna LLC, Sithe Mountain LLC, Sithe Piney LLC, Sithe Wayne LLC, Sithe Hamilton LLC, Sithe Shawnee LLC, Sithe Shawville LLC, Sithe Portland LLC, Sithe Seward LLC, York Haven Power Company, Sithe Gilbert LLC, Sithe Sayreville LLC, Sithe Forked River LLC, Sithe Glen Gardner LLC, Sithe Werner LLC and Sithe Power Marketing, L.P.

[Docket No. ER99–2404–000]

Take notice that on April 6, 1999, Sithe Maryland Holdings LLC, Sithe Keystone LLC, Sithe Conemaugh LLC, Sithe Hunterstown LLC, Sithe Orrtanna LLC, Sithe Titus LLC, Sithe Warren LLC, Sithe Blossburg LLC, Sithe Tolna LLC, Sithe Mountain LLC, Sithe Piney LLC, Sithe Wayne LLC, Sithe Hamilton LLC, Sithe Shawnee LLC, Sithe Shawville LLC, Sithe Portland LLC, Sithe Seward LLC, York Haven Power Company, Sithe Gilbert LLC, Sithe Sayreville LLC, Sithe Forked River LLC, Sithe Glen Gardner LLC, Sithe Werner LLC, and Sithe Power Marketing, L.P. (together Applicants), petitioned the Commission for acceptance of proposed rate schedules. Applicants request authority to make wholesale power sales, including energy and capacity, at market-based rates, requests certain blanket authorizations, and waiver of certain of the Commission's Regulations.

The Applicants intend to engage in wholesale power sales. The Applicants do not own or control and are not affiliated with any entity that owns or controls electric transmission or distribution facilities in the United States. Applicants further state that it is not affiliated with any franchised electric utility in the Untied States. Applicants conclude that any interests that its affiliates have in domestic electric generation facilities do not raise any generation market power concerns.

Applicants, except for Sithe Power Marketing, L.P., request that the tendered rate schedules become effective as of closing of a divestiture transaction with Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company. The closing is anticipated for June of 1999. Sithe Power Marketing, L.P. requests that its tendered rate schedule become effective as soon as possible.

Comment date: April 26, 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. 99–9549 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–48–000, et al.]

Sempra Energy and KN Energy Inc., et al.; Electric Rate and Corporate Regulation Filings

April 8, 1999.

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

1. Sempra Energy and KN Energy, Inc.

[Docket No. EC99–48–000]

Take notice that on April 6, 1999, Sempra Energy and KN Energy, Inc. submitted, in support of their request for approval in the above-captioned proceeding of their proposed merger, copies of the applications they filed with the Public Utilities Commission of Colorado and the Public Service Commission of Wyoming.

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

2. J.L. Walker & Associates, Eclipse Energy, Inc., American Power Exchange, Inc., Power Exchange Corporation, Enpower Inc., and Phibro Inc.

[Docket Nos. ER95–1261–015, ER94–1099–020, ER94–1578–018, ER95–72–018, ER95–1752–010 and ER95–430–019]

Take notice that on April 5, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the internet at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Western States Power Providers, Inc. and CC Energy Corporation

[Docket Nos. ER95–1459–014 and ER96–1819–010]

Take notice that on April 7, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the internet at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. Vanpower, Inc., Prairie Winds Energy, The Furst Group, Inc., NAP Trading and Marketing, Inc., EMC Gas Transmission Company, EnerConnect, Inc., Kaztex Energy Ventures, Inc., and Tennessee Power Company

[Docket Nos. ER96–552–013, ER95–1234–012, ER98–2423–002, ER95–1278–010, ER96–2320–011, ER96–1424–010, ER96–1424–011, ER95–295–018 and ER95–581–016]

Take notice that on April 6, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the internet at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. Energy PM, Inc. and Wilson Power & Gas Smart, Inc.

[Docket Nos. ER98–2918–003 and ER95–751–017]

Take notice that on April 1, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and

copying in the Public Reference Room or on the internet at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

6. Energy Sales Network, Incorporated

[Docket No. ER99–2233–000]

Take notice that on March 22, 1999, Energy Sales Network, Incorporated (ENERGY) filed a quarterly report for the quarter ending on March 31, 1999. ENERGY also filed a notice of cancellation of rate schedule no. 1 in the same filing.

Comment date: April 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Pool

[Docket No. ER99–2335–000]

Take notice that on April 5, 1999, the New England Power Pool (NEPOOL) Executive Committee tendered for filing a Supplemental Filing to NEPOOL's proposals for a Congestion Management System and Multi-Settlement System that was filed with the Commission on March 31, 1999.

The NEPOOL Executive Committee states that copies of these materials were sent to all Participants in the New England Power Pool and to the New England state governors and regulatory commissions.

Comment date: April 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Avista Corporation

[Docket No. ER99–2389–000]

Take notice that on April 5, 1999, Avista Corporation, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR Part 35 of the Commission Rules and Regulations, an executed Long Term Service Agreement under Avista Corporation's FERC Electric Tariff First Revised Volume No. 9 with Illinova Energy Partners.

Avista Corporation requests waiver of the prior notice requirements and that the executed Long Term Service Agreement be accepted for filing effective April 1, 1999.

Notice of the filing has been served upon Illinova Energy Partners.

Comment date: April 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Automated Power Exchange, Inc.

[Docket No. ER99–2390–000]

Take notice that on April 5, 1999, Automated Power Exchange, Inc. (APX), tendered for filing a revision to its Supplement No. 1, to APX Rate Schedule No. 2.

APX requests that its revised Supplement No. 1 to APX Rate Schedule No. 2, be accepted to become effective as of May 1, 1999.

Comment date: April 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Mid-Continent Area Power Pool

[Docket No. ER99–2391–000]

Take notice that on April 5, 1999, the Mid-Continent Area Power Pool (MAPP), on behalf of its Members that are subject to Commission jurisdiction as public utilities under Section 201(e) of the Federal Power Act, tendered for filing amendments to MAPP Schedule F to (I) add provisions to assess charges for unauthorized use of service at two times the normal rate, (ii) add confirmation times for firm and non-firm service, and (iii) provide the MAPP Contractor with the power to waive the reservation timing requirements for Firm Capacity Transmission Service and Reserved Non-Firm Service immediately following a declared emergency.

Comment date: April 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Peco Energy Company

[Docket No. ER99–2392–000]

Take notice that on April 5, 1999, PECO Energy Company (PECO), tendered for filing a Service Agreement dated March 31, 1999 with Strategic Energy Ltd. (SEL) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds SEL as a customer under the Tariff.

PECO requests an effective date of March 31, 1999, for the Service Agreement.

PECO states that copies of this filing have been supplied to SEL and to the Pennsylvania Public Utility Commission.

Comment date: April 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER99–2393–000]

Take notice that on April 5, 1999, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric Power Company (collectively referred to as Operating Companies), tendered for filing information concerning the accrual of post-retirement benefits other than pensions as set forth in Statement of Financial Accounting Standard No. 106 by the Financial Accounting Standards Board in agreements and tariffs of the Operating Companies (jointly and individually).

Comment date: April 23, 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. 99–9548 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9974–040]

Rough and Ready Hydro Inc., Notice of Availability of Draft Environmental Assessment and Soliciting Comments

April 12, 1999.

A draft environmental assessment (DEA) is available for public review. The DEA is for the proposed revocation of exemption from licensing for the Upper Watertown Hydroelectric Project (FERC No. 9974). The DEA finds that the proposed revocation would not constitute a major federal action significantly affecting the quality of the human environment. The Upper Watertown Hydroelectric Project is located on the Rock River in the City of Watertown, Jefferson County, Wisconsin.

The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the DEA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, N.E., Washington, D.C. 20426. Copies can also be obtained by calling the project

manager, Bob Fletcher at (202) 219–1206 or viewed on the web at http://www.ferc.fed.us/online/rims.htm. Please call (202) 208–2222 for assistance.

Please submit any comments on the DEA within 60 days from the date of this notice. A public meeting will be scheduled to allow public input into the preparation of the final EA. The date and place of the meeting has yet to be determined, but will occur in the vicinity of the project. Parties to the proceeding will be notified as to the date, time, and place of the meeting. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation. Comments should be addressed to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix Project No. 9974–040 to all comments.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9496 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–277–000]

Northwest Pipeline Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Bonneville Emergency Realignment Project and Request for Comments on Environmental Issues

April 12, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the North Bonneville Emergency Realignment Project involving construction, operation, and abandonment of facilities by Northwest Pipeline Corporation (Northwest) in Skamania County, Washington.[1] These facilities consist of replacing about 500 feet of 26-inch-diameter pipeline destroyed in a landslide incident on February 26, 1999, with about 2,200 feet of 26-inch-diameter pipeline on a route which circumbents the landslide area and a new mainline valve. About 1,390 feet of temporary 16-inch-diameter pipeline would also be abandoned.

This EA will be used by the Commission in its decision-making process to determine 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 to eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.[2]

Summary of the Proposed Project

Due to the landslide, Northwest must permanently replace a short unlooped section of its mainline system in Skamania County, Washington, Northwest seeks authority to:

- Abandon in place about 1,340 feet of existing 26-inch-diameter mainline;
- Replace this portion of pipeline with about 2,200 feet of 26-inch-diameter pipeline in a new right-of-way due south of the existing mainline;
- Abandon by removal about 1,390 feet of 16-inch-diameter pipeline temporarily installed on the ground surface atop the landslide; and
- Permanently operate a new mainline block valve installed on an emergency basis immediately west of the landslide.

The location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would require about 5.6 acres of land. Following construction, about 2.5 acres would be maintained as new right-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call the ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposal and encourage them to comment on their areas of concern.

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

- Geology and soils.
- Vegetation and wildlife.
- Endangered and threatened species.
- Water resources, fisheries, and wetlands.
- Land use.
- Public safety.
- Cultural resources.

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. Because of the emergency nature of Northwest's proposal, we are limiting our scoping period to 20 days from the date this notice is issued, and plan to conduct our assessment on an expedited basis.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be mailed to commenting individuals once the Commission acts on Northwest's filing.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 4.

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

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

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northwest. This preliminary list of issues may be changed based on your comments and our analysis.

- Seven federally listed endangered or threatened species may occur in the proposed project area; and
- Three waterways would be crossed by the proposed project.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, you concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific you 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., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- Reference Docket No. CP99–277–000; and
- Mail your comments so that they will be received in Washington, DC on or before May 3, 1999.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision. You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. For assistance with access the RIMS, the RIMS helpline can be reached at (202) 208–2222. Access to the texts 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9500 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Extension of Time To Commence and Complete Project Construction and Soliciting Comments, Motions To Intervene, and Protests

April 12, 1999.

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

a. Application Type: Request for Extension of Time to Commerce and Complete Project Construction

b. Project No.: 10648

c. Date Filed: February 10, 1999

d. Applicant: Adirondack Hydro Development Corporation and McGrath Industries, Inc.

e. Name of Project: Waterford Hydroelectric Project

f. Location: On the Hudson River, in Saratoga and Rensselear Counties, New York. The project does not utilize federal or tribal lands.

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

h. Applicant Contact: Mr. Keith F. Corneau, Director, Adirondack Hydro Development Corporation, Environmental/Regulatory Affairs, 39 Hudson Falls Road, South Glens Falls, NY 12803 (518) 747–0930

i. FERC Contact: Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 219–2671, or e-mail address: lynn.miles@ferc.fed.us.

j. Deadline for filing comments and or motions: May 17, 1999

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426

Please include the project number (10648–005) on any comments or motions filed.

k. Description of Request: The licensee requests that the deadline for commencement of construction for FERC Project No. 10648–005 be extended to June 9, 2001. The deadline for completion of construction would be extended to June 9, 2003. The licensee also requests that a two-year extension of the deadline to enter into an agreement with the State of New York for access to lands administered by the State, as required by article 305.

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, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on 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. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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 any 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. 99–9497 Filed 4–15–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6327–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Approval of State Coastal Nonpoint Pollution Control Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Approval of State Coastal Nonpoint Pollution Control Programs, EPA ICR Number 1569.04, OMB Control Number 2040–0153, expiring on July 31, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 17, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1569.04.

SUPPLEMENTARY INFORMATION:

Title: Approval of Coastal Nonpoint Pollution Control Programs (OMB Control No. 2040–0153; EPA ICR No. 1569.04) expiring July 31, 1999. This is a request for extension of a currently approved collection.

Abstract: Under the provisions of the national Program Development and Approval Guidance implementing section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) which was jointly developed and published by EPA and the National Oceanic and Atmospheric Administration (NOAA), 24 coastal states and 5 coastal territories with Federally approved Coastal Zone Management Programs have developed and submitted to EPA and NOAA Coastal Nonpoint Pollution Programs. All the submitted programs have been conditionally approved by EPA and NOAA. The conditional approvals will require states and territories to submit additional information in order to obtain final program approval. Recent administrative changes mutually agreed to by states, territories, EPA and NOAA are expected to expedite the final approval process. CZARA section 6217 requires states and territories to obtain final approval of their Coastal Nonpoint Pollution Programs in order to retain their full share of funding available to them under section 319 of the Clean Water Act and section 306 of the Coastal Zone Management Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 23, 1998 (63 FR 71114); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 125 hours per response. 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 information.

Respondents/Affected Entities: 24 States and 5 Territories.

Estimated Number of Respondents: 29.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 3,625.

Estimated Total Annualized Cost Burden: $0.

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 following addresses. Please refer to EPA ICR No. 1569.04 and OMB Control No. 2040–0153 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OP Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: April 9, 1999.

Joseph Retzer,

Director, Regulatory Information Division .

[FR Doc. 99–9599 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6327–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Collection of Information for the Office of Mobile Sources' National Communications and Outreach Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: EPA ICR No. 1833.01: ''Collection of Information for the Office of Mobile Sources'' National Communications and Outreach Program.'' As this is a new ICR. The ICR describes the nature of the information collection and its expected burden and cost.

DATES: Comments must be submitted on or before May 17, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1833.01.

SUPPLEMENTARY INFORMATION:

Title: EPA ICR No. 1833.01: ''Collection of Information for the Office of Mobile Sources'' National Communications and Outreach Program.'' This is a new collection.

Abstract: EPA's Office of Mobile Sources (OMS) and its partners in Federal, State, and local air and transportation agencies are working to increase public awareness of air quality, the impact of mobile sources, and the choices individuals can make to help solve the problem of air pollution. As part of this effort, EPA will be sponsoring communications and outreach activities at the State and local and national levels. At the State and local level, EPA will be providing funds (through cooperative agreements) to State/local government agencies for a series of community-based communications and outreach projects. At the national level, EPA will be conducting a series of communications and outreach projects. Participation in these information collection activities will be strictly voluntary.

Before expending limited Federal resources on projects at either level, EPA intends to collect information (either directly, or through its State/local agency partners) that will help to determine the most effective and appropriate means of providing public education. Prior to conducting communications and outreach projects at the State and local level, State and local agencies will conduct focus groups or telephone surveys to aid in the development of appropriate and effective communications and outreach materials and strategies. Post-project focus groups or telephone surveys also will be conducted to evaluate the effectiveness of these projects.

Prior to conducting communications and outreach projects on the national level, EPA will evaluate the nature and extent of existing communications and outreach projects by sending questionnaires to State/local government agencies. This will minimize any duplication of effort between projects conducted at the national and State/local levels. EPA also will conduct pre-project focus groups or telephone surveys with the general public to gauge public awareness of mobile source issues, identify information needs, and aid in the development of appropriate and effective communications and outreach materials; and post-project focus groups or telephone surveys to evaluate the effectiveness of OMS'' communications and outreach projects.

An agency may not conduct of sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 30, 1997 (62 FR 67861); Two comments were received.

Burden Statement: The annual reporting burden to the individuals (there is no recordkeeping burden) for this collection of information is estimated to average 2 hours for participants in focus groups, 10 minutes for participants in telephone surveys, and 30 minutes for respondents filling out questionnaires. Annual burden for state/local agencies is estimated to be 196 hours for each focus group project with operating and maintenance (O and M) costs of $1,300 per project. State/local agency burden for each telephone survey project is estimated to be 428 hours with O and M costs of $250 per project. 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.

Respondents/Affected Entities: General public, State and local government agencies.

Estimated Number of Respondents: 8,880 annually; 26,640 over three years.

Frequency of Response: One-time.

Estimated Total Annual Hour Burden: 16,770 hours.

Estimated Total Annualized operating and Maintenance Cost Burden: $55,000.

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 following addresses. Please refer to EPA ICR No. 1833.01 in any correspondence. Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: April 9, 1999.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 99–9600 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6325–1]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer Confidential Business Information (CBI) to its contractor, Dyncorp Information and Engineering Technology (Dyncorp, Inc.), and its subcontractor: DPRA, Inc. These data pertain to the quantities of hazardous waste generated or received, and the disposition of those wastes. These data have been or will be submitted to EPA pursuant to the Biennial Reporting requirements of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended. Some of the information may have a claim of business confidentiality. Dyncorp, Inc., and its subcontractor are assisting EPA in assessing the quality of the Biennial Report data, establishing a national data bases on hazardous waste generation and management, and in developing ''The National Biennial RCRA Hazardous Waste Report.''

DATES: Transfer of confidential data submitted to EPA will occur no sooner than April 26, 1999.

ADDRESSEES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments should be identified as ''Transfer of Confidential Data.''

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Document Control Officer, Office of Solid Waste (5305W),

U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 703–308–7909.

SUPPLEMENTARY INFORMATION:

1. Transfer of Confidential Business Information

The U.S. Environmental Protection Agency is using biennial report data to establish a national data base on hazardous waste generation and management. These data will be used to characterize the demographics of and trends in hazardous waste generation and management. Under EPA Contract No. GS–35F–4594G, Dyncorp, Inc., and its subcontractor will assist the Information Management Branch, Communications, Information, and Resources Management Division, Office of Solid Waste, in accessing the quality of the Bienial Report data, establishing the National Biennial Report data base, and preparing the national report based on those analyses. Some of the information being transferred may be claimed as Confidential Business Information (CBI).

In accordance with 40 CFR 2.305(h), EPA has determined that Dyncorp, Inc., and its subcontractor require access to CBI submitted to EPA under the authority of RCRA to perform work satisfactory under the above noted contract.

EPA is issuing this notice to inform all submitters of CBI on the 1989, 1991, 1993, 1995 and 1997 Hazardous Waste Report Forms (EPA Form 8700–13 A/B), or State developed biennial report forms, that EPA may transfer to these firms, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, Dyncorp, Inc., and its subcontractor will return all material to EPA.

Dyncorp, Inc., and its subcontractor have been authorized to have access to RCRA CBI under the EPA ''Contractor Requirements for the Control and Security of 2 of 3 RCRA Confidential Business Information Security Manual.'' EPA will approve the security plans of the contractors to ensure that their facilities comply with security procedures outlined in the security manual prior to RCRA CBI being transmitted to the contractors. Contractor personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to confidential information.

Dated: April 2, 1999.

Matthew Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 99–9474 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6241–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed April 05, 1999 Through April 09, 1999

Pursuant to 40 CFR 1506.9.

EIS No. 990112, final EIS, SFW, MO, Big Muddy National Fish and Wildlife Refuge (Big Muddy Refuge) Expansion and Land Acquisition, Missouri River Basin, Several Counties, MO, Due: May 03, 1999, Contact: Judy McClendon (573) 222–6001. This Notice of Availability (NOA) should have appeared in the 03/19/1999 FR. The Wait Period is Calculated from 03/19/1999. Publication of the NOA was Delayed Pending Resolution of an Administrative Problem with the Draft Supplemental EIS.

EIS No. 990113, Draft EIS, FAA, CA, San Jose International Airport Master Plan Update, Improvements include Extension of Runway 12R/30L from 10,200 ft to 11,000 ft; Extension of Runway 12L/30R, Airport Layout Plan, City of San Jose, Santa Clara County, CA, Due: June 01, 1999, Contact: Elisha Novak (650) 876–2938.

EIS No. 990114, Draft EIS, FHW, CT, CT–2/2A/32 Transportation Improvement Study, Funding, Coast Guard Bridge Permit, NPDES Permit, COE Section 10 and 404 Permit, New London County, CT, Due: June 11, 1999, Contact: Donald J. West (860) 659–6703.

EIS No. 990115, Draft EIS, SFW, WI, Karner Blue Butterfly Habitat Conservation Plan State-wide, Application for an Incidental Take Permit, Several Counties, WI, Due: June 01, 1999, Contact: Lisa Mandell (612) 713–5343.

EIS No. 990116, FINAL EIS, NRC, UT, Uranium Mill Tailings Reclamation at Atlas Site, License Amendment Request for existing License No. SUA–917 along the Colorado River near Moab, UT, Due: May 17, 1999, Contact: Myron Fliegel (301) 415–6629.

EIS No. 990117, Draft EIS, USN, CA, Alameda Naval Air Station and Fleet and Industrial Supply Center, Disposal and Reuse, Alameda Annex and Facility, City of Alameda and Alameda County, CA, Due: June 01, 1999, Contact: Jerry Hemstock (650) 244–3023.

EIS No. 990118, Draft EIS, DOE, NM, Sandia National Laboratories/New Mexico (SNL), Continue Operation, Site-Wide (DOE/EIS–0281), Albuquerque, NM, Due: June 15, 1999, Contact: Julianne Levings (888) 635–7305.

EIS No. 990119, Final EIS, TVA, TN, Columbia Dam Component of the Duck River Project, Implementation, Use of Lands Acquired, Possible COE Section 404 Permit, Maury County, TN, Due: May 17, 1999, Contact: Daniel H. Ferry (423) 632–8876.

EIS No. 990120, Draft EIS, AFS, MT, Tobacco Root Vegetation Management Plan, Restore and Maintain a Mix Vegetation, Beaverhead-Deer Lodge National Forest, Madison Ranger District, Madison County, MT, Due: June 01, 1999, Contact: Jan M. Bowey (406) 842–5432.

Amended Notices

EIS No. 990029, Draft EIS, FAA, OH, Toledo Express Airport (TOL), Proposed Noise Compatibility Plan Air Traffic Actions and Proposed Aviation Related Industrial Development, Airport Layout Plan and Funding, Lucas County, OH, Due: April 30, 1999, Contact: Wally Welter (847) 294–8091.

Published FR 02–05–99 Review Period Extended.

EIS No. 990040, Draft EIS, FHW, MD, MD–32 Planning Study, Transportation Improvement from MD 108 to Interstate 70, Funding, NPDES Permit and COE Section 404 Permit, Howard County, MD, Due: May 19, 1999, Contact: Pamela S. Stephenson (410) 962–4342.

Published FR 02–19–99—Review Period extended.

Dated: April 13, 1999.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 99–9591 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6241–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 22, 1999 Through March 26, 1999 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1998 (63 FR 17856).

Draft EISs

ERP No. D–AFS–J65288-CO Rating EC2, Uncompahgre National Forest Travel Plans Revision, Implementation, Grand Mesa, Uncompahgre and Gunnison National Forests, Garrison, Hinsdale Mesa, Montrose, Ouray and San Juan Counties, CO.

Summary: EPA expressed environmental concerns about potential adverse impacts to wetlands and water quality. EPA requested that the final EIS include additional measures and information regarding Forest Plan implementation.

ERP No. D–AFS–J65295–MT Rating EC2, Clancy-Unionville Vegetation Manipulation and Travel Management Project, Implementation, Helene National Forest, Helena Ranger District, Lewis and Clark and Jefferson Counties, MT.

Summary: EPA expressed environmental concerns about adverse impacts to water and air quality and fisheries and wildlife habitat.

ERP No. D–AFS–J65296–MT Rating EC2, Swamp Timber Sales Project, Implementation, Kootenai National Forest, Fortine Ranger District, Lincoln County, MT.

Summary: EPA expressed environmental concerns about potential short-term risks to Swamp and Edna Creeks, listed as threatened or impaired by the State of Montana and from proposed timber harvest and road construction.

ERP No. D–BLM–K65213–NV Rating EC2, Sonoma-Gerlach and Paradise-Denio Management Framework Plans Amendment, Implementation of Management of the Black Rock Desert, Humboldt, Pershing and Washoe Counties, NV.

Summary: EPA expressed environmental concerns with the proposed ''common pool'' system for permitting large-scale events. Cumulative impacts to the playa surface, and other sensitive resources should be addressed in the final EIS.

ERP No. D–DOA–K36126–HI Rating EC2, Lower Hamakua Ditch Watershed Plan, To Provide a Stable and Affordable Supply of Agricultural Water to Farmer and Other, COE Section 404 Permit, Watershed Protection and Flood Prevention, Hawaii County, HI.

Summary: EPA expressed environmental concerns with minimal in-stream base flows and the dewatering of sources. EPA suggests that evaluations of water rights; equitable water allocations as well as environmental consequences of the other, non-selected alternatives.

ERP No. D–NPS–G61039–TX Rating LO, Lyndon B. Johnson National Historical Park, Package 227, General Management Plan, Implementation, Blanco and Gillespie Counties, TX.

Summary: EPA expressed lack of objections.

ERP No. D–NPS–G65068–LA Rating LO, New Orleans Jazz National Historical Park, General Management Plan, Implementation, City of New Orleans, Parish of Orleans, LA.

Summary: EPA expressed lack of objections.

ERP No. D–NPS–K65212–CA Rating LO, Mojave National Preserve General Management Plan, Implementation, San Bernardino County, CA.

Summary: EPA expressed lack of objections.

ERP No. DR–NPS–L61160–AK Rating LO, Legislative—Lower Sheejek River, Revised/Updated Information, Designation and Non-Designation for inclusion in the National Wild and Scencic River System, Tributary of the Porcupine River, Yukon Flats National Wildlife Refuge, AK.

Summary: EPA expressed lack of objections.

ERP No. DS–NPS–K61123–CA Rating LO, Backcounty and Wilderness Management Plan, Additional Information, General Management Plan Amendment, Joshua Tree National Park, Riverside and San Bernardino Counties, CA.

Summary: EPA expressed lack of objections.

Final EISs

ERP No. F–AFS–K65195–CA Desolation Wilderness Management Guidelines Revisions for the Eldorado National Forest and the Lake Tahoe Basin Management Unit (LTBMU), Limits of Acceptable Change (LAC), Eldorado County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–AFS–L65202–AK Crystal Creek Timber Harvest, Implementation the 1997 Tongass Land Management Plan, Stikine Area, Tongass National Forest, AK.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–BLM–K65204–AZ Hualapai Mountain Land Exchange/Plan Amendment, Implementation, Kingman and Dutch Flat, Mohave County, AZ.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory.

ERP No. F–COE–K39051–CA Los Angeles County Drainage Area (LACDA) Water Conservation and Supply and Santa Fe—Whittier Narrows Dams Feasibility Study, Implementation, Los Angeles County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–DOE–G06010–NM Los Alamos National Laboratory Continued Operation Site-Wide, Implementation, Los Alamos County, NM.

Summary: Review of the FEIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–NPS–J61099–UT Capitol Reef National Park, Implementation, General Management Plan, Development Concept Plan, Emery, Garfield, Sevier and Wayne Counties, UT.

Summary: EPA expressed environmental concerns due to potential adverse impacts of non-point source pollution from herbicides used to control noxious weeds.

ERP No. FS–AFS–K65193–NV Griffon Mining Project, Implementation, Updated Information, Revision for Expanding Gold Mining, Plan of Operations, Humboldt-Toiyabe National Forests, Ely Ranger District, White Pine County, NV.

Summary: EPA expressed continuing objections about potential adverse impacts to water quality and requested that modifications to the ROD or stipulations in Supplement Plan of Operations be implemented to ensure the proposed water quality mitigation measures, especially stream fencing contingency mitigation, occur prior to project initiation.

ERP No. FS–COE–L36011–00 Columbia and Lower Willamette River

Federal Navigation Channel, Integrated Dredge Material Management Study, OR and WA.

Summary: EPA expressed environmental concerns that the EIS lacks information regarding dredged disposal sites, EPA expressed environmental concerns that the EIS lacks information regarding dredged disposal sites, impacts of the new channel and sediment regimes, cumulative impacts, commitments to implement Ecosystem Restoration measures, and evaluation of relationship between proposed dredging activities and future decision on draw down on the Columbia and Snake Rivers.

Dated: April 13, 1999.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 99–9592 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6326–7]

Clean Air Act Advisory Committee: Accident Prevention Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Clean Air Act section 112(r) required EPA to publish regulations to prevent accidental releases of chemicals and to reduce the severity of those releases that do occur. These accidental release prevention requirements build on the chemical safety work begun by the Emergency Planning and Community Right-to-Know Act (EPCRA) which sets forth requirements for industry, State and local governments. On June 20, 1996, EPA published the final rule for risk management programs to address prevention of accidental releases.

An estimated 66,000 facilities are subject to this regulation based on the quantity of regulated substances they have on-site. Facilities that are subject will be required to implement a risk management program at their facility, and submit a summary of this information to a central location specified by EPA. This information will be helpful to State and local government entities responsible for chemical emergency preparedness and prevention. It will also be useful to environmental and community organizations, and the public in understanding the chemical risks in their communities. In addition, we hope the availability of this information will stimulate a dialogue between industry and the public to improve accident prevention and emergency response practices.

The Accident Prevention Subcommittee was created in September 1996 to advise EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) on these chemical accident prevention issues, specifically, section 112(r) of the Clean Air Act.

DATES: The Accident Prevention Subcommittee of the Clean Air Act Advisory Committee will hold a public meeting on May 5, 1999 from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Hall of States (Room 335), 444 North Capitol St., NW, Washington D.C., near Union Station. Members of the public are welcome to attend in person.

FOR FURTHER INFORMATION CONTACT: Members of the public desiring additional information about this meeting, should contact Karen Shanahan, Designated Federal Official, U.S. EPA (5104), 401 M. St., SW, Washington DC 20460, via the Internet at: shanahan.karen@epamail.epa.gov, by telephone at (202) 260–2711 or FAX at (202) 401–3448.

SUPPLEMENTARY INFORMATION:

Agenda

Opening Remarks—Jim Makris (8:30–9:00)
RMP Implementation Workgroup Update (9:00–10:30)
Availability of RMP Data (10:45–12:00)
Epidemiology Study by the Wharton School (1:30–2:30)
Looking Beyond June 21, 1999 * * * (2:30–4:00)
Comments from the Public (4:00–4:30)

Members of the public who wish to make a brief oral presentation in person in Washington DC to the Subcommittee at the meeting, must contact Karen Shanahan in writing (by letter, fax, or email—see previously stated information) no later than April 28, 1999, in order to be included on the agenda. Written comments may be submitted to the Accident Prevention Subcommittee up through the date of the meeting. Please address such material to Karen Shanahan at the above address.

The Accident Prevention Subcommittee expects that public statements presented at its meetings will not be repetitive or previously submitted oral or written statements. In general, opportunities for oral comment will be limited to no more than three minutes per speaker and no more than thirty minutes total. Written comments (twelve copies) received sufficiently prior to a meeting date (usually one week prior to a meeting or teleconference), may be mailed to the Subcommittee prior to its meeting.

Additional information on the Accident Prevention Subcommittee is available on the Internet at: http://www.epa.gov/swercepp/acc-pre.html

If you would like to automatically receive future information on the Accident Prevention Subcommittee and its Workgroups by email, you can subscribe to the EPA–RMP Listserve by sending the following message to listserver@unixmail.rtpnc.epa.gov: SUBSCRIBE EPA–RMP <Your firstname> <Your lastname>

Example: SUBSCRIBE EPA–RMP John Smith

Karen Shanahan,

Designated Federal Official.

[FR Doc. 99–9597 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6324–6]

Safe Drinking Water Act 25th Anniversary—Futures Forum ''Research 2025'' Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is holding a public meeting on May 4, 1999, beginning at 9:00 am. at Resolve, 23rd Street, NW, Suite 275, Washington, DC, for the purpose of information exchange with stakeholders and the general public to discuss the research needs of the national drinking water program. 1999 marks the 25th anniversary of the Safe Drinking Water Act (SDWA). Originally enacted as Title XIV of the Public Health Act, the SDWA remains a significant landmark in public health protection in the 20th century. EPA and many prominent stakeholder groups are marking this anniversary with a variety of events. The overall theme for the anniversary is ''Protect Our Health from Source to Tap''. The year long event will, celebrate achievements in reducing waterborne disease illnesses and deaths, educate the public about the quality of their drinking water and ways that they can assist in ensuring its' future safety; evaluate the status of program goals, progress, and needs; plan near and long

term goals and objectives; and initiate critical actions and projects.

In pursuit of these objectives, EPA and a number of partners launched a Drinking Water Futures Forum to evaluate the challenges facing the nation in ensuring a safe supply of drinking water for the next 25 years.

To answer the overriding question of ''How can we ensure safe drinking water in 25 years?'', the Futures Forum has selected seven critical areas to address. The areas chosen are: Treatment Technologies, Unserved Populations, Cost, Source Water, Vulnerable Subpopulations, Small Systems and Research. The goal is that by December 16, 1999, consensus will be reached on the most important issues and recommendations presented by the Futures Forum. The deliberations will be guided by four questions:

1. What science and research are necessary to achieve public health objectives, satisfy SDWA standards for sound science, and meet statutory requirements and deadlines in the areas of health effects, treatment and distribution systems, exposure, analytical methods and special issues (i.e., sensitive subpopulations, mixtures)?

2. What level of research investment is adequate to address near and long term needs?

3. What is the most efficient, effective and timely combination of public and private efforts to undertake, coordinate and manage the necessary drinking water research and data collections?

4. If there is a gap between programmatic research needs and available resources, what is the best way for EPA and interested stakeholders to decide on priorities?

EPA is inviting all interested members of the public to participate in the meeting. As with all previous meetings in this process, to the extent that is available, EPA is instituting an open door policy to allow any member of the public to attend any of the meetings for any length of time. Seats will be available on a first-come, first served basis.

DATES: The meeting will start at 9:00 AM on May 4 and will adjourn on May 4 at 5:00 PM.

ADDRESSES: For additional information about the meeting, please contact William R. Diamond, at 202–260–7575 of EPA's Office of Ground Water and Drinking Water at (202) 260–7575 or Joan Harrigan Farrelly at 202–260–6672 or by e-mail at *Farrelly.Joan@epamail.epa.gov.*, Questions may also be sent to William R. Diamond, U.S. EPA (4607), Office of Ground Water and Drinking Water, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Joan Harrigan Farrelly, U.S. EPA, Office of Ground Water and Drinking Water, telephone 202–260–6672.

Dated: April 7, 1999.

William R. Diamond,

Director, Standards and Risk Management Division, Office of Ground Water and Drinking Water.

[FR Doc. 99–9475 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6327–1]

National Drinking Water Advisory Council Notice of Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S3300f *et seq.*), will be held on May 5, 1999, from 3:00 p.m. until approximately 9:00 p.m., and on May 6, 1999, from 8:30 a.m. until approximately 5:30 p.m. at the State Game Lodge, Custer State Park, Custer, South Dakota. The major focus of this meeting is on small and Tribal public water supply systems, action on the reports from the Underground Injection Control/Source Water and Right to Know Working Groups, and updates on the Environmental Protection Agency's (EPA) upcoming regulations.

The meeting is open to the public. The Council encourages the hearing of outside statements and will allocate one hour for this purpose. Oral statements will be limited to five minutes, and it is preferred that only one person present the statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 260–2285 before April 30, 1999.

Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received prior to the meeting will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Members of the public that would like to attend the meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, D.C. 20460. The telephone number is Area Code (202) 260–2285 or E-Mail *shaw.charlene@epa.gov*.

Dated: April 13, 1999.

Elizabeth J. Fellows,

Deputy Director, Office of Ground Water and Drinking Water.

[FR Doc. 99–9598 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6324–7]

Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold its Executive Committee Meeting.

DATES: The meeting will be held on April 29–30, 1999.

ADDRESSES: The meeting will be held at the Double Tree Hotel Park Terrace, 1515 Rhode Island Avenue, NW., Washington, DC. On Thursday, April 29, the meeting will begin at 9:00 a.m., and recess at 4:30 p.m., and on Friday, April 30, the meeting will begin at 9:00 a.m. and will adjourn at 12:00 Noon. All times noted are Eastern Time.

SUPPLEMENTARY INFORMATION: Agenda items will include, but not limited to: State of ORD, STAR Review, a working session on Particulate Matter, and a presentation on Stakeholder Involvement in ORD's FY2000 Strategic Plan Development. Anyone desiring a draft BOSC agenda may fax their request to Shirley R. Hamilton, (202) 565–2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, Office of Research and Development (8701R), 401 M Street, SW., Washington, DC 20460; or by telephone at (202) 564–6853. In general,

each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA (MC 8701R), 401 M Street, SW., Washington, DC 20460, (202) 564–6853.

Dated: April 6, 1999.

Peter W. Preuss, Ph.D.,

Director, National Center for Environmental Research and Quality Assurance.

[FR Doc 99–9471 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–RG1; FRL–6075–5]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; States of Connecticut, Maine, Massachusetts, and Vermont Authorization Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On November 16, 1998, Maine and Massachusetts submitted applications for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Connecticut submitted its application for EPA approval on November 30, 1998. Vermont submitted its application for EPA approval on February 10, 1999. This notice announces the receipt of the applications from Connecticut, Maine, Massachusetts, and Vermont and the opening of a public comment period that will last for 45 days. Connecticut, Maine, Massachusetts, and Vermont each have provided individual State self-certifications of lead programs meeting the requirements for approval under section 404 of TSCA. Therefore, pursuant to section 404, each of these State programs is deemed authorized as of the date of submission. If EPA subsequently finds that a program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State whose program has been disapproved.

DATES: Individuals should submit comments on the authorization applications on or before June 1, 1999. In addition, a public hearing request may be submitted by June 1, 1999. If a public hearing is requested and granted, the hearing date and time will be announced in the **Federal Register**.

ADDRESSES: Submit in duplicate all written comments and/or requests for a public hearing, identified by docket control number ''PB–402404–RG1'' to: Environmental Protection Agency, Region I, (CPT) Suite 1100, One Congress Street, Boston, MA 02114–2023. Comments and a request for a public hearing may be submitted electronically to BRYSON.JAMESM@epamail.epa.gov. Please follow the instructions in Unit IV. of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: James M. Bryson, Regional Abatement Coordinator, Environmental Protection Agency, Region I, (CPT) Suite 1100, One Congress Street, Boston, MA 02214–2023. Telephone: 617–918–1524, e-mail: BRYSON.JAMESM@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute is the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended the Toxic Substances Control Act (''TSCA'') (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681–92) which is entitled ''Lead Exposure Reduction.''

Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in those activities are certified and follow documented work practice standards. Under section 404, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. On August 31, 1998, EPA was required to institute the Federal program in States or Indian Country not having an authorized program, as provided by section 404(h) of TSCA. States and Indian Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA office for review. EPA is required to review those applications within 180 days of receipt of the complete application. To receive EPA approval, a State or Indian Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and that its program provides adequate enforcement. EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA and concluding, based on the required program analysis, that the State program is at least as protective as the Federal program and that the State program provides adequate enforcement.

Upon submission of such certification letter, the program is deemed authorized. This authorization is retracted, however, if upon review, EPA subsequently determines that the program is not at least as protective of human health and the environment as the Federal program, and/or does not provide for adequate enforcement, and the State does not correct the deficiencies necessary to make it so. Section 404(b) of TSCA provides that before authorizing a State program, EPA must provide notice and an opportunity for a public hearing on the application. Therefore, by this notice EPA is soliciting public comment on whether the applications submitted by the States of Connecticut, Maine, Massachusetts, and Vermont meet the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on any of the applications. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. If EPA's final decision on the application is a disapproval, this will be discussed in another **Federal Register** Notice.

II. State Program Description Summary

The Connecticut, Maine, Massachusetts, and Vermont programs: (1) Require abatement permits prior to the commencement of abatement activity; (2) will investigate tips and complaints, and enforce certification, accreditation, and permitting requirements for all disciplines and for all abatement-related activities, including training; and (3) provide for the suspension and/or revocation of the accreditation of training providers, as well as of the certifications of individuals and firms engaged in lead abatement practices.

The following are summaries of the programs proposed by Connecticut, Maine, Massachusetts, and Vermont.

Connecticut

The State of Connecticut submitted a lead poisoning prevention program established by the Connecticut General Statutes Sections: 19a–110 through 19a–111e, 20–482, 19a–14(a)(6), 19a–17 and 19a–206, and the Connecticut Department of Public Health Lead Poisoning Prevention and Control Regulations 19a–111–1 through 19a–111–11, and Licensure and Certification Regulations 20–478–1 through 20–478–3. This program includes: (1) Statewide standards for lead-based paint hazard identification and remediation; (2) approval and monitoring of training programs for lead abatement and consultant personnel; (3) licensure of lead abatement and consultant contractors; (4) certification of lead abatement and consultant personnel; (5) surveillance of blood lead testing activities, oversight of lead poisoning cases and evaluation of trends in blood lead levels utilizing the DPH Lead Surveillance System and the DPH Adult Blood Lead Registry; (6) a full range of clinical and environmental lead-related testing services as provided by the DPH Division of Laboratories Services; and (7) health education for risk education by fostering lead safe behavior and conditions. This overall program has been implemented with the assistance of local health departments that function in key supportive roles.

Maine

The State of Maine has submitted a Lead Poisoning Prevention Program established by the Maine Revised Statutes Annotated (M.R.S.A). The specific authorities are contained in 38 M.R.S.A. Sections 341–A–349–A (1989 & Supp. 1997), 38 M.R.S.A. Section 1291–1297 (Supp. 1997) and 06–096 Chapter 424: Lead Management Rule. This regulation contains procedures and requirements for the certification of persons engaged in lead-based paint activities, work practice standards for performing such activities, and accreditation of training providers and training programs. The regulation requires that, except as specifically exempted, all lead inspections, risk assessments, lead abatement designs, lead abatement activities, and any other services related to lead-based paint such as screening, lead determinations, and deleading be performed only by individuals and firms licensed pursuant to this regulation. This also sets standards and procedures for establishing the lead-safe status of residential dwellings and child-occupied facilities. The overall program has been implemented by the Department of Environmental Protection with the assistance of the Department of Human Services.

Massachusetts

The State of Massachusetts has submitted a Lead Poisoning Prevention Program established by Massachusetts General Law, Chapter 111, Sections 189A through 199A and Department of Public Health Lead Poisoning Prevention and Control Regulations 105 CMR 460 and Department of Labor and Workforce Development Deleading Regulations 454 CMR 22.00. The Program addresses a wide range of activities. Program elements include: (1) State standards for lead-based paint hazards and remediation; (2) approval and monitoring of training programs for lead abatement; (3) licensure of lead abatement and consultant contractors; (4) certification of lead abatement and consultation personnel; (5) surveillance of blood lead testing activities, oversight of lead poisoning cases and evaluation of trends in blood lead levels; (6) a full range of clinical and environmental lead-related testing services and; (7) health education for risk reduction by fostering lead safe behavior and conditions. This overall program has been implemented with the full support of both departments.

Vermont

The State of Vermont has submitted a Lead Poisoning Prevention Program established by the Vermont Statutes Annotated Title 18, Chapter 38. The specific regulatory authority is contained in the Vermont Regulations for Lead Control, V.S.A. Title 18, Chapter 38. This regulation contains procedures and requirements for the certification of persons engaged in lead-based paint activities, work practice standards for performing such activities, and accreditation of training providers and training programs. The regulation requires that, except as specifically exempted, all lead inspections, risk assessments, lead abatement designs, lead abatement activities, and any other services related to lead-based paint such as screening, lead determinations, and deleading be performed only by individuals and firms licensed pursuant to this regulation. The overall program has been implemented by the Department of Health.

III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate or fail or refuse to comply with any requirement of an approved State program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State program.

IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number ''PB–402404–RG1.'' Copies of this notice, and all comments received on the applications are available for inspection in the EPA Region I Office from 7:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region I Library, Suite 1100, One Congress Street, Boston, MA 02114–2023. Commenters are encouraged not to include CBI in their comments. However, any information submitted and claimed as CBI must be clearly identified as such and marked ''confidential,'' ''CBI,'' or with some other appropriate designation. In addition, a commenter submitting such information must prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

Electronic comments can be sent directly to EPA at:

BRYSON.JAMESM@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number ''PB–402404–RG1.'' Electronic comments on

this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 (''Regulatory Planning and Review,'' 58 FR 51735, October 4, 1993), and Executive Order 13045 (''Protection of Children from Environmental Health Risks and Safety Risks,'' 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled ''Enhancing Intergovernmental Partnerships'' (58 FR 58093, October 28, 1993), 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. If the mandate is unfunded, EPA must provide to OMB 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 action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled ''Consultation and Coordination with Indian Tribal Governments'' (63 FR 27655, May 19, 1998), 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. If the mandate is unfunded, EPA must provide OMB, 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 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 action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: April 6, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–9476 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–TX; FRL–6073–6]

Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Texas's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for a public hearing.

SUMMARY: On March 18, 1999, the State of Texas submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of Texas's application, and provides a 45–day public comment period and an opportunity to request a public hearing on the application. Texas has provided a certification that their program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and the Federal program will be established.

DATES: The State program became effective March 18, 1999. Submit comments on the authorization application on or before June 1, 1999.

Public hearing requests must be submitted on or before May 3, 1999. If a public hearing is requested and granted, the hearing will be held on May 14, 1999, 1 p.m., at the United States Environmental Protection Agency, 1445 Ross Avenue (Fountain Place), Dallas, TX. If a public hearing is not requested, this meeting time and place will be canceled. Therefore, individuals are advised to verify the status of the public hearing by contacting the Regional Lead Coordinator (name, telephone number, and address are provided in the ''FOR FURTHER INFORMATION CONTACT'' section of this notice) after May 3, 1999 and before the May 14, 1999 public hearing date.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket number ''PB–402404–TX'' (in duplicate) to: Environmental Protection Agency, Region VI, 6PD–T, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733.

Comments, data, and requests for a public hearing may also be submitted electronically to robinson.jeffrey@epamail.epa.gov. Follow the instructions under Unit IV. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Jeffrey Robinson, Regional Lead Coordinator, Environmental Protection Agency, Region VI, 1445 Ross Avenue, Suite 1200, 6PD-T, Dallas, TX 75202–2733. Telephone: 214–665–7577, e-mail address: robinson.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), entitled ''Lead Exposure Reduction.''

Section 402 of TSCA authorizes EPA to promulgate final regulations governing lead-based paint activities. Lead-based paint activities is defined in section 402(b) of TSCA and authorizes EPA to regulate lead-based paint activities in target housing, public buildings built prior to 1978, commercial buildings, bridges and other structures or superstructures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745 and allow both States and Indian Tribes to apply for program authorization. On August 31, 1998, EPA instituted the Federal program in States or Indian Country without an authorized program, as provided by section 404(h) of TSCA.

States and Indian Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Indian Tribe must demonstrate that its program is as least as protective of human health and the environment as the Federal program, and provides adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized until such time as EPA disapproves the program application or withdraws the authorization.

Section 404(b) of TSCA provides that EPA may approve a program application only after providing notice and an opportunity for a public hearing on the application. Therefore, by this notice EPA is soliciting public comment on whether Texas's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. Texas has provided a self-certification letter from the Attorney General that its program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and the Federal program will be established in Texas.

II. State Program Description Summary

The Texas lead-based paint program is administered by the Environmental Lead Branch (ELB) of the Texas Department of Health (TDH). The lead-based paint program duties include enforcement, compliance assistance, inspections, certification, accreditation, and public education.

The Texas Environmental Lead Reduction Rules are modeled after the Federal lead-based paint activities rules found at 40 CFR part 745, subpart L. The rules are applicable to lead-based paint activities performed in target housing and child-occupied facilities. Texas has developed a program that requires certification of all individuals and firms who perform lead-based paint activities, and for the accreditation of lead training providers. Texas has also developed work practice standards for the performance of lead-based paint activities.

All training program providers are required to receive accreditation prior to providing, offering, or claiming to provide training courses for certification purposes. Refresher courses can be accredited only if the training program has received accreditation for the initial discipline-specific training course. Programs that have been accredited by another State or agency must apply for and receive accreditation from TDH before conducting or advertising a training course in Texas. Training course program managers are required to notify the TDH of all scheduled training courses and changes in course offerings. The TDH has the authority to audit training programs at any reasonable time.

Certification is required for all individuals and firms who perform lead-based paint activities or services in target housing and child-occupied facilities. The appropriate certification exam must be taken every 3 years for certain disciplines. Persons holding a valid certification issued by another State or Agency must apply for certification, but may request a waiver of initial training requirements. Firms that perform lead-based paint services must be certified by the TDH and must employ properly certified employees.

The TDH had developed work practice standards modeled after the requirements at 40 CFR 745.227. The TDH must be notified in advance of the start of an abatement project and an abatement notification fee must be paid. The TDH has the authority to inspect or investigate the practices of any person involved in lead-based paint activities in target housing and child-occupied facilities. Only laboratories accredited by the National Lead Laboratory Accreditation Program (NLLAP) recognized by EPA may conduct required analyses, but X-ray fluorescence may be used for on-site lead detection.

Texas has submitted information in the application addressing the required program elements for State lead-based paint activities programs pursuant to 40 CFR 745.325. In addition, Texas has submitted information detailing their lead-based paint compliance and enforcement programs as required by 40 CFR 745.327. At this time, Texas is not seeking authorization of a pre-renovation notification program pursuant to 40 CFR 745.326.

III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number ''PB–402404–TX'' Copies of this notice, the State of Texas's authorization application, and all comments received on the application are available for inspection in the Region VI office, from 7:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region VI Library, Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, TX.

Commenters are encouraged to structure their comments so as not to contain information for which CBI claims would be made. However, any information claimed as CBI must be marked ''confidential,'' ''CBI,'' or with some other appropriate designation, and a commenter submitting such information must also prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

Electronic comments can be sent directly to EPA at:

robinson.jeffrey@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number ''PB–402404–TX.'' Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 (''Regulatory Planning and Review,'' 58 FR 51735, October 4, 1993), and Executive Order 13045 (''Protection of Children from Environmental Health Risks and Safety Risks,'' 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled ''Enhancing Intergovernmental Partnerships'' (58 FR 58093, October 28, 1993), 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. If the mandate is unfunded, EPA must provide to OMB 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 action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled ''Consultation and Coordination with Indian Tribal Governments'' (63 FR 27655, May 19, 1998), 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. If the mandate is unfunded, EPA must provide OMB, 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 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 action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: April 8, 1999.

Robert E. Hanneschlager,

Acting Division Director, Multimedia Planning and Permitting, Region VI.

[FR Doc. 99–9607 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51925; FRL–6069–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from February 14, to Feburary 28, 1999.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51925]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution

Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51925]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION'' of this document.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51925]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 3 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 43 Premanufacture Notices Received From: 02/14/99 to 02/28/99

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0475	02/16/99		CBI	(G) Highly dispersive use	(G) Substituted alkenoic ester
P–99–0476	02/17/99	05/18/99	CBI	(G) Resin coating	(S) Amino Acrylate
P–99–0477	02/17/99	05/18/99	CBI	(S) Raw material used in the manufacture of photoresist	(G) Naphthaquinone diazide sulfonyl ester mixture of a polynuclear polyhydroxy phenol
P–99–0478	02/17/99	05/18/99	S. C. Johnson & Son, Inc.	(G) Open, non-dispersive use	(G) Acrylic emulsion polymer

I. 43 Premanufacture Notices Received From: 02/14/99 to 02/28/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0483	02/16/99	05/17/99	CBI	(G) Contained, destructive use for specialty chemical production	(G) Alkyl borane
P–99–0488	02/17/99	05/18/99	The Dow Chemical Company	(S) Polymer binder for an industrial paper/paperboard coating formulation	(G) Modified styrene/butadiene/acrylate latex
P–99–0489	02/17/99	05/18/99	The Dow Chemical Company	(S) Polymer binder for an industrial paper/paperboard coating formulation	(G) Modified styrene/butadiene/acrylate latex
P–99–0490	02/17/99	05/18/99	The Dow Chemical Company	(S) Polymer binder for an industrial paper/paperboard coating formulation	(G) Modified styrene/butadiene/acrylate latex
P–99–0491	02/17/99	05/18/99	Intercontinental Polymers, Inc.	(S) Flame retardant polymeric fibers	(G) 1,4-benzenedicarboxylic acid, dimethyl ester, polymer with 1,2-ethanediol and hydroxyarylphosphinyl substituted alkanoic acid*
P–99–0492	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl diol diacetoacetate
P–99–0493	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl diol diacetoacetate
P–99–0494	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl diol diacetoacetate
P–99–0495	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl diol diacetoacetate
P–99–0496	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl triol triacetoacetate
P–99–0497	02/17/99	05/18/99	CBI	(G) Coating component	(G) Alkyl tetraol tetraacetoacetate
P–99–0498	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Cationic acrylic resin dispersion
P–99–0499	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Cationic acrylic resin dispersion
P–99–0500	02/17/99	05/18/99	S. C. Johnson & Son, Inc.	(G) Open, non-dispersive use	(G) Acrylic emulsion polymer
P–99–0501	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0502	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0503	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0504	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0505	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0506	02/18/99	05/19/99	CBI	(G) Component of coating with open use	(G) Blocked isocyanate
P–99–0507	02/18/99	05/19/99	Henkel Corporation	(G) Foam control agent	(G) Aliphatic polyoxyethylene ethers
P–99–0508	02/18/99	05/19/99	Henkel Corporation	(G) Foam control agent	(G) Aliphatic polyoxyethylene ethers
P–99–0509	02/19/99	05/20/99	CIBA Specialty Chemicals Div./Colors Div.	(S) Reactive dye for cellolose, scarlet; reactive dye for cellulose, black	(G) Naphthalenesulfonic acid, -amino-hydroxy-, coupled with diazotized 2-[(aminophenyl)sulfonyl]ethyl hydrogen sulfate and diazotized amino-[(2-(sulfoox-y)ethyl]sulfonyl]benzenesulfonic acid, potassium sodium salts
P–99–0510	02/22/99	05/23/99	CBI	(G) Polymerization inhibitor	(G) Steric hindered amine, n-oxide
P–99–0511	02/19/99	05/20/99	CBI	(G) Additive for coatings	(G) Mixed metal oxide
P–99–0512	02/22/99	05/23/99	Dainippon Ink and Chemicals, Inc.	(S) Anti-sagging agent	(G) Styrene-acrylic copolymer
P–99–0513	02/23/99	05/24/99	CBI	(G) Fiber Spinning	(G) Thermoplastics polyester polyurethane polymer
P–99–0514	02/23/99	05/24/99	CIBA Specialty Chemicals Corp. - Colors Div.	(G) Textile Dye	(G) 2-anthracenesulfonic acid, 4-[[4-(acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-, compd. with 1,1′,1″-[nitrilotris(alkyloxy)tris[alkanol](1:1)*
P–99–0515	02/23/99	05/24/99	CBI	(G) Automotive interior parts	(G) Polyester polyurethane polymer
P–99–0516	02/22/99	05/23/99	CBI	(S) Laminating adhesive	(G) Polyether polyurethane
P–99–0517	02/24/99	05/25/99	CBI	(G) Waste water treatment aid	(G) Polyamines polymer with epichorohydrin
P–99–0518	02/24/99	05/25/99	CBI	(G) Coating component	(G) Esterified styrene/maleic anhydride polymer

I. 43 Premanufacture Notices Received From: 02/14/99 to 02/28/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0519	02/26/99	05/27/99	CBI	(S) Paraffin & asphaltene dissolving agent in tertiary oil recovery; gas compressor wash oil; carrier solvent for polyurethane foam synthesis	(G) 1,1-diphenylethane, reaction products, distillation residues
P–99–0520	02/25/99	05/26/99	Ashland Chemical Company	(G) Adhesive	(G) Copolymer of acrylic ester and acrylic acid
P–99–0521	02/25/99	05/26/99	Ashland Chemical Company	(G) Adhesive	(G) Copolymer of acrylic ester and acrylic acid
P–99–0522	02/26/99	05/27/99	CBI	(S) Paraffin & asphaltene dissolving agent in tertiary oil recovery; gas compressor wash oil; carrier solvent for polyurethane foam synthesis	(G) Diphenylalkane, distillation residues
P–99–0531	02/22/99	05/23/99	CBI	(S) Detergent fuel additive/destructive use	(G) Formaldehyde, reaction products with an alkylated phenol and an aliphatic amine
P–99–0534	02/26/99	05/27/99	CBI	(G) Lubricant additive	(G) Mixed thio acid amide molybdenum complexes
P–99–0535	02/26/99	05/27/99	3M Company	(G) Protective coating	(G) Acrylic uva polymer

II. 22 Notices of Commencement Received From: 02/14/99 to 02/28/99

Case No.	Received Date	Commencement/Import Date	Chemical
P–94–1098	02/22/99	02/10/99	(G) Rosin, maleated, polymer with an alkylphenol, carboxylic acids, formaldehyde and a polyol
P–95–2071	02/22/99	02/11/99	(S) Di-(4-methylbenzoyl)-peroxide
P–98–0174	02/19/99	02/08/99	(G) Phenyl azo acetate ester
P–98–0212	02/22/99	02/05/99	(G) Substituted phenyl bis (substituted aminophenyl) methylium salt
P–98–0452	02/22/99	02/11/99	(G) Mixed glycol polyester resin
P–98–0712	02/18/99	12/17/98	(G) Aromatic substituted, 1-[(2-methyl-1h-imidazol-1-yl)methyl]-
P–98–0761	02/22/99	01/22/99	(G) Polyurethane prepolymer
P–98–0797	02/17/99	02/08/99	(G) Dimethyl substituted heteromonocyclic amine
P–98–0908	02/24/99	01/22/99	(G) Blocked isocyanated (mdi)
P–98–0909	02/24/99	01/22/99	(G) Acrylic resin
P–98–1018	02/24/99	01/22/99	(G) Aminated epoxy resin
P–98–1019	02/24/99	01/22/99	(G) Aminated epoxy resin
P–98–1173	02/18/99	01/21/99	(G) Organic silicon compound
P–98–1256	02/16/99	01/22/99	(G) Perfluoroalkylethylacrylate copolymer
P–99–0035	02/22/99	01/19/99	(G) 22,7-naphthalenedisulfonic acid, ((substituted)imino)tris(5-hydrocy-6-((1-sulfo-2-naphthalenyl)azo)-, mixed salt*
P–99–0051	02/19/99	02/10/99	(G) Aromatic saturated copolyester
P–99–0054	02/24/99	02/20/99	(G) Aromatic saturated copolyester
P–99–0077	02/22/99	01/23/99	(G) Acrylic polymer
P–99–0080	02/19/99	02/10/99	(G) Aromatic saturated copolyester
P–99–0081	02/18/99	02/10/99	(G) Aromatic saturated copolyester
P–99–0082	02/19/99	02/10/99	(G) Aliphatic saturated copolyester
P–99–0115	02/22/99	02/10/99	(G) Aminoester of high-molecular weight carboxylic acid

List of Subjects

Environmental protection, Premanufacture notices.

Dated: April 9, 1999.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 99–9608 Filed 4–15–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL DEPOSIT INSURANCE CORPORATION

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

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Certification of Compliance with Mandatory Bars to Employment.

Form Number: N/A.
OMB Number: 3064–0121.
Annual Burden:
Estimated annual number of respondents: 200
Estimated time per response: 20 minutes
Average annual burden hours: 67 hours.
Expiration Date of OMB Clearance: June 30, 1999.
OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.
FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
Comments: Comments on this collection of information are welcome and should be submitted on or before June 15, 1999 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Prior to an offer of employment, job applicants to the FDIC must sign a certification that they have not been convicted of a felony or been in other circumstances that prohibit persons from becoming employed by or providing services to the FDIC.

Dated: April 12, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–9493 Filed 4–15–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, April 20, 1999, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Final Rule—Part 347—International Banking.

Memorandum and resolution re: Amendment to Part 303—Filing Procedures and Delegations of Authority.

Memorandum re: Revision to Memorandum of Understanding between the FDIC and FICO Regarding the Collection of Assessments.

Discussion Agenda:

Memorandum re: BIF Assessment Rates for the Second Semiannual Assessment Period of 1999.

Memorandum re: SAIF Assessment Rates for the Second Semiannual Assessment Period of 1999.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: April 13, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–9675 Filed 4–14–99; 11:31 am]

BILLING CODE 6714–01–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.: 202–008493–022
Title: Trans-Pacific American Flag Berth Operators Agreement
Parties:
American President Lines, Ltd.
Sea-Land Service, Inc.
Synopsis: The proposed Amendment modifies the Agreement's provisions in Articles 5, 13 and 14 relating to tariffs, independent action and service contracts with new requirements under the Ocean Shipping Reform Act of 1998. The Amendment further makes non-substantive clarifications and updates to the Agreement in Articles 3,6,8 15 and 16.

Agreement No.: 203–011465–007
Title: The South America Pacific Coast Rate Agreement
Parties:
P&O Nedlloyd B.V.
Mediterranean Shipping Company S.A.
Synopsis: The proposed amendment would conform the Agreement to the provisions of the Ocean Shipping Reform Act of 1988, and would alter the structure of the Agreement to reflect its status as a cooperative working agreement rather than a conference agreement. The parties have requested a shortened review period.

Agreement No.: 224–201043–001
Title: Oakland—FESCO Terminal Service Agreement
Parties:
Port of Oakland
FESCO Ocean Management, Ltd. d/b/a FESCO Australia
North America Line
Synopsis: The proposed amendment transfers the rights and obligations of the agreement to FESCO, a successor firm, and makes modifications to the agreement's compensation provisions. The agreement continues to run through December 31, 2003.

Agreement No.: 224–201073.
Title: New Orleans/Cosco—K-Line—Yang Ming Crane Rental Agreement.
Parties:
Board of Commissioners of the Port of New Orleans
Cosco North America, Inc.
''K'' Line America, Inc.
Yang Ming Line
Synopsis: The proposed agreement provides for the rental of a crane and runs through December 31, 1999.

Agreement No.: 224–201074
Title: San Francisco—Maruba Marine Terminal Agreement
Parties:
San Francisco Port Commission
Maruba S.C.A.
Synopsis: The proposed Agreement provides for the non-exclusive right to use a municipal pier and runs through April 30, 2004.

Agreement No.: 224–201075
Title: Oakland—Maersk Pacific Marine Terminal Agreement

Parties:
City of Oakland, Board of Port Commissioners
Maersk Pacific, Ltd.
Synopsis: The proposed Agreement provides for the non-exclusive right to use a municipal pier and runs through March 31, 2003.

Dated: April 13, 1999.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–9573 Filed 4–15–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m.–April 22, 1999.

PLACE: 800 North Capitol Street, N.W., First Floor Hearing Room, Washington, DC.

MATTER(S) TO BE CONSIDERED:

1. Docket No. 98–28—Licensing, Financial Responsibility Requirements and General Duties for Ocean Transportation Intermediaries—Consideration of Comments.
2. Docket No. 98–29—Carrier Automated Tariff Systems—Consideration of Comments.
3. Docket No. 98–30—Service Contracts Subject to the Shipping Act of 1984—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION: Bryant L. VanBrakle, Secretary, (202) 523–5727.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–9676 Filed 4–14–99; 11:33 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, April 21, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 14, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–9660 Filed 4–14–99; 10:08 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0094]

Submission for OMB Review; Comment Request Entitled Debarment and Suspension

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Debarment and Suspension. A request for public comments was published at 64 FR 6635, February 10, 1999. No comments were received.

DATES: Comments may be submitted on or before May 17, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0094, Debarment and Suspension, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR requires contracts to be awarded to only those contractors determined to be responsible. Instances where a firm or its principals have been indicted, convicted, suspended, proposed for debarment, debarred, or had a contract terminated for default are critical factors to be considered by the contracting officer in making a responsibility determination. This certification requires the disclosure of this information.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *30* minutes per subcontractor and 5 minutes per prime contractor per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *1,100,000*; responses per respondent, *1*; total annual responses, *1,100,000*; preparation hours per response, *30* minutes/subcontractor, *5* minutes/prime contractor; and total response burden hours, *91,667*.

Obtaining Copies of Proposals

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0094, Debarment and Suspension, in all correspondence.

Dated: April 13, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–9588 Filed 4–15–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0074]

Submission for OMB Review; Comment Request Entitled Limitation of Costs/Funds

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Limitation of Costs/Funds. A request for public comments was published at 64 FR 6634, February 10, 1999. No comments were received.

DATES: Comments may be submitted on or before May 17, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0074, Limitation of Costs/Funds, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Jeremy F. Olson, Federal Acquisition Policy Division, GSA (202) 501–3221.

SUPPLEMENTARY INFORMATION:

A. Purpose

Firms performing under Federal cost-reimbursement contracts are required to notify the contracting officer in writing whenever they have reason to believe—

(1) The costs the contractors expect to incur under the contracts in the next 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost of the contracts; or

(2) The total cost for the performance of the contracts will be greater or substantially less than estimated. As a part of the notification, the contractors must provide a revised estimate of total cost.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *30* minutes per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *50,000* responses per respondent, *1*; total annual responses, *50,000*; preparation hours per response, *.5*; and total response burden hours, *25,000*.

Obtaining Copies of Proposals

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0074, Limitation of Costs/Funds, in all correspondence.

Dated: April 13, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–9589 Filed 4–15–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

[OMB Control No. 9000–0073]

Submission for OMB Review; Comment Request Entitled Advance Payments

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Advance Payments. A request for public comments was published at 64 FR 6634, February 10, 1999. No comments were received.

DATES: Comments may be submitted on or before May 17, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0073, Advance Payments, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Jeremy F. Olson, Federal Acquisition Policy Division, GSA (202) 501–3221.

SUPPLEMENTARY INFORMATION:

A. Purpose

Advance payments may be authorized under Federal contracts and subcontracts. Advance payments are the least preferred method of contract financing and require special determinations by the agency head or designee. Specific financial information about the contractor is required before such payments can be authorized (see FAR 32.4 and 52.232–12). The information is used to determine if advance payments should be provided to the contractor.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *1* hour per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *500;* responses per respondent, *1;* total annual responses, *500;* preparation hours per response, *1;* and total response burden hours, *500*.

Obtaining Copies of Proposals

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0073, Advance Payments, in all correspondence.

Dated: April 13, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–9590 Filed 4–15–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the charter for the Advisory Council for the Elimination of Tuberculosis (ACET) of the Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period, through March 15, 2001.

For further information, contact Ronald O. Valdiserri, M.D., Deputy Director, National Center for HIV, STD, and TB Prevention, CDC, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8002.

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: April 12, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9522 Filed 4–15–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Savannah River Site Health Effects Subcommittee (SRSHES)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Savannah River Site Health Effects Subcommittee (SRSHES).

Times and Dates: 8:30 a.m.—5 p.m., May 13, 1999., 8:30 a.m.—12 noon, May 14, 1999.

Place: The Conference Center at the University of South Carolina Aiken, 471 University Parkway, Aiken, SC 29801, telephone 803/641–3587, fax 803/641–3580.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for communities, American Indian Tribes, and labor to express concerns and provide advice to CDC and ATSDR.

Matters to be Discussed: Agenda items include presentations from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health (NIOSH), and ATSDR on updates regarding the progress of current studies, and a discussion from the three (3) SRSHES Phase II Draft report review groups.

All agenda items are subject to change as priorities dictate.

CONTACT PERSONS FOR ADDITIONAL INFORMATION: Paul G. Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S (F–35), Atlanta, Georgia 30341–3724, telephone 770–488–7040, fax 770–488–7044.

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 CDC and ATSDR.

Dated: April 12, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9525 Filed 4–15–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Additional HRSA Competitive Grants

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of funds for several HRSA programs. This Notice lists several programs that are announcing competitions for fiscal year (FY) 1999 funds but were not published in the fall 1998 HRSA Preview.

This Notice includes funding for HRSA discretionary authorities and programs as follows: (1) Special Projects of National Significance, HIV/AIDS Bureau; (2) Extramural Support Program for Projects to Increase Organ and Tissue Donation, HIV/AIDS Bureau; (3) Cooperative Agreement for Emergency Medical Services for Children and Quality Improvement Center, Maternal and Child Health Bureau; and (4) Basic Nurse Education and Practice: Baccalaureate Nursing Education Using Distance Learning Methodologies for Rural RNs, Bureau of Health Professions. These programs were not

published in the fall 1998 HRSA Preview and will only appear in the **Federal Register** and on the HRSA Home Page at: http://www.hrsa.dhhs.gov/. The next edition of the HRSA Preview is scheduled to be published by early summer 1999. The purpose of the HRSA Preview is to provide the general public with a single source of program and application information related to the Agency's competitive grant reviews. The HRSA Preview is designed to replace multiple **Federal Register** notices which traditionally advertised the availability of HRSA's discretionary funds for its various programs.

Dated: April 9, 1999.

Claude Earl Fox,

Administrator.

How To Obtain Further Information

You can download this Notice in Adobe Acrobat format (.pdf) from HRSA's web site at: http://www.hrsa.dhhs.gov/.

To Obtain an Application Kit

It is recommended that you read the introductory materials, terminology section, and individual program category descriptions to fully assess your eligibility for grants before requesting kits. As a general rule, no more than one kit per category will be mailed to applicants. Upon review of the program descriptions, please determine which category or categories of application kit(s) you wish to receive and contact the 1–888–333–HRSA (4772) number to register on the specific mailing list. Application kits are generally available 60 days prior to application deadline. If kits are already available, they will be mailed immediately.

Also, you can register on-line to be sent specific grant application materials by following the instructions on the web page or accessing http://www.hrsa.gov/g__order3.htm directly. Your mailing information will be added to our database and material will be sent to you as it becomes available.

Grant Terminology

Application Deadlines

Applications will be considered ''on time'' if they are either received on or before the established deadline date or postmarked on or before the deadline date given in the program announcement or in the application kit materials.

Authorizations

The citations of provisions of the laws authorizing the various programs are provided immediately preceding groupings of program categories.

CFDA Number

The Catalog of Federal Domestic Assistance (CFDA) is a Government-wide compendium of Federal programs, projects, services, and activities which provide assistance. Programs listed therein are given a CFDA Number.

Cooperative Agreement

A financial assistance mechanism used when substantial Federal programmatic involvement, with the recipient during performance, is anticipated by the Agency.

Eligibility

Authorizing legislation and programmatic regulations specify eligibility for individual grant programs. In general, assistance is provided to nonprofit organizations and institutions, State and local governments and their agencies, and occasionally to individuals. For-profit organizations are eligible to receive awards under financial assistance programs unless specifically excluded by legislation.

Estimated Amount of Competition

The funding level listed is provided for planning purposes and is subject to the availability of funds.

Funding Priorities and/or Preferences

Special priorities or preferences are those which the individual programs have identified for the funding cycle. Some programs give preference to organizations which have specific capabilities such as telemedicine networking or established relationships with managed care organizations. Preference also may be given to achieve an equitable geographic distribution and other reasons to increase the effectiveness of the programs.

Key Offices

The Grants Management Office serves as the focal point for business matters. The appropriate program office contact is provided for questions specific to the programs or of a technical nature.

Matching Requirements

Several HRSA programs require a matching amount, or percentage of the total project support, to come from sources other than Federal funds. Matching requirements are generally mandated in the authorizing legislation for specific categories. Also, matching requirements may be administratively required by the awarding office. Such requirements are set forth in the application kit.

Project Period

The total time for which support of a discretionary project has been programmatically approved. Continuation of any project beyond the budget period is subject to satisfactory performance, availability of funds and program priorities.

Review Criteria

The following are generic review criteria applicable to HRSA programs:

- That the estimated cost to the Government of the project is reasonable considering the anticipated results.
- That project personnel or prospective fellows are well qualified by training and/or experience for the support sought, and the applicant organization or the organization to provide training to a fellow has adequate facilities and manpower.
- That, insofar as practical, the proposed activities (scientific or other), if well executed, are capable of attaining project objectives.
- That the project objectives are capable of achieving the specific program objectives defined in the program announcement and the proposed results are measurable.
- That the method for evaluating proposed results includes criteria for determining the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program.
- That, in so far as practical, the proposed activities, when accomplished, are replicable, national in scope and include plans for broad dissemination.

The specific review criteria used to review and rank applications are included in the individual guidance material provided with the application kits. Applicants should pay strict attention to addressing these criteria as they are the basis upon which their applications will be judged.

Technical Assistance

A contact person is listed for each program and his/her e-mail address and telephone number provided. Some programs have scheduled workshops and conference calls. If you have questions concerning individual programs or the availability of technical assistance, please contact the person listed. Also check your application materials and the HRSA web site http://www.hrsa.dhhs.gov/ for the latest technical assistance information.

Frequently Asked Questions

1. HRSA lists many telephone numbers and e-mail addresses. Who do I phone or e-mail and when?

Phone 1–888–333–HRSA (4772) to register for application kits. It will be helpful to the information specialist if you have the CFDA Number and title of the program handy for reference.

If, before you register, you want to know more about the program, an e-mail/phone contact is listed. This contact can provide information concerning the specific program's purpose, scope and goals, and eligibility criteria. Usually, you will be encouraged to request the application kit so that you will have clear, comprehensive and accurate information available to you. The application kit lists telephone numbers for a program expert and a grants management specialist who will provide technical assistance concerning your specific program, if you are unable to find the information within the materials provided.

2. The dates listed in the **Federal Register** Notice and the dates in the application kit do not agree. How do I know which is correct?

First, register at 1–888–333–HRSA (4772) for *each* program that you are interested in as shown in the Notice.

Notice dates for application kit availability and application receipt deadline are based upon the best known information at the time of publication. Occasionally, the grant cycle does not begin as projected and dates must be adjusted. The deadline date stated in your application kit is correct. If the application kit has been made available and subsequently the date changes, notification of the change will be mailed to known recipients of the application kit. Therefore, if you are registered at 1–888–333–HRSA (4772), you will receive the most current information.

3. Are programs announced in the **Federal Register** Notice ever canceled?

Infrequently, programs announced may be withdrawn from competition. If this occurs, a cancellation notice will be provided at the HRSA Homepage http://www.hrsa.dhhs.gov/.

If you still have unanswered questions, please contact Paulette Fagan of the Grants Policy Branch at 301–443–5082 (pfagan@hrsa.gov).

HIV/AIDS Bureau

Grants Management Office: 1–301–443–2280.

Special Projects of National Significance (SPNS).

Authorization

Section 2691 of the Public Health Service Act 42 U.S.C. 300ff–10

Purpose

The purpose of this program is to contribute to the advancement of knowledge and skills in the delivery of health and support services to underserved populations diagnosed with human immunodeficiency virus (HIV) infection. Specifically, there are three SPNS Program objectives: (1) to assess the effectiveness of particular models of care; (2) to support innovative program design; and (3) to promote replication of effective models. SPNS grants are limited to the demonstration and assessment of innovative and potentially replicable HIV service delivery models. For purposes of this announcement, models seeking SPNS support must address one of the following four categories: (1) assuring appropriate end-of-life care for individuals dying from HIV/AIDS who experience difficulty accessing health care; (2) assessment of the effectiveness of existing programs to promote adherence to anti-retroviral therapies; (3) evaluation and/or program support centers for: (a) services to people with HIV in correctional settings; (b) establishing or assessing HIV care networks; (c) assessing innovation in serving substance abusers; or (d) evaluating and supporting end-of-life care and adherence initiatives; or (4) demonstration projects to increase enrollment in, continuity and quality of HIV primary care for migrant and various border populations.

Eligibility

Public and nonprofit private entities are eligible to apply for these grants. Applicants are encouraged to submit a brief letter of intent, by May 1, 1999, to: Special Projects of National Significance, ATTN: 1999 New Competitive Initiative, Room 7A–08 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Funding Priorities and/or Preferences

Funds should be used to create and/or evaluate models of care that would likely not exist nor be evaluated without SPNS support, or that would extend the care model to previously underserved or unserved populations defined either geographically or demographically.

Review Criteria

Final criteria are included in the application kit.

Estimated Amount of This Competition
$9,000,000

Estimated Number of Awards

Category 1: 3–5
Category 2: Up to 10
Category 3: 6
3.1 Services to people with HIV in correctional settings—1
3.2 Establishing or assessing HIV care networks—2
—assist community-based providers—(1)
—conduct managed care research—(1)
3.3 Assessing innovation in serving substance abusers—1
3.4 Evaluating and supporting end-of-life care and adherence initiatives—2
—end of life care project—(1)
—adherence assessment—(1)
Category 4: 4

Estimated Project Period

Category 1: 3 years
Category 2: 3 years
Category 3: 2–3 years
Category 4: 3–5 years

Application Availability: 04/05/1999

To Obtain This Application Kit

CFDA Number 93.928
Contact: 1–888–333–HRSA (4772)
Application Deadline: 06/01/1999
Projected Award Date: 10/01/1999
Contact person: Steve Young, syoung@hrsa.gov, 1–301–443–6560

Extramural Support Program for Projects to Increase Organ and Tissue Donation

Authorization

Section 371(a)(3) of the Public Health Service Act, 42 U.S.C. 273.

Please note that a separate **Federal Register** Notice, dated April 5, 1999 provided a 30 day comment period regarding the project phases eligible for program support (pilot tests and replications), performance measures, funding priorities, and review criteria. Comments will be considered for the purpose of writing the detailed guidance to applicants. Therefore, the guidance may indicate changes in some of the following information.

Purpose

This is a proposed solicitation for cooperative agreements to increase organ and tissue donation. The goals of this peer reviewed, competitive extramural support program are to implement, evaluate, and disseminate model interventions with the greatest potential for yielding a verifiable and demonstrable impact on organ donation and which are replicable, transferable, and feasible in practice. Projects funded under this program are expected to have performance measures addressing one or more of the following outcomes: organ procurement rates; consent rates and organ donation; and number and prevalence of family organ donation

discussions. Applications may propose either a Phase 1 study which pilot tests the efficacy of promising interventions to increase organ donation, or Phase 2 study which focuses on implementing and testing in multiple sites interventions which already have proved effective in pilot studies. Phase 2 projects also can include dissemination. All projects must have rigorous evaluation components.

Eligibility

Organ procurement organizations and other private not-for-profit organizations. An applicant must be part of a consortium of at least two organizations relevant to the project. Applications from single entities will not be considered.

Funding Priorities and/or Preferences

Two funding priorities are proposed, one for applications that are most likely to have a demonstrable impact on consent rates, and another for projects that address variations in consent by race and ethnicity, which may include an examination of differences in donation/transplantation knowledge, attitudes, and experiences among one or more minority groups.

Review Criteria

Final criteria are included in the application kit.

Estimated Amount of This Competition: $5,000,000.

Estimated Number of Awards: 15–20.

Estimated Project Period: Up to 3 years.

Application Availability: 05/10/1999.

To Obtain This Application Kit: CFDA Number 93.134.

Contact: 1–888–333–HRSA (4772).

Application Deadline: 07/12/1999.

Projected Award Date: 09/30/1999.

Contact Person: Dr. D.W. Chen, dchen@hrsa.gov, 1–301–443–7577.

Maternal and Child Health Bureau

Grants Management Office: 301–443–1440.

Cooperative Agreement for Emergency Medical Services for Children (EMSC) Data and Quality Improvement Center

Authorization

Section 1910 of the Public Health Service Act, as amended, Public Law 102–410, 42 U.S.C. 300w–9.

Purpose

The purpose of the EMSC Data and Quality Improvement Center is to enhance management information and quality improvement (QI) capabilities of State EMS offices, with a special focus on pediatric issues. Proposals are sought which will assist in the application of data to QI and in collaborative efforts to collect and analyze State level data. Federal involvement will include planning, guidance, coordination and participation in workshops.

Eligibility

States and Accredited Schools of Medicine are eligible to apply for this program.

Funding Priorities and/or Preferences

None.

Review Criteria

Final criteria are included in the application kit.

Estimated Amount of This Competition: $400,000.

Estimated Number of Awards: 1.

Estimated Project Period: 3 years.

Application Availability: 04/01/1999.

To Obtain This Application Kit: CFDA Number: 93.127E.

Contact: 1–888–333–HRSA (4772).

Application Deadline: 06/01/1999.

Projected Award Date: 08/01/1999.

Contact Person: Maria T. Baldi, mbaldi@hrsa.gov, 1–301–443–6192.

Bureau of Health Professions

Grants Management Officer: 1–301–443–6880.

Basic Nurse Education and Practice: Baccalaureate Nursing Education Using Distance Learning Methodologies for Rural RNs.

Authorization

Section 831 of the Public Health Service Act, 42 U.S.C. 297–1.

Purpose

The purpose of this special request for applications is to expedite and facilitate the baccalaureate education of registered nurses from rural areas using distance learning methodologies. The legislative priority for which funds may be awarded under a cooperative agreement is for ''expanding the enrollment in baccalaureate nursing programs.'' The intent is to demonstrate that quality curricula developed for delivery by distance learning methodologies, which are primarily computer-based, will facilitate RN to BSN education for nurses living in rural areas with underserved populations.

Eligibility

Nursing schools with an accredited baccalaureate program.

Funding Priorities and/or Preferences

The purpose of this request for applications is to strengthen capacity for basic nurse education and practice in rural areas by expanding the enrollment of rural registered nurses in baccalaureate nursing programs using distance learning technologies. As such, it addresses the statutory funding preference for substantially benefiting rural populations.

Review Criteria

Final criteria are included in the application kit.

Estimated Amount of this Competition: $800,000.

Estimated Number of Awards: 4.

Estimated Project Period: 5 years.

Application Availability: 04/09/1999.

To Obtain This Application Kit: CFDA Number: 93.359.

Contact: 1–888–333–HRSA (4772).

Application Deadline: 05/28/99.

Projected Award Date: 08/31/1999.

Contact Person: Carole A. Gassert, cgassert@hrsa.gov, 1–301–443–5786.

[FR Doc. 99–9531 Filed 4–15–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Data Collection; Comment Request; Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial.

Type of Information Collection Request: EXTENSION, OMB control number 0925–0407, expiration date September 30, 1999.

Need and Use of Information Collection: This trial is designed to determine if screening for prostate, lung, colorectal and ovarian cancer can reduce mortality from these cancers which currently cause an estimated 251,000 deaths annually in the U.S. The design is a two-armed randomized trial of men and women 55 to 74 at entry. The anticipated total sample size, after 6½ years of recruitment, is projected to be 148,000. The primary endpoint of the trial is cancer-specific mortality for each of the four cancer sites (prostate, lung,

colorectal, and ovary). In addition, cancer incidence, stage shift, and case survival are to be monitored to help understand and explain results. Biologic prognostic characteristics of the cancers will be measured and correlated with mortality to determine the mortality predictive value of these intermediate endpoints. Basic demographic data, risk factor data for the four cancer sites and screening history data, as collected from all subjects at baseline, will be used to assure comparability between the screening and control groups and make appropriate adjustments in analysis. Further, demographic and risk factor information will be used to analyze the differential effectiveness of screening in high versus low risk individuals.

Frequency of Response: On occasion.

Affected Public: Individuals or households.

Type of Respondents: Adult men and women.

The annual reporting burden is as follows:

Estimated Number of Respondents: 141,250;

Estimated Number of Responses Per Respondent: 1.5;

Average Burden Hours Per Response: .42; and

Estimated Total Annual Burden Hours Requested: 91,288.

The annualized cost to respondents is estimated at: $912,884. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. John Gohagan, Chief, Early Detection Branch, EDCOP, National Cancer Institute, NIH, EPN Building, Room 330, 6130 Executive Boulevard, Bethesda, MD 20892–7346, or call non-toll-free number (301) 496–3982 or E-mail your request, including your address to: gohaganj@dcpcepn.nic.nih.gov

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before June 15, 1999.

Dated: April 8, 1999.

Reesa Nichols,

OMB Clearance Liaison.

[FR Doc. 99–9487 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 18–19, 1999.

Open: May 18, 1999, 1:30 PM to Recess.

Agenda: For discussion of program policies and issues.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Closed: May 19, 1999, 9:00 AM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Mary Leveck, PHD, Associate Director for Scientific Programs, NINR, NIH, Building 31, Room 5B05, Bethesda, MD 20892, (301) 594–5963.

(Catalogue of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 12, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–9483 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: April 14, 1999.

Time: 2:00 PM to 3:00 PM.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sheila O'Malley, M.A., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892–9606, Bethesda, MD 20892–9606, 301–443–6470.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientists Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: April 9, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–9486 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 16, 1999.

Time: 11:00 AM to 1:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–MEP–02M.

Date: April 20, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–BM–2(8).

Date: April 21, 1999.

Time: 10:00 AM to11:30 AM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William C. Branche, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 21, 1999.

Time: 10:30 AM to 12:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Betty Hayden, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, haydenb@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 21, 1999.

Time: 1:00 PM to 3:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martin Slater, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7808, Bethesda, MD 20892, (301) 435–1149.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–MEP–03M.

Date: April 21, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 21, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anita Miller Sostek, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda MD 20892, (301) 435–0910.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 21, 1999.

Time: 2:00 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Sue Krause, MEDS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7848, Bethesda, MD 20892, (301) 435–0681.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 22, 1999.

Time: 8:30 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Abubakar A. Shaikh, DVM, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 435–1042.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 22, 1999.

Time: 1:00 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alec S. Liacouras, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435–1740.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–MEP–01M.

Date: April 22, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 22, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact: Patricia H. Hand, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 23, 1999.

Time: 8:00AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20853.

Contact Person: Carole L. Jelsema, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435–1249, jelsemac@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 23, 1999.

Time: 10:00 AM to 12:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2 Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: J Terrell Hoffeld, DDS, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 23, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact: Patricia H. Hand, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333. 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878. 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 9, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–9484 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 13. 1999.

Time: 1:00 PM to 3:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Timothy J. Henry, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435–1147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 14, 1999.

Time: 10:00 AM to 12:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: J. Scott Osborne, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 14, 1999.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: J. Scott Osborne, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 16, 1999.

Time: 4:30 PM to 5:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Timothy J. Henry, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892 (301) 435–1147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.893, National Institutes of Health, HHS)

Dated: April 9, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–9485 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; National Institute of Environmental Health Sciences; Center for the Evaluation of Risks to Human Reproduction Review of Phthalates; Comment Request

NTP Center for the Evaluation of Risks to Human Reproduction announces an upcoming review of phthalates, and solicits public input on

phthalates as well as nominations for future evaluations.

Background

The National Toxicology Program (NTP) and the National Institute of Environmental Health Sciences have established the NTP Center for the Evaluation of Risks to Human Reproduction (63 FR 68782, No 239). The purpose of the Center is to provide timely and unbiased, scientifically sound evaluations of human and experimental evidence for adverse effects on reproduction, including development, caused by agents to which humans may be exposed. The goals of the individual assessments are to (1) Interpret for and provide to the general public information about the strength of scientific evidence that a given exposure or exposure circumstance poses a hazard to reproduction and the health and welfare of children: (2) provide regulatory agencies with objective and scientifically credible assessments of reproductive/development health effects associated with exposure to specific chemicals or classes of chemicals, including descriptions of any uncertainties associated with the assessment of risks, and (3) identify knowledge gaps to help establish research and testing priorities.

Review of Phthalates

Several phthalate esters were selected for the initial evaluation by the Center. These were selected based on their high production volume, extent of human exposures, use in children's products, or published evidence of reproductive or developmental toxicity. The seven phthalates to be evaluated are listed below with their chemical Abstract Service registry numbers.

butyl benzyl phthalate (85–68–7)
di(2-ethylhexyl) phthalate (117–81–7)
di-isodecyl phthalate (26761–40–0)
di-isononyl phthalate (28553–12–0)
di-n-butyl phthalate (84–74–2)
di-n-butyl phthalate (84–75–3)
di-n-octyl phthalate (117–84–0)

It is anticipated that the evaluation of these chemicals will be conducted during August 1999 in the Washington, DC area. An expert panel of 12–15 scientists selected for their expertise in various aspects of reproductive toxicology and other relevant areas will conduct the review. The review will be open to the public with an opportunity scheduled for oral public comment. For further information regarding the review, including the time and place, please contact: Dr. John Moore, CERHR, 1800 Diagonal Road, Suite 500, Alexandria, VA 22314–2808, Phone: (703) 838–9440.

Request for Public Comment on Phthalates

The Center invites public comment on the phthalates listed above, including toxicology information from completed or ongoing studies, and information on planned studies, as well as current production data, human exposure information, use patterns, and environmental occurrence. Written comments received by June 30 will be considered in the review. Comments should be forwarded to CERHR at the above address. an opportunity for oral public comments to the panel will be provided at the review meeting itself.

Request for Nominations for Future Reviews

Nominations of chemicals for future evaluations are also encouraged. Any individual or organization may nominate. Nominations should include the chemical name, Chemical Abstract Service registry number (if known), reason for the nomination, and references or articles on the chemical, when possible. The nominator's name, address, telephone number and e-mail address should be included with the nomination.

Nominations can be made through the Center's web site (*http://cerhr.niehs.nih.gov*) or by mail to Dr. John Moore at the address listed above.

Further information about the NTP Center for the Evaluation of Risks to Human Reproduction and nominated chemicals can be obtained through the Center's web site.

Dated: April 7, 1999.

Kenneth Olden,

Director, NIEHS.

[FR Doc. 99–9488 Filed 4–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Grant Award to the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services, State of Alaska

AGENCIES: Center for Substance Abuse Treatment (CSAT), Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Availability of grant funds for the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services, State of Alaska.

SUMMARY: This notice is to inform the public that CSAT and CMHS are making available approximately $5,000,000 for an award in FY 1999 to the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services, State of Alaska to support development, implementation, and evaluation of a comprehensive, seamless system of care for persons with co-occurring substance abuse (including alcohol and other drugs) and mental health disorders in Anchorage, Alaska, and its environs. CSAT and CMHS will make this award if the application is recommended for approval by the Initial Review Group and the CSAT and CMHS National Advisory Councils. This is not a formal request for applications; assistance will be provided only to the Alaska Division of Mental Health and Developmental Disabilities.

Eligibility for this program is limited to the State of Alaska, as specified in Congressional report language, in recognition of the primacy of its responsibility for, and interest in, providing for the needs of its citizens, and because the success of the program will depend upon the authority and ability to broadly coordinate the variety of resources essential for full program success. The State has committed itself to moving certain mental health services from their extant institutional bases to community bases, and, simultaneously, changing from parallel systems of service delivery—for substance abuse and mental health problems—to an approach designed to deliver services seamlessly to persons with comorbidity. Alaska needs a high level of systemic competence in delivering these services due, in great part, to its climate (resulting in deaths of homeless comorbid persons), and to the requirements of its proposed systems changes. The proposed project presents a unique opportunity for SAMHSA and its Centers to learn, first hand, how the transition from parallel systems to a seamless system of care can be accomplished in a small city in a rural/frontier State, and at what costs. The project promises to yield learnings on the factors and circumstances that facilitate and/or retard systemic change in complex treatment systems. This ''Anchorage Comorbidity Services'' project is also part of SAMHSA's commitment to improving services, and relates directly to the resolution unanimously adopted by its National Advisory Council earlier this year.

Funding from CSAT and CMHS will support some services to persons with co-occurring disorders; continuing planning, review, management, and infrastructure development for the

effort; and a tripartite evaluation of the project, including process, outcome, and impact evaluations. This is a unique opportunity to evaluate significant change in a State system of care for persons with co-occurring disorders.

Authority: The award will be made under the authority of Section 501(d)(5) of the Public Health Service Act, as amended (42 U.S.C. 290aa). The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.230.

CONTACT: Edith Jungblut, Public Health Advisor, Division of Practice and Systems Development, Center for Substance Abuse Treatment, SAMHSA, Rockwall II, 7th floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6669; or Dr. Lawrence Rickards, Public Health Advisor, Division of Knowledge Development and Systems Change, Center for Mental Health Services, SAMHSA, Parklawn Building 11C–05, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–3707.

Dated: April 12, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–9530 Filed 4–15–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4444–N–03]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

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

DATES: Comments date: June 15, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposals by name and/or OMB Control Number and should be sent to: Gail N. Ward, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room P3206, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: David Levitt, (202) 755–1785 ext. 156.

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

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

This Notice also lists the following information:

Title of the Proposal: Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance.

OMB Control Number: 2539–0009.

Need for Information and Proposed Use: Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, require amendment of HUD regulations promulgated under the Lead-Based Paint Poisoning Prevention Act of 1971. HUD published proposed regulations implementing section 1012 and 1013 on June 7, 1996 and is now requesting OMB approval of final regulations.

The final rule retains the following proposed-rule requirements that pertain to paperwork burden: provision of a pamphlet on lead poisoning prevention to tenants and purchasers, provision of a notice to occupants on the results of hazard evaluation and hazard reduction actions, and special reporting requirements if there is a child with an environmental intervention blood lead level residing in a dwelling unit assisted by certain HUD programs. These requirements were approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Also approved by OMB was the proposed-rule requirement for owners of project-based assisted units to develop and submit a hazard reduction plan. That requirement has been eliminated in the final rule. The final rule contains one requirement that was not included in the proposed rule: the keeping of notices and reports pertaining to evaluation and hazard reduction for a minimum of three years.

HUD has prepared a revised estimate of respondent burden, based on the final-rule requirements and data developed for the Regulatory Impact Analysis for the final rule, and is requesting approval of this revision from OMB.

1. Lead Hazard Information Pamphlet

As in the proposed rule, the final rule requires that a designated party (i.e. residential property owner, housing agency (HA), Federal grantee, CILP recipient, tribally designated housing entity (TDHE) or participating jurisdiction) distribute the lead hazard information pamphlet entitled ''Protect Your Family From Lead in Your Home.'' developed by the Environmental Protection Agency (EPA) in cooperation with the Consumer Product Safety Commission (CPSC) and the Department of Housing and Urban Development (HUD), to all purchasers and occupants of pre-1978 housing receiving Federal assistance. This is a statutory requirement (§ 302(a)(1)(A) of the Lead-Based Paint Poisoning Prevention Act). A pamphlet developed by a State government may be used if it is approved by EPA under § 406(a) of the Toxic Substances Control Act. The provider and recipient of the pamphlet are stipulated in the relevant subpart of the rule, based upon the type assistant provided. Existing HUD lead-based paint regulations have long required notification of tenants and purchasers regarding the possibility that housing built before 1978 may contain lead-based paint hazards. The main difference between the existing and new requirement is that the EPA pamphlet must now be used instead of a HUD brochure. The rule does not require that the pamphlet be provided if one has already been provided in compliance with the lead-based paint disclosure rule (at 24 CFR part 35), subpart H), issued jointly by HUD and EPA in 1996.

2. Notice of Evaluation, Hazard Reduction, and Clearance Activities

As in the proposed rule, the final rule requires the provision of notice to occupants of pre-1978 housing receiving Federal assistance describing the nature and scope of any evaluation or hazard reduction activities undertaken, including available information on the location of any remaining lead-based paint on a surface-by-surface basis. This is a statutory requirement (§ 302(a)(1)(F) of the Led-Based Paint Poisoning Prevention Act). As in the proposed rule, HUD is requiring that there be separate notices for evaluation and for

hazard reduction to assure that occupants are informed on a timely basis. HUD's existing lead-based paint regulations for public housing projects constructed before 1978 require written notice to current residents, applicants, and prospective purchasers when units are tested for the presence of lead-based paint and found to contain lead greater or equal to the HY/D standard. The final rule requirements will result in an incremental increase in the cost and hour burdens for the public housing programs. For all other HUD programs, the requirements create new cost and hour burdens. For multifamily properties, the rule provides owners an option of whether to distribute such notices to dwelling units or to post them in centrally located places within the property. For the estimation of paperwork burden, HUD is assuming that 25 percent of the multifamily units will receive notices through direct distribution but that central posting will be done as well in all multifamily properties covered by the rule.

3. Record Keeping

Designated parties are responsible for keeping a copy of each notice, evaluation, clearance, or abatement report for at least three years. In addition, designated parties are required to make such reports available to HUD, if requested. These new requirements are designed to provide a basis for ensuring that Federal funds are expended properly.

4. Reporting Child With an Environmental Intervention Blood Lead Level

For Four types of housing assistance programs, HUD has retained the proposed-rule requirement that additional evaluation and hazard reduction activities be conducted when a child residing in the property is identified as having an environmental intervention blood lead level. As part of these activities the designated party is required to report the name and address of a child with an environmental intervention blood lead level to the public health department (State or local health department or the Indian Health Service), if the case was originally reported to the owner by a source other than the public health department. For purposes of burden estimation, HUD assumes that owners will learn about one-half of the cases from sources other than a public health department. With regard to HUD's tenant-based rental assistance programs, this information collection requirement is not new. For the other three HUD programs with environmental intervention blood lead level requirements the reporting requirement would create new cost and hour burdens. Those programs are public housing, project-based rental assistance, and HUD-owned multifamily housing.

Agency Form Number: No HUD forms are required.

Members of the Affected Public: Households, businesses, not-for-profit organizations, the Federal government, and State, local and tribal governments.

Total Burden Estimate (first year of the rule):

Number of respondents: 78,215.
Number of responses: 772,271.
Number of response: 219,486.

Status of the proposed information collection: Revision of a currently approved collection.

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

Dated: April 12, 1999.

Michael F. Hill,

Senior Advisor, Office of Lead Hazard Control.

[FR Doc. 99–9587 Filed 4–15–99; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–15]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

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

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

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories; Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, by made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this

Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; INTERIOR: Ms. Lola Kane, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: April 8, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 4/16/99

Suitable/Available Properties

Land (by State)

California

Redding Reserve Site
Redding Co: Shasta CA 96049–
Landholding Agency: GSA
Property Number: 54199920001
Status: Unutilized
Comment: 5.13 acres
GSA Number: 9–D–CA–1524

Unsuitable Properties

Buildings (by State)

California

Bldg. 311
Naval Air Facility
El Centro Co: Imperial CA 92243–
Landholding Agency: Navy
Property Number: 77199920001
Status: Unutilized
Reason: Extensive deterioration

Guam

Bldg. 45
Marianas Communications
Annex
Radio Barrigada Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 101
Marianas Communications
Dadedo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 153
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 154
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920005
Status: Unutilized
Reason: Secured Area.

Bldg. 289
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 290
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 291
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 300
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 315
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920010
Status: Unutilized
Reasons: Within 200 ft. of flammable or explosive material; Secured Area

Bldg. 317
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 822
Marianas Communications
Dededo Co: GU 96537–1800
Landholding Agency: Navy
Property Number: 77199920012
Status: Unutilized
Reasons: Secured Area

Hawaii

Facility 63
Naval Computer & Telecomm. Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199920013
Status: Excess
Reason: Extensive deterioration

Bldg. 442
Naval Station, Pearl Harbor
Honolulu Co: HI 96860–
Landholding Agency: Navy
Property Number: 77199920014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 453K
Naval Station, Pearl Harbor
Honolulu Co: HI 96860–
Landholding Agency: Navy
Property Number: 77199920015
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Facility SX30
Navy Public Works Center
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number : 77199920027
Status: Excess
Reasons: Secured Area; Extensive deterioration

Kentucky

Qtrs. 36
Mammoth Cave National Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number : 61199920001
Status: Unutilized
Reason: Extensive deterioration

Mississippi

Bldg. 86
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number : 77199920016
Status: Unutilized
Reason: Extensive deterioration

New Jersey

Bldg. 473
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number : 77199920024
Status: Unutilized
Reason: Extensive deterioration

Bldg. 474
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number : 77199920025

Status: Unutilized
Reason: Extensive deterioration

North Carolina

Bldg. 418
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number : 77199920017
Status: Excess
Reasons: Secured Area; Extensive deterioration

North Carolina

Bldg. 1689
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920018
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 3471
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920019
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 3501
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920020
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 3932
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920021
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 4261
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920022
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 4269
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28532–
Landholding Agency: Navy
Property Number 77199920023
Status: Excess
Reasons: Secured Area; Extensive deterioration

Oregon

Santo Hall U.S. Army Rsve Ctr
701 N. Columbus Ave.
Medford Co: Jackson OR 97501–
Landholding Agency: GSA
Property Number 21199720211
Status: Surplus
Reasons: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–OR–727

Virginia

Bldg. 3074
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number 77199920026
Status: Unutilized
Reasons: Extensive deterioration

[FR Doc. 99–9228 Filed 4–15–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–010169

Applicant: Kenneth Lee Barr, Kelseyville, CA,

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–010175

Applicant: Gary L. Ball, Fillmore, CA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pyqarqus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Atlanta, GA, PRT–844093

Applicant: Yerkes Regional Primate Research Center

The applicant requests a permit to export tissues samples from gorilla (*Gorilla gorilla*) and orangutan (*Pongo pygmaeus*) that were both captive-bred and wild-collected for scientific purposes.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

PRT–009689

Applicant: Joseph Jerry Wright, Atlanta, GA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

PRT–009834

Applicant: Glen W. Morgon, Beaumont, TX

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

PRT–009840

Applicant: John A. Madden, Minden, LA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

PRT–009835

Applicant: Walter J. Palmer, Eden Prairie, MN

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: April 12, 1999.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–9532 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application.

SUMMARY: The following applicant has applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit Number TE–009901

Applicant: Alaska Biological Science Center, Anchorage, Alaska

The applicant requests a permit to take (direct) one to three fronds from 10 Aleutian shield fern (Polystichum aleuticum) plants for the purpose of enhancing this species survival.

DATES: Written comments on this permit application must be received on or before May 17, 1999.

ADDRESSES: Written data or comments should be submitted to the Field Supervisor, Ecological Services Field Office, Anchorage, U. S. Fish and Wildlife Service, 605 W. 4th Ave. Rm G–62, Anchorage, AK 99501; Fax: 907/271–2786. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (907) 271–2888. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: April 1, 1999.

David B. Allen,

Regional Director, Region 7, Anchorage, Alaska.

[FR Doc. 99–9554 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species; Golden-Cheeked Warbler, et al.

ACTION: Notice of receipt of seven applications.

SUMMARY: This notice advises the public that GDF Realty Investments, Ltd. (applicant), in conjunction with Mr. R. James George, Jr., Purcell Investments L.P., Parke Properties I, L.P. and Parke Properties II, L.P., each entity of Austin, Texas, has applied to the U.S. Fish and Wildlife Service (Service) for seven incidental take permits pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applications have been assigned application file numbers PRT–838754, PRT–841088, PRT–841090, PRT–841093, PRT–841117, PRT–841120 and PRT–841125. The requested, permits, if issued, would each be for a period of 30 years, and would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atriocapillus*), Tooth Cave pseudoscorpion (*Microcreagris texana*), Tooth Cave spider (*Leptoneta myopica*), Tooth Cave ground beetle (*Rhadine persephone*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), Bee Cave Creek harvestman (*Texella reddelli*), and Bone Cave harvestman (*Texella reyesi*). The Applicant plans to construct and operate commercial and/or residential developments on 216.4 acres of habitat in the area known as the Hart Triangle and used by the golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman. The proposed incidental take would occur as a result of the construction and operation of these developments on FM 620 at Bullick Hollow Road (FM 2222) in Travis County, Texas.

The Applicant has prepared Habitat Conservation Plans (HCPs) to accompany these incidental take permit applications.

DATES: Written comments on the applications and HCPs should be received on or before May 17, 1999.

ADDRESSES: Persons wishing to review the applications and HCPs may obtain copies by contacting the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, P.O. Box 1306, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87102 (505/248–6920). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the Albuquerque Regional Office address above. Written data or comments concerning the applications and HCPs should be submitted to the Regional Director (Attention: Ecological Services) at the above address, in Albuquerque, New Mexico. Please refer to application file permit numbers PRT–838754, PRT–841088, PRT–841090, PRT–841093, PRT–841117, PRT–841120 and PRT–841125 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Leslie Dierauf at the Regional Office address noted above (505/248–6651).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The seven tracts are within the Balcones Canyonlands Preserve (BCP) permit area (Incidental Take Permit PRT–788841) and within or adjacent to the Tooth Cave karst fauna area, known as the Four Points cave cluster. The Tooth Cave karst fauna area underlies a large portion of the total acreage of these seven tracts. The Tooth Cave area contains two of the four caves (50%) known to contain Tooth Cave spiders, three of the five caves (60%) known to contain Tooth Cave pseudoscorpions, and three of the four caves (75%) known to contain Kretschmarr Cave mold beetles. Therefore, this property contains a large proportion of the known range of three of the six listed cave invertebrates in Travis County. Although the full extent of the interconnectivity of the karst features in this area is not known, karst is by nature an interconnected network of voids, and preserving this interconnectivity and the relationship of the karst to activities on the surface is vital on these properties.

The applicant proposes to intensely develop 216.4 acres. The applicant has proposed the following for each of the incidental take permit applications:

PRT–838754 [19.6 acres; parcel 8; Tract F; GDF Realty] Shopping center on 60% of the property, with bermed stormwater detention facilities in areas on the remainder of the property. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use to EPA guidelines, all run-off directed away from Tooth Cave, all development will occur below the 1050 contour interval, a contractor who will

monitor all excavation during the construction phase of the development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

PRT–841088 [9.74 acres; parcel 3; Tract B; Purcell Investments] Shopping center, 60% impervious cover, with stormwater detention facilities in areas on remainder of tract. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use to EPA guidelines, all run-off directed away from Tooth Cave, a contractor who will monitor all excavation during the construction phase of the development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

PRT–841090 [7.6 acres; parcel 9; Tract G; GDF Realty] Shopping center on 60% of property, bermed stormwater detention facilities in areas on the remainder of the property. According to this HCP, none of the property has been found to be suitable habitat for the warbler or vireo. Nevertheless, this HCP states that clearing in occupied warbler or vireo habitat will occur only during times of the year when birds are not present, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations. The tract contains karst habitat.

PRT–841093 [30.47 acres; parcel 7; Tract E; Purcell Investments] Residential development on flatter acreage (no acreage or site plan submitted), bermed stormwater detention facilities in undeveloped areas, road construction mentioned, but the access route not included on any map. According to this HCP, none of the property has been found to be suitable habitat for the warbler or vireo. Nevertheless, this HCP states that clearing in occupied warbler or vireo habitat will occur only during times of the year when birds are not present, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

PRT–841117 [28 acres, parcels 1 & 2; Tract A; Purcell Investments] Shopping center, 60% impervious cover, bermed stormwater detention facilities to be located on the remaining 40%. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to caves, fire ant control measures, pesticides and herbicides used according to EPA guidelines, a contractor to monitor all excavation during the construction phase, human recreation will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

PRT–841120 [47 acres; parcel 5 & 6; Tract D; Purcell Investments] Mixed-use development on 60% of the property, bermed stormwater detention facilities in the remaining areas (the site plan submitted suggests slightly less intense use). Minimization, mitigation and monitoring measures include the following: run-off from proposed commercial development routed to avoid impacts to cave preserves, fire ant control measures, pesticides and herbicides used according to EPA guidelines, all run-off directed from adjacent preserve, a contractor to monitor all excavation during the construction phase of development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

PRT–841125 [74 acres; parcel 4; Tract C; Purcell Investments] Office and multi-family development on 60% of site, stormwater detention facilities located in areas on the remainder of the site, not otherwise developed. Minimization, mitigation and monitoring measures include the following: run-off to be routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use according to EPA guidelines, a contractor to monitor all excavation during the construction phase, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

The HCPs which the applicant has provided do not provide detailed descriptions of long-term funding. The summary of environmental effects that may occur due to the actions of these projects contain factual errors. The draft environmental assessments submitted by the applicant also do not contain details of alternative analyses conducted during development of the HCPs.

During the HCP development phase, the Service discussed with the applicant various options for minimizing or avoiding species impacts. Nevertheless, the applicant has requested that the Service proceed with processing the seven applications as submitted.

Applicant: GDF Realty Investments, Ltd., in conjunction with Mr. R. James George, Jr., Purcell Investments L.P., Parke Properties I, L.P. and Parke Properties II, L.P., each entity of Austin, Texas, plans to construct and operate seven commercial and/or residential developments in Travis County, Texas. These actions will take place on 216.4 acres of habitat in the area known as the Hart Triangle and used by the endangered golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 99–9659 Filed 4–14–99; 11:39 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Incidental Take Permits; Williamson Co., TX

Notice of Availability of a Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Operation of the Buttercup Creek's Section 4 and Phase V and Extension of Lakeline Boulevard (275 acres of the 438 acres), Williamson County, Texas.

SUMMARY: Lumbermen's Investment Corporation (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number PRT–836384. The requested permit, which is for a period of 30 years, would authorize the potential incidental take of the endangered Tooth Cave ground beetle (*Rhadine persephone*). The proposed take would occur as a result of the construction of single-family and multi-family residences on 275 acres of the 438 acres at the intersection of Buttercup Blvd. and Lakeline Blvd. in Williamson County, Texas.

The Service has prepared the draft Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the

incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received by May 17, 1999.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the draft EA/HCP may obtain a copy by contacting Christina Longacre, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the above address. Please refer to permit number PRT–836384 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Christina Longacre at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Tooth Cave ground beetle. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Lumbermen's Investment Corporation plans to construct single-family and multi-family residences on 275 acres of the 438 acres in Williamson County, Texas. This action is not expected to impact any Tooth Cave ground beetle habitat directly or indirectly, although the potential to discover an unknown feature does exist. The Applicant proposes to preserve in perpetuity all known features of both endangered and species of concern caves.

Alternatives to this action were rejected because alternative designs or not developing the subject property with federally listed species present was not economically feasible.

Charlie Sanchez, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 99–9509 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On February 3, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 22, Page 5310, that an application had been filed with the Fish and Wildlife Service by Michael Carpinito for a permit (PRT–007280) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Southern Beaufort Sea polar bear population, Canada, for personal use.

Notice is hereby given that on March 24,1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Denis Danner for a permit (PRT–007279) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 2, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Steve Kobrine for a permit (PRT–006302) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 2, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On January 22, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 14, Page 3539, that an application had been filed with the Fish and Wildlife Service by Ina L. Johnson for Ernest L. Johnson for a permit (PRT-006116) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, prior to April 30, 1994, for personal use.

Notice is hereby given that on April 2, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Patrick Short for a permit (PRT–007671) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 2, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Carl Ulberg for a permit (PRT–003949) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Johnny Bliznak for a permit (PRT–004455) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 1,1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol.

64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by James Verbrugge for a permit (PRT–003975) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Arthur I. Kobrine for a permit (PRT–004766) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Tommy E. Smith for a permit (PRT–842044) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Joe E. Owen for a permit (PRT–003075) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Michael P. O'Neill for a permit (PRT–003414) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Harold W. Armstrong for a permit (PRT–844554) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Val Goldthwaite for a permit (PRT–842041) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Ry R. Tipton for a permit (PRT–841984) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Jeffrey C. Miller for a permit (PRT–004771) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Don H. Brown for a permit (PRT–004875) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Michael Langer for a permit (PRT–843641) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 5, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Greg Medlin for a permit (PRT–843166) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 19, 1999, a notice was published in the **Federal Register**, Vol. 64, No. 33, Page 8397, that an application had been filed with the Fish and Wildlife Service by Kenneth Greg

for a permit (PRT–003421) to import a polar bear (*Ursus maritimus*) sport-hunted trophy taken from the Lancaster Sound polar bear population, Canada, for personal use.

Notice is hereby given that on April 6, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: April 12, 1999.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–9533 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–01]

Extension of Approved Information Collection, OMB Number 1004–0153

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 renewal of existing approval to collection of information from those persons who seek to acquire the federally owned (reserved) mineral interests underlying their surface estate. BLM collects information to assure that the applicant is the owner of the surface that overlies the federally owned minerals and that statutory requirements for their conveyance have been met. The authorization for such collection is provided by the 43 CFR part 2720 regulations.

DATES: Comments on the proposed information collection must be received by June 15, 1999, to be assured of consideration.

ADDRESSES: Comments may be mailed to: Director (420), Bureau of Land Management, 1849 C Street NW, Room 401 LS, Washington, D.C. 20240.

Comments may be sent via Internet to: WoComment@wo.blm.gov. Please include ''ATTN: 1004–0153'' and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Carl C. Gammon, (202) 452–7777.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d), BLM is required to provide 60-day notice in the **Federal Register** concerning a proposed collection of information to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1719, states that the Secretary of the Interior may convey mineral interests owned by the United States where the surface is or will be in non-federal ownership if he finds that there are no known mineral values in the land or that the reservation of the mineral rights in the United States is interfering with or precluding appropriate non-mineral development is a more beneficial use of the land than mineral development. BLM adopted implementing regulations at 43 CFR Part 2720 in 1979 (44 FR 1342, January 4, 1979) and amended them in 1986 (51 FR 9657, March 20, 1986). The regulations establish a procedure whereby any individual seeking to acquire the federally owned (reserved) mineral interest underlying their surface must make application and provide information essential to compliance with the law, regulations, and procedures. The regulations at 43 CFR 2720.1–2 specify what information must be included in the application in narrative form:

Name, address, and phone number. The name, mailing address, and telephone number of the existing or prospective record title owner of the land is necessary to identify and locate the individual for transacting business and communication. The phone number is necessary for direct communication with the applicant.

Proof of ownership. Proof of ownership of land included in the application is necessary to assure the applicant is the record title owner of the surface. In the case of a prospective owner, the application must include a copy of the contract or a statement describing the method by which ownership will be obtained.

Supporting survey evidence. The applicant must include a copy of any patent or other instrument conveying the land included in the application, with supporting survey information. This information is necessary to legally describe the land in the application.

Statement. The applicant must include a statement concerning: (1) The nature of the federally owned or reserved mineral values in the land, (2) the existing and proposed uses of the land, (3) why the mineral reservation is interfering with or precluding appropriate non-mineral development of the land, (4) how and why such development would be a more beneficial use than mineral development, and (5) a showing that the proposed use complies or will comply with state and local zoning or planning requirements. This information is necessary to assure that the application meets statutory requirements for receiving benefits.

BLM uses the information collected to analyze and approve applications for purchase of federally owned mineral interests. If the information required by 43 CFR 2720.1–2 was not collected, BLM would be unable to carry out the mandate of Section 209 of FLPMA, and beneficial development of the surface would be precluded.

Based on its experience administering the regulations at 43 CFR Part 2720, BLM estimates that the public reporting burden for the information collection is 8 hours per application. The respondents are non-federal owners of the surface of the land in which the mineral interests are reserved or otherwise owned by the United States who seek to acquire those mineral interests. The frequency of response is one per application. BLM estimates that 29 applications for conveyance of federally owned mineral interests will be filed annually. The estimated total annual burden on respondents is collectively 232 hours.

We 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: April 5, 1999.

Carole J. Smith,

Bureau of Land Management Information Clearance Officer.

[FR Doc. 99–9555 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Meeting Notice; Lower Snake River District

SUMMARY: The Lower Snake River District Resource Advisory Council will conduct a field tour and office meeting to discuss sage grouse habitat needs and management issues, and to review the status of the Interior Columbia Basin Ecosystem Management Project.

DATES: The field tour leave from the District Office at 7:30 a.m. on May 4. The office meeting will begin at 9:00 a.m. on May 5. Public comment periods will be held on May 5 at 9:30 a.m. and 4:00 p.m.

ADDRESSES: The office meeting will be held at the Lower Snake River District Office, located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Katherine Kitchell,

District Manager.

[FR Doc. 99–9492 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–01; MTM 89002]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 86.85 acres of public land and 13.96 acres of non-federal land, when acquired, for protection and development of a public campground and day use recreation area. This notice closes the land for up to 2 years from surface entry and mining. The public land has been and will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by July 15, 1999.

ADDRESSES: Comments and meeting requests should be sent to the Montana State Director, BLM, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, 406–255–2949.

SUPPLEMENTARY INFORMATION: On March 22, 1999, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land and non-federal land, when acquired, from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights. The land is described as follows:

Public Land

Principal Meridian, Montana

T. 11 N., R. 2 W.,
Sec. 23, that portion of the E½NE¼ lying east of the York Road (State Highway 280) as set out on the Certificate of Survey (COS) filed under Document No. 259800;
Sec. 24, tracts 4 and 5 as set out on the COS filed under Document 452285/T, and tract 6–A as set out on the COS filed under Document No. 464941/B.

The area described contains 86.85 acres in Lewis and Clark County.

Non-Federal Land

Principal Meridian, Montana

T. 11 N., R. 2 W.,
Sec. 23, Tracts 7 and 8 as described in COS 452285/T.

The area described contains 13.96 acres in Lewis and Clark County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Montana State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Montana State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The use of the land for recreation purposes may be permitted during this segregative period until development of the area begins.

Dated: April 8, 1999.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 99–9557 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–84–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1430–01; NMNM–102308]

Notice of Proposed Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior proposes to withdraw approximately 8,470.59 acres of Federal surface and minerals and 480 acres of Federal minerals underlying private surface to protect possible cave system north and northeast of the existing ''cave protection area'' protected by the Lechuguilla Cave Protection Act (107 Stat. 1983 (1993)). An additional 8,198.72 acres of State land and mineral estate within the proposal withdrawal area, if acquired by the United States, would become subject to the withdrawal. This notice segregates the lands described below for up to 2 years from settlement, location, sale or entry under the general land laws, including the mining laws, and from mineral leasing.

FOR FURTHER INFORMATION CONTACT: Clarence Hougland, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, 505–438–7593.

SUPPLEMENTARY INFORMATION: The purpose of the proposed withdrawal is to protect the identified area from activities that might threaten possible cave resources in the area. The proposal, if finalized, would expand the existing ''cave protection area'' to better conform to geological information about the northern and eastern extent of cave resources, as identified by the so-called Guadalupe Geoplogy Panel. If finalized,

it would withdraw the following described Federal lands and minerals from settlement, location, sale, and entry under the general land laws, including the mining laws, and from mineral leasing, subject to valid existing rights:

New Mexico Principal Meridian, New Mexico

T. 24 S., R. 23 E.,
Sec. 24, all;
Sec. 33, NE¼, E½NW¼, and NE¼SE¼ (all Federal minerals only);
Sec. 34, E¼, NW¼, (Federal minerals only), NW¼SW¼ (Federal minerals only), E½,SW¼, and SW¼SW¼,
Sec. 35, N½.
T. 24 S., R. 24 E.,
Sec. 14, N½;
Sec. 15, N½;
Sec. 17, N½, N½,S½, S½SW¼, and SW¼SE¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
T. 24 S., R. 25 E.,
Sec. 11, S½;
Sec. 12, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 13, S½;
Sec. 14, W½NE¼, SE¼,NE¼, W½, and SE¼;
Sec 22, all;
Sec. 23, N½, SW¼, NE¼NE¼SE¼, W½E½SE¼, and W½SE¼;
Sec. 24, N½, E½E½SW¼, SE¼SW¼SW¼, SW¼SE¼SW¼, and SE¼;
Sec 25, N½;
Sec. 26, N½, N½SW¼, SE¼SW¼, and SE¼.
T. 24 S., R. 26 E.,
Sec. 17, lot 1, E½NW¼, SW¼NW¼, and SW¼ (all West of Highway 180);
Sec. 18, lots 1, 2, 4, W½NE¼NE¼, NW¼NE¼, NE¼NW¼, S½SE¼SW¼, and S½SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, and E½W½ (all West of Highway 180).

The areas described aggregate 8,950.59 acres in Eddy County. All lands are federally owned surface and subsurface (mineral) unless otherwise noted.

The following described State lands and mineral estates would, if acquired by the United States, become subject to the withdrawal:

New Mexico Principal Meridian, New Mexico

T. 24 S., R. 23 E.,
Sec. 22, S½;
Sec. 23, S½;
Sec. 26, all;
Sec. 27, all;
Sec. 28, E½, SE¼NW¼, and SW¼;
Sec. 33, W½NW¼, SW¼, W½SE¼, and SE¼SE¼.
T. 24 S., R. 24 E.,
Sec. 12, S½;
Sec. 13, all;
Sec. 16, all.
T. 24 S., R. 25 E.
Sec. 7, S½;
Sec. 8. S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 15, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 16, all;
Sec. 17, all;
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½.

The area described aggregates approximately 8,198.72 acres in Eddy County.

For a period of 2 years from the date of publication of this notice in the **Federal Register,** the lands will be segregated from settlement, location, sale and entry under the general lands laws, including the mining laws, and from mineral leasing, subject to valid existing rights, unless the proposal is cancelled or unless the withdrawal is finalized prior to the end of the segregation period. Existing uses of the segregated lands may be continued in accordance with their terms (except for the location or relocation of mining claims during the pendency of the 2-year segregative period), including but not limited to livestock grazing, lawful ingress and egress to any valid mining claims and patented claims and mineral leases that may exist on the segregated lands or nearby public lands inside the existing cave protection area, use of all rights-of-way, lawful access to non-Federal lands and interests in lands, all current recreational uses including hunting, camping and day use, and all commercial uses being conducted under special use permits. The Bureau of Land Management is authorized to grant rights-of-way, easements (including drilling easements), permits and other approvals for the exercise of valid existing rights on the segregated lands or nearby public lands inside the existing cave protection area. The Federal lands will remain under the jurisdiction of the Bureau of Land Management.

Dated: April 9, 1999.

M. J. Chávez,

State Director.

[FR Doc. 99–9556 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), we are notifying you that an information collection request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. We are also soliciting your comments on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Written comments should be received on or before May 17, 1999.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0033), 725 17th Street, N.W., Washington, D.C. 20503; telephone (202) 395–7340. Copies of these comments should also be sent to us. The U.S. Postal Service address is Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; the courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225; and the e:Mail address is RMP.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Publications Staff, telephone (303) 231–3046, FAX (303) 231–3385, e:Mail Dennis.C.Jones@mms.gov. You may also contact Dennis Jones to obtain a copy of the ICR at no cost.

SUPPLEMENTARY INFORMATION:

Title: Payor Information Form (Form MMS–4025).

OMB Control Number: 1010–0033.

Abstract: The Secretary of the Interior is responsible for the collection of royalties from lessees producing minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage the production of mineral resources on Indian lands and Federal onshore and offshore leases, to collect the royalties due, and to distribute the funds in accordance with those laws.

We perform royalty management functions for the Secretary. We use a database, an automated fiscal accounting system (the Auditing and Financial System) to account for revenues collected from Federal and Indian leases. Part of the database consists of information collected using the Payor Information Form (Form MMS–4025). Form MMS–4025 is used to record and report data from new producing leases, for updating payor changes, and to notify MMS of the

products on which royalties will be paid.

Based upon well data provided by the Bureau of Land Management, MMS developed a well database and, consequently, payors no longer need to report certain well data when submitting Form MMS–4025. Also, the Royalty Policy Committee, established by the Secretary, and MMS personnel identified several data elements that are only needed on an exception basis and, therefore, do not need to be routinely reported on Form MMS–4025. This program change reduces the reporting burden for this information collection.

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 Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on August 11, 1998 (63 FR 42870).

Burden statement: The respondent burden for this collection is estimated to average 40 minutes to complete Form MMS–4025. Recordkeeping requires an additional 5 minutes. The total annual burden hour estimate is 17,250 hours which includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

Respondents/Affected Entities: Federal and Indian lessees and payors.

Frequency of Response: As necessary.

Estimated Number of Respondents: 2,200.

Estimated Total Annual Reporting and Recordkeeping Burden: 17,250 hours.

Comments: Section 3506(c)(2)(A) of the Paperwork Reduction Act requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by May 17, 1999.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated: April 8, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 99–9506 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Royalty Computation of Phosphate Production on Western Public Lands; Correction

AGENCY: Minerals Management Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Minerals Management Service is making two corrections to a final notice published in the **Federal Register** on March 26, 1999. The final notice provides a new method of determining the value of production used to compute royalties on phosphate ore produced from Federal leases on western public lands. The corrections to this final notice are to add a table that was omitted and to clarify the implementation date of this notice.

FOR FURTHER INFORMATION CONTACT: Herbert B. Wincentsen, Chief, Solid Minerals Valuation and Reporting Branch, Minerals Management Service, PO Box 25165, MS 3153, Denver, Colorado 80225–0165, telephone (303) 275–7210.

SUPPLEMENTARY INFORMATION: MMS published a notice in the **Federal Register** on March 26, 1999 (64 FR 14751), in which Table 2 was inadvertently omitted. This document adds Table 2 to the notice.

For further clarity, this document also changes the implementation date to the first full month following the effective date of this final notice.

Correction

In FR Doc. 99–7394 published March 26, 1999, on page 14753, in third column, insert the following table after the words ''Table 2 shows the new weighted composite index methodology and the computation of the index unit value:''

TABLE 2.—COMPOSITE INDEX METHODOLOGY FOR FEDERAL PHOSPHATE VALUATION

Year	Minerals mining index	Phosphatic fertilizer index	USGS rock price index	Composite index	Index unit value
Weight Factor (percent)	50	25	25		
Base Year 1987	96.40	110.90	75.96	94.92	0.5038
1997	107.60	140.60	92.94	112.39	
1998					0.5965

In FR Doc. 99–7394 published March 26, 1999, on page 14753, in second column, correct the title and paragraph beginning with ''Phosphate Unit Value from April 26, 1999'' to read:

Phosphate Unit Value From May 1, 1999

Use the new methodology Unit Value ($0.5965/Unit) for production occurring on or after May 1, 1999, until August 1, 1999. No production month will have more than one Unit Value under this implementation strategy.

Dated: April 9, 1999.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 99–9507 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information under 30 CFR Part 780, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plans; and 30 CFR Part 887, Subsidence Insurance Program Grants.

DATES: Comments on the proposed information collection must be received by June 15, 1999, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtreleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that OSM will be submitting to OMB for approval. These collections are contained in (1) 30 CFR Part 780, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plans; and (2) 30 CFR Part 887, Subsidence Insurance Program Grants. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

The following information is provided for the information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan—30 CFR Part 780.

OMB Control Number: 1029–0036.

Summary: Permit application requirements in sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of Public Law 95–87 require the applicant to submit the operations and reclamation plan for coal mining activities. Information collection is needed to determine whether the mining and reclamation plan will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for surface coal mine permits.

Total Annual Responses: 420.

Total Annual Burden Hours: 186,081.

Title: Subsidence Insurance Program Grants—30 CFR part 887.

OMB Control Number: 1029–0107.

Summary: States and Indian tribes having an approved reclamation plan may establish, administer and operate self-sustaining State and Indian Tribe-administered programs to insure private property against damages caused by land subsidence resulting from underground mining. States and Indian tribes interested in requesting monies for their insurance programs would apply to the Director of OSM.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: States and Indian tribes with approved coal reclamation plans.

Total Annual Responses: 0.

Total Annual Burden Hours: 1.

Dated: April 13, 1999.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 99–9620 Filed 4–15–99; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 21, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–208 (Review) (Barbed Wire and Barbless Wire Strand from Argentina)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on May 3, 1999.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 13, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–9684 Filed 4–14–99; 12:39 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office for Victims of Crime

[OJP(OVC)–1223]

RIN 1121–ZB56

Notice of Cancellation of the Post Rape Stress Video for Indian Country Solicitation

AGENCY: Office of Justice Programs, Office for Victims of Crime, Justice.

ACTION: Notice of Cancellation.

SUPPLEMENTARY INFORMATION:

Authority

The previous action for solicitation now canceled was authorized under the Victims of Crime Act of 1984, as amended, 42 U.S.C. 10603(c). This notice of cancellation is authorized under the Victims of Crime Act of 1984, as amended, 42 U.S.C. 10604(a).

SUMMARY: The Office for Victims of Crime (OVC) is canceling the solicitation, Post Rape Stress Video for Indian Country. This solicitation, which appeared on page 31 of OVC's FY 1999

Discretionary Program Application Kit, was one of eleven (11) competitive solicitations. The Application Kit was published on March 5, 1999. Friday, May 14, 1999 was announced as the due date for applications for this solicitation. As this solicitation is being canceled, the due date for this solicitation is no longer in effect, and OVC will neither accept nor review applications submitted in response to this particular solicitation. OVC has decided to adapt an existing video to Indian Country instead of funding a new grant.

ADDRESSES: Office for Victims of Crime, Federal Crime Victims Division, 810 Seventh Street, N.W., Washington, D.C. 20531.

FOR FURTHER INFORMATION: Questions concerning this notice should be directed to Cathy Sanders, Federal Crime Victims Division, Office for Victims of Crime, at the above address, or by telephone at (202) 616–3578, or by e-mail at Cathy@ojp.usdoj.gov.

Dated: April 13, 1999.

Kathryn M. Turman,

Acting Director, Office for Victims of Crime.

[FR Doc. 99–9621 Filed 4–15–99; 8:45 am]

BILLING CODE 4410–18–U

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Application for Alien Employment Certification

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension to the collection of information on the Application for Alien Employment Certification. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 15, 1999.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collections techniques or other forms of information, *e.g.* permitting electronic submissions of responses.

ADDRESSES: Comments and questions regarding the collection of information on Form ETA 750, parts A and B, Application for Alien Employment Certification, should be directed to James Norris, Chief, Division of Foreign Labor Certifications, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–4456, Washington, DC 20210 ((202) 219–5263 (this is not a toll-free number)).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 212(a)(5)(A) of the Immigration and Nationality Act (INA)(8 U.S.C. 1182(a)(5)(A)) certain aliens may not obtain a visa for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that: (1) There are not sufficient U.S. workers who are able, willing, qualified and available at the time of application for a visa and admission into the U.S. and at the place where the alien is to perform the work; and (2) The employment of the alien will not adversely affect the wages and working conditions of U.S. workers similarly employed. The Form ETA 750, parts A and B, is the application form submitted by employers that forms the basis for a determination as to whether the Secretary shall provide such a certification. The Form ETA 750, part A, is also utilized to collect information that permits the Department to meet federal responsibilities for administering two nonimmigrant programs: the H–2A and H–2B temporary labor certification programs. The H–2A temporary agricultural program establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant aliens to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. The H–2B program establishes a means for employers to bring nonimmigrant aliens to the U.S. to perform nonagricultural work of a temporary or seasonal nature.

II. Current Actions

In order for the Department to meet its statutory responsibilities under the INA there is a need for an extension of an existing collection of information pertaining to employers' seeking to hire foreign workers for permanent or temporary employment in the U.S. by filing an Application for Alien Employment Certification on their behalf. There is an increase in burden due to a sustained increase in the number of applications filed by employers each year.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration, Labor.

Title: Application for Alien Employment Certification.

OMB Number: 1205–0015.

Affected Public: Individuals or households, Businesses or other for-profit or not-for-profit institutions, Federal, State, Local, or Tribal governments, Farms.

Form: Form ETA 750, Parts A and B.

Total Respondents: 70,000.

Frequency of Response: On occasion.

Total Responses: 70,000.

Average Burden Hours Per Response: 2.8.

Estimate Total Annual Burden Hours: 196,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed at Washington, DC this 8th day of April 1999.

John R. Beverly, III,

Director, U.S. Employment Service.

[FR Doc. 99–9578 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New Jersey,
NJ990007 (Mar. 12, 1999)

Volume II

Pennsylvania
PA990001 (Mar. 12, 1999)
PA990002 (Mar. 12, 1999)
PA990003 (Mar. 12, 1999)
PA990004 (Mar. 12, 1999)
PA990013 (Mar. 12, 1999)
PA990016 (Mar. 12, 1999)
PA990017 (Mar. 12, 1999)
PA990018 (Mar. 12, 1999)
PA990020 (Mar. 12, 1999)
PA990027 (Mar. 12, 1999)
PA990032 (Mar. 12, 1999)
PA990038 (Mar. 12, 1999)
PA990041 (Mar. 12, 1999)
PA990051 (Mar. 12, 1999)
PA990053 (Mar. 12, 1999)
PA990062 (Mar. 12, 1999)
West Virginia
WV990002 (Mar. 12, 1999)
WV990003 (Mar. 12, 1999)
WV990005 (Mar. 12, 1999)
WV990006 (Mar. 12, 1999)

Volume III

Florida
FL990015 (Mar. 12, 1999)
Georgia
GA990050 (Mar. 12, 1999)
GA990065 (Mar. 12, 1999)
GA990073 (Mar. 12, 1999)
GA990093 (Mar. 12, 1999)
GA990094 (Mar. 12, 1999)
Kentucky
KY990029 (Mar. 12, 1999)
Tennessee
TN990001 (Mar. 12, 1999)
TN990002 (Mar. 12, 1999)
TN990005 (Mar. 12, 1999)
TN990018 (Mar. 12, 1999)
TN990038 (Mar. 12, 1999)
TN990039 (Mar. 12, 1999)
TN990041 (Mar. 12, 1999)
TN990042 (Mar. 12, 1999)
TN990043 (Mar. 12, 1999)
TN990062 (Mar. 12, 1999)

Volume IV

Illinois
IL990001 (Mar. 12, 1999)
IL990004 (Mar. 12, 1999)
IL990007 (Mar. 12, 1999)
IL990008 (Mar. 12, 1999)
IL990011 (Mar. 12, 1999)
IL990013 (Mar. 12, 1999)
IL990017 (Mar. 12, 1999)
IL990018 (Mar. 12, 1999)
IL990053 (Mar. 12, 1999)
Indiana
IN990002 (Mar. 12, 1999)
IN990003 (Mar. 12, 1999)
IN990004 (Mar. 12, 1999)
IN990005 (Mar. 12, 1999)
IN990006 (Mar. 12, 1999)
IN990016 (Mar. 12, 1999)
IN990017 (Mar. 12, 1999)
IN990018 (Mar. 12, 1999)
IN990020 (Mar. 12, 1999)
IN990021 (Mar. 12, 1999)
IN990059 (Mar. 12, 1999)
IN990060 (Mar. 12, 1999)
IN990061 (Mar. 12, 1999)

Volume V

Kansas
KS990009 (Mar. 12, 1999)
KS990012 (Mar. 12, 1999)
KS990013 (Mar. 12, 1999)
KS990016 (Mar. 12, 1999)
KS990020 (Mar. 12, 1999)
KS990025 (Mar. 12, 1999)
KS990029 (Mar. 12, 1999)
Oklahoma
OK990013 (Mar. 12, 1999)
OK990014 (Mar. 12, 1999)
Texas
TX990002 (Mar. 12, 1999)
TX990003 (Mar. 12, 1999)
TX990005 (Mar. 12, 1999)
TX990007 (Mar. 12, 1999)

TX990009 (Mar. 12, 1999)
TX990010 (Mar. 12, 1999)
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TX990017 (Mar. 12, 1999)
TX990019 (Mar. 12, 1999)
TX990051 (Mar. 12, 1999)
TX990060 (Mar. 12, 1999)
TX990061 (Mar. 12, 1999)
TX990063 (Mar. 12, 1999)
TX990081 (Mar. 12, 1999)
TX990093 (Mar. 12, 1999)
TX990096 (Mar. 12, 1999)

Volume VI

Colorado
CO990001 (Mar. 12, 1999)
CO990002 (Mar. 12, 1999)
CO990003 (Mar. 12, 1999)
CO990004 (Mar. 12, 1999)
CO990005 (Mar. 12, 1999)
CO990006 (Mar. 12, 1999)
CO990007 (Mar. 12, 1999)
CO990008 (Mar. 12, 1999)
CO990009 (Mar. 12, 1999)
CO990010 (Mar. 12, 1999)
CO990011 (Mar. 12, 1999)
CO990014 (Mar. 12, 1999)
CO990016 (Mar. 12, 1999)
CO990018 (Mar. 12, 1999)
CO990021 (Mar. 12, 1999)
CO990022 (Mar. 12, 1999)
CO990024 (Mar. 12, 1999)
CO990025 (Mar. 12, 1999)
Montana
MT990001 (Mar. 12, 1999)

Volume VII

California
CA990001 (Mar. 12, 1999)
CA990002 (Mar. 12, 1999)
CA990004 (Mar. 12, 1999)
CA990009 (Mar. 12, 1999)
CA990028 (Mar. 12, 1999)
CA990029 (Mar. 12, 1999)
CA990030 (Mar. 12, 1999)
CA990031 (Mar. 12, 1999)
CA990032 (Mar. 12, 1999)
CA990033 (Mar. 12, 1999)
CA990034 (Mar. 12, 1999)
CA990035 (Mar. 12, 1999)
CA990036 (Mar. 12, 1999)
CA990037 (Mar. 12, 1999)
CA990038 (Mar. 12, 1999)
CA990039 (Mar. 12, 1999)
CA990040 (Mar. 12, 1999)
CA990041 (Mar. 12, 1999)
Nevada
NV990001 (Mar. 12, 1999)
NV990002 (Mar. 12, 1999)
NV990004 (Mar. 12, 1999)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 9th Day of April 1999.

Margaret J. Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–9271 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–99–1]

Permit-Required Confined Spaces (29 CFR 1910.146); Information Collection Requirements

ACTION: Notice; Opportunity for public comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in the standard on Permit-Required Confined Spaces (29 CFR 1910.146). The Agency is particularly interested in comments that:

- Evalaute whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; ad
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted on or before June 15, 1999.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–99–1, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 693–2350. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693–2222. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 693–2222, or Barbara Bielaski at (202) 693–2444. For electronic copies of the Information Collection Request on Permit-Required Confined Spaces, contact OSHA on the Internet at http://www.osha-slc.gov/OCIS and click on ''Info.coll.html.''

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the

promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

In 29 CFR 1910.146, Permit-Required Confined Spaces, employers are required to perform an assessment of the workplace to determine the presence of permit-required confined spaces (permit spaces). If permit spaces are present, the employer must develop and implement a written program that prevents inadvertent entry into these spaces, and details safe and effective means of entering and exiting these spaces.

Employees risk exposure to such hazards as toxic and explosive atmospheres, oxygen deficient atmospheres, electric and mechanical energy, inwardly sloping walls and immersion in flowing material. In order to protect entrants from these hazards, a pre-entry checklist or permit must be completed that certifies that all procedures necessary to protect entrants from hazards contained within the permit space, and to provide for the entrants' safe retrieval in the event of an emergency, have been taken.

Employees who must enter permit spaces, or act as attendants or rescuers, must be trained and the employer must certify that the training was completed.

II. Current Actions

This notice requests public comment on OSHA's burden hour estimates prior to OSHA seeking Office of Management and Budget (OMB) approval of the information collection requirements contained in the standard on Permit-Required Confined Spaces (29 CFR 1910.146).

Type of Review: Extension of a Currently Approved Collection.

Agency: Occupational Safety and Health Administration.

Title: Permit-Required Confined Spaces (29 CFR 1910.146).

OMB Number: 1218–0203.

Agency Number: Docket No. ICR 99–1.

Affected Public: Business or other for-profit; Federal Government; State, local or tribal Government.

Number of Respondents: 238,853.

Frequency: Varies (On occasion, daily, annually).

Average Time per Response: Varies, from 5 minutes (.08 hr.) to 16 hours.

Estimated Total Burden Hours: 1,634,663.

Total Annualized Capital/Startup Costs: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval of the information collection request. The comments will become a matter of public record.

Signed at Washington, DC, this 12th day of April 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–9579 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Open Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

SUMMARY: Notice is hereby given that the Advisory Committee on Construction Safety and Health (ACCSH) will meet May 6 and 7, 1999, at the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW, Washington, DC. This meeting is open to the public.

TIMES, DATES, ROOMS: ACCSH will meet from 9 a.m. to 4:30 p.m. on Thursday, May 6 and from 9 a.m. to 12:00 p.m. on Friday, May 7 in rooms N–4437 A, B, C and D.

SUPPLEMENTARY INFORMATION: For further information contact Theresa Berry, Office of Public Affairs, Room N–3647, telephone (202) 693–1999 at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Washington, DC, 20210.

An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, telephone 202–693–2350. All ACCSH meetings and those of its work groups are open to the public. Individuals with disabilities needing accommodation should contact Theresa Berry no later than April 30, 1999, at the above address. ACCSH was established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The agenda items include:

- Remarks by the Assistant Secretary for the Occupational Safety and Health Administration, Charles N. Jeffress.
- ACCSH Work Group Updates, including:
  - Data Collection,
  - Musculoskeletal Disorders,
  - Multi-Employer Citation Policy,
  - OSHA Form 170,
  - Fall Protection, and
  - Subpart N, Cranes.
- Reports on construction standards development,
  - Policy updates, and
  - Special presentations including:
  - Crane Operator Certification, and
  - Voluntary Protection Programs (VPP)—Short Term Construction Demonstration Programs.

The following ACCSH Work Groups are scheduled to meet in the Francis Perkins Building:

Data Collection—1–5 p.m., Tuesday, May 4, in room N–3437 A.

OSHA Form 170—9 a.m. to 1 p.m., Wednesday, May 5, in room N–3437 B.

Musculoskeletal Disorders—9:30 a.m. to 12:30 p.m., Wednesday, May 5, in room N–4437 D.

Fall Protection—1 p.m.–5 p.m. Wednesday, May 5, in room N–3437 D.

Multi-Employer Citation Policy—9 a.m. to Noon, Wednesday, May 5, in room N–3437 D.

Cranes, Subpart N—1 p.m. to 5 p.m., Wednesday, May 5, in room N–5437 D. Other workgroups may meet after the adjournment of the ACCSH meeting on May 7, 1999.

Interested persons may submit written data, view or comments, preferably with 20 copies, to Theresa Berry, at the address above. Those submissions received prior to the meeting will be provided to ACCSH and will be included in the record of the meeting.

Interested persons may also request to make an oral presentation by notifying Theresa Berry before the meeting. The request must state the amount of time desired, the interest that the person represents, a brief outline of the presentation. ACCSH may grant requests, as time permits, at the discretion of the Chair of ACCSH.

Signed at Washington, DC this 12th day of April, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–9581 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–3–93]

Factory Mutual Research Corporation, Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the application of Factory Mutual Research Corporation (FMRC) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: Comments submitted by interested parties must be received no later than June 15, 1999.

ADDRESS: Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Factory Mutual Research Corporation (FMRC) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). FMRC's expansion request covers the use of additional test standards. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of the preliminary finding on an application.

FMRC's previous application as an NRTL covered its renewal of recognition as an NRTL (60 FR 16167, 3/29/95), which OSHA granted on August 16, 1995 (60 FR 42590).

The current addresses of the testing facilities (sites) that OSHA recognizes for FMRC are:

Factory Mutual Research Corporation, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062

Factory Mutual Research Corporation, 743 Reynolds Road, West Gloucester, Rhode Island 02814

General Background on the Application

FMRC submitted a request, dated October 8, 1998 (see Exhibit 7A), to expand its recognition as an NRTL to include four (4) additional test standards. Then it submitted a request, dated November 18, 1998 (see Exhibit 7B), to expand its recognition for one more test standard. FMRC seeks recognition for testing and certification of products to demonstrate compliance to the following 5 test standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and certification before use in the workplace.

ANSI/UL 1950 Information Technology Equipment Including Electrical Business Equipment

FMRC 2000 Automatic Sprinklers for Fire Protection

FMRC 2008 Early Suppression-Fast Response (ESFR) Automatic Sprinklers

FMRC 3260 Flame Radiation Detectors for Automatic Fire Alarm Signaling

FMRC 3900 Less or nonflammable Liquid-Insulated Transformers

The designations and titles of the above test standards were current at the time of the preparation of this notice.

Preliminary Finding on the Application

FMRC has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA did not perform an on-site review of FMRC's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and, in a memo dated February 10, 1999 (see Exhibit 8), recommended that FMRC's recognition be expanded to include the additional test standards listed above.

Following a review of the application file, the assessor's recommendation, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the FMRC facilities listed above, the expansion of recognition to use the additional 5 test standards. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Factory Mutual Research Corporation facilities listed above can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether FMRC has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see ''ADDRESS''), no later than the last date for comments (see ''DATES'' above). You may obtain or review copies of FMRC's requests, the memo on the recommendation, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–3–93, the permanent record of public information on FMRC's recognition.

The NRTL Program staff will review all timely comments, and after resolution of issues raised by these comments, will recommend whether to grant FMRC's expansion request. The Assistant Secretary will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, D.C. this 26th day of March, 1999.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 99–9577 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Studying Issues Surrounding the Trend in the Defined Benefit Plan Market With a Focus on Employer-Sponsored Hybrid Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Thursday, May 6, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study issues surrounding trends in the defined benefit market with a focus on employer-sponsored hybrid plans.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon in Room N–3437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, D.C. 20210, is for working group members to take testimony on the subject.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 30, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 30, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 30.

Signed at Washington, DC this 12th day of April 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–9582 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on the Benefit Implications Due to the Growth of a Contingent Workforce Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what the benefit implications are due to the growth of a contingent workforce will hold an open public meeting on Wednesday, May 5, 1999, in Room N–3437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to continue taking testimony on the subject.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 30, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 30, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 30.

Signed at Washington, DC this 12th day of April, 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–9583 Filed 4–15–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Exploring the Possibility of Using Surplus Pension Assets To Secure Retiree Health Benefits Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Wednesday, May 5, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to explore the possibility of using surplus pension assets to secure retiree health benefits.

The session will take place in Room N–3437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 1:00 p.m. to approximately 4:00 p.m., is for working group members to continue taking testimony on the subject.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 30, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 30, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 30.

Signed at Washington, DC on this 12th day of April 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare.

[FR Doc. 99–9584 Filed 4–99; 8:45 am]

BILLING CODE 4510–29–M

LEGAL SERVICES CORPORATION

Notice of Availability of Calendar Year 2000 Competitive Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Solicitation for proposals for the provision of civil legal services.

SUMMARY: The Legal Services Corporation (LSC or Corporation) is the national organization charged with administering federal funds provided for civil legal services to the poor.

The Corporation hereby announces the availability of competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient and high quality civil legal services to eligible clients in the states and territories by service area(s) identified below. The exact amount of congressionally appropriated funds and the date, terms and conditions of their availability for calendar year 2000 have not been determined.

DATES: See Supplementary Information section for grants competition dates.

ADDRESS: Legal Services Corporation—Competitive Grants, 750 First Street NE.,

10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Office of Program Performance, Competitive Grants—Service Desk at (202) 336–8900, by FAX at(202) 336–7272, by e-mail at competition@smtp.lsc.gov, or visit the LSC website at www.lsc.gov.

SUPPLEMENTARY INFORMATION: Request for Proposals(RFP) will be available April 23, 1999. The due dates for the Notice of Intent to Compete and Grant Proposals follow.

Applicants competing for service areas in Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Micronesia, Minnesota, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, or Wisconsin must submit the notice of intent to compete by June 1, 1999, 5:00 p.m. EDT. Grant proposals for service areas in these states must be submitted by June 21, 1999, 5:00 p.m. EDT.

Applicants competing for service areas in Arizona, California, Indiana, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Virginia must submit the notice of intent to compete by July 1, 1999, 5:00 p.m. EDT. Grant proposals for service areas in these states must be submitted by July 19, 1999, 5:00 p.m. EDT.

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the furnishing of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) substate regional planning and coordination agencies which are composed of substate areas and whose governing boards are controlled by locally elected officials.

The solicitation package, containing the grant application, guidelines, proposal content requirements and specific selection criteria, is available from the LSC website. A hard copy may be obtained by contacting the Corporation by letter, phone, FAX, or by e-mail. LSC will not FAX the solicitation package to interested parties; however, solicitation packages may be requested by FAX.

State	Service areas
Alaska	AK–1, NAK–1.
Alabama	AL–1, AL–2, AL–3, MAL.
Arkansas	AR–1, AR–2, AR–3, AR–4, AR–5, MAR.
Arizona	AZ–3, AZ–5, MAZ, NAZ–6.
California	CA–25, CA–28.
Connecticut	CT–1, MCT, NCT–1.
District of Columbia	DC–1.
Delaware	DE–1, MDE.
Florida	FL–1, FL–2, FL–3, FL–4, FL–5, FL–6, FL–7, FL–8, FL–9, FL–10, FL–11, FL–12, MFL.
Georgia	GA–1, GA–2, MGA.
Hawaii	HI–1, MHI, NHI–1.
Idaho	ID–1, MID, NID–1.
Illinois	IL–1, IL–2, IL–3, IL–4, IL–5, MIL.
Indiana	IN–1, IN–2, IN–3, IN–4, MIN.
Kansas	KS–1, MKS.
Louisiana	LA–1, LA–2, LA–3, LA–4, LA–5, LA–6, LA–7, LA–8, MLA.
Massachusetts	MA–4.
Maryland	MD–1, MMD.
Maine	ME–1, MME, NME–1.
Michigan	MI–7, MI–11.
Minnesota	MN–1, MN–2, MN–3, MN–4, MN–5, MMN, NMN–1.
Micronesia	MP–1.
Mississippi	MS–1, MS–2, MS–3, MS–4, MS–5, MS–6, MMS, NMS–1.
Montana	MT–1, MMT, NMT–1.
North Carolina	MNC.
North Dakota	MND.
Nebraska	NE–4, MNE, NNE–1.
New Hampshire	NH–1, MNH.
New Jersey	NJ–1, NJ–2, NJ–3, NJ–4, NJ–5, NJ–6, NJ–7, NJ–8, NJ–9, NJ–10, NJ–11, NJ–12, NJ–13, NJ–14, MNJ.
Nevada	NV–1, MNV, NNV–1.
New York	NY–1, NY–3, NY–4, NY–5, NY–6, NY–7, NY–8, NY–9, NY–10, NY–13, NY–14, NY–15, NY–16, NY–17, NY–18, MNY.
Ohio	OH–5, OH–17, OH–18, OH–19, OH–20, OH–21, OH–22, MOH.
Oklahoma	OK–1, OK–2, MOK, NOK–1.
Pennsylvania	PA–1, PA–2, PA–3, PA–4, PA–5, PA–8, PA–9, PA–11, PA–12, PA–13, PA–14, PA–17, PA–18, PA–20, PA–21, PA–22, MPA.
Rhode Island	RI–1, MRI.
South Carolina	SC–1, SC–2, SC–3, SC–4, SC–7, MSC.
Tennessee	TN–1, TN–2, TN–3, TN–4, TN–5, TN–6, TN–7, TN–8, MTN.
Texas	TX–1, TX–3, TX–4, TX–5, TX–6, TX–8, TX–9, TX–10, TX–11, TX–12, MTX, NTX–1.
Utah	UT–1, MUT, NUT–1.
Virginia	VA–1, VA–3, VA–4, VA–5, VA–6, VA–7, VA–9, VA–10, VA–11, VA–12, VA–13, VA–14, MVA.
Vermont	VT–1, MVT.
Washington	WA–1, MWA, NWA–1.
Wisconsin	WI–2, NWI–1.

Dated: April 13, 1999.

Michael A. Genz,

Director, Office of Program Performance.

[FR Doc. 99–9626 Filed 4–15–99; 8:45 am]

BILLING CODE 7050–01–P.

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) is requesting a three year extension of approved of its optional appeal form, Optional Form 283 (Rev. 10/94) from the Office of Management and Budget (OMB) under section 3506 of the Paperwork Reduction Act of 1995. The appeal form is currently displayed in 5 CFR part 1201, Appendix I, and on the MSPB Web Page at http://www.mspb.gov/merit009.html.

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	9,000	1	9,000	.5	4,500

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate and other forms of information technology.

DATES: Comments must be received on or before June 15, 1999.

ADDRESSES: Copies of the appeal form may be obtained from Arlin Winefordner, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419 or by calling (202) 653–7200. Comments concerning the paperwork burden should also be addressed to Mr. Winefordner.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–9574 Filed 4–15–99; 8:45 am]

BILLING CODE 7400–01–M

MERIT SYSTEMS PROTECTION BOARD

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Tuesday, April 20, 1999.

PLACE: Board Conference Room, Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC 20419.

STATUS: The meeting will be closed.

MATTERS TO BE CONSIDERED: Proposal for the drafting of shorter decisions in straightforward cases to reduce the time devoted to writing and reviewing dispositive orders.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Shannon McCarthy or Matthew Shannon, Office of the Clerk of the Board, (202) 653–7200.

Dated: April 13, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–9677 Filed 4–14–99; 11:36 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–060]

NASA Advisory Council, Advisory Committee on the International Space Station (ACISS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Advisory Committee on the International Space Station.

DATES: Wednesday, May 5, 1999, from 8:30 a.m. until 12:30 p.m. and from 1:30 p.m. until 4:30 p.m.; and Thursday, May 6, 1999 from 8:00 a.m. until Noon and from 1:00 p.m. until 2:00 p.m.

ADDRESSES: Astronaut's Memorial Foundation, Building M6306, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Mr. W. Michael Hawes, Code M4, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0242.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to seating capacity of the room, from 8:30 a.m. until 12:30 p.m. and from 1:30 p.m. until 4:30 p.m. on Wednesday, May 5, 1999; and from 8:00 a.m. until Noon and from 1:00 p.m. until 2:00 p.m. on Thursday, May 6, 1999. The agenda for the meeting is as follows:

—ISS Development Program Update and Russian Status
—ISS Operations Update
—Probabilistic Risk Assessment
—On Orbit Verification
—Non-Prime Risk
—Budget Impact to ISS Users
—ISS Outreach Program
—Exploration
—User topics discussion
—Propulsion Module
—Interim Control Module
—CRV Independent Assessment, Acquisition Strategy Update

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 9, 1999.

Matthew Crouch.

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–9478 Filed 4–15–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–061]

NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Aviation Safety Reporting System Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Aviation Safety Reporting System Subcommittee meeting.

DATES: Wednesday, May 12, 1999, 9:00 a.m. to 3:00 p.m. and Thursday, May 13, 1999, 9:00 a.m. to 2:00 p.m.

ADDRESSES: National Business Aviation Association, 1200 18 Street, NW, Suite 400, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Connell, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–6654.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

—Report on Aviation Safety Reporting System (ASRS)

—Report on Aviation Performance Measuring System Program (APMS)

—Report on NASA Aviation Safety Program Elements Related to ASRS/APMS

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: April 12, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–9479 Filed 4–15–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–059]

NASA Advisory Council, Minority Business Resource Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

DATES: Wednesday, May 5, 1999, 9:00 a.m. to 4:00 p.m., and Thursday, May 6, 1999, 9:00 a.m. to 12:00 noon.

ADDRESSES: NASA Headquarters, 300 E Street, SW, Room 9H40, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph C. Thomas III, Code K, National Aeronautics and Space Administration, Room 9K70, 300 E Street, SW, Washington, DC 20546–0001, (202) 358–2088.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—MBRAC Subpanel Reports
—The Present State of Former NASA SDB Contractors
—Action Items
—Agency Small Disadvantaged Business (SDB) Program
—Report of Chair
—Public Comment
—Summary of MBRAC III Accomplishments
—Report on NASA FY 98 SDB Accomplishments

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–9550 Filed 4–15–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–058]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Sprag-Tech L.L.C., of Denver, Colorado, has applied for a partially exclusive license to practice the inventions described in: U.S. Patent No. 5,482,144, entitled ''Three Dimensional Roller Locking Sprags;'' U.S. Patent No. 5,518,094, entitled ''Clutch/Brake Having Rectangular-Area-Contact-3-D Locking Sprags,'' and NASA Case No. GSC–13802–1, entitled ''3–D Sprag Ratcheting Tool.'' Each is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of the license should be sent to Goddard Space Flight Center.

DATES: Responses to this notice must be received by July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Guy M. Miller, Patent Counsel, Goddard Space Flight Center, Mail Code 750.2, Greenbelt, MD 20771, telephone (301) 286–7351.

Dated; April 8, 1999.

Edward A. Frankle,

General Counsel.

[FR Doc. 99–9477 Filed 4–15–99; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Dockets 70–7001, 70–7002]

Notice of Amendment to Certificate of Compliance GDP–1 and GDP–2 for the U.S. Enrichment Corporation, Paducah Gaseous Diffusion Plant, Paducah, KY Portsmouth Gaseous Diffusion Plant, Piketon, OH

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request are not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) There is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of

safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment requests are shown below.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the certificate amendment applications and concluded that they provide reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue amendments to the Certificate of Compliance for the Paducah (PGDP) and Portsmouth (PORTS) Gaseous Diffusion Plants. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that these amendments satisfy the criteria for a categorical exclusion in accordance with 10 CFR 51.22(c)(19) Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

The United States Enrichment Corporation (USEC) or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) the interest of the petitioner; (2) how that interest maybe affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendments to the Certificates of Compliance without further delay. If a petition for review is received, the decision on the amendment applications will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Fedeal Register** Notice.

A petition for review must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date.

For further details with respect to the action see (1) the applications for amendment and (2) the Commission's Compliance Evaluation Report. These items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room.

Date of amendment requests: March 16, 1999.

Brief description of amendments: USEC submitted two separate but similar amendments for PGDP and PORTS which involve a change in the title of the Executive Vice President, Operations to Executive Vice President to reflect a restructuring of USEC.

Basis for finding of no significance:

1. The proposed amendments will not result in a change in the types of significant increase in the amounts of any effluents that may be released offsite.

The proposed amendments, which involve a change in the title of the Executive Vice President, Operations, to Executive Vice President will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

2. The proposed amendments will not result in a significant increase in individual or cumulative occupational radiation exposure.

The proposed amendments, changing the title of the Executive Vice President, Operations to Executive Vice President will not significantly increase individual or cumulative occupational radiation exposure.

3. The proposed amendments will not result in a significant construction impact.

The proposed changes will not result in any construction, therefore, there will be no construction impact.

4. The proposed amendments will not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

The proposed amendments will not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

5. The proposed amendments will not result in the possibility of a new or different kind of accident.

The proposed amendments, which involve changing the title of the Executive Vice President, Operations to Executive Vice President, will not result in the possibility of a new or different kind of accident.

6. The proposed amendments will not result in a significant reduction in any margin of safety.

The proposed amendments only involve changing the title of the Executive Vice President, Operations to Executive Vice President. Therefore, the proposed changes do not represent a reduction in any margin of safety.

7. The proposed amendments will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs.

The proposed amendments only involves changing the title of the Executive Vice President, Operations to Executive Vice President. Therefore, the proposed amendments will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs.

Effective date: The amendment to GDP–1 and GDP–2 will become effective upon issuance by NRC.

Certificate of Compliance Nos. GDP–1 and GDP–2: The amendments will revise the PGDP and PORTS Technical Safety Requirement Sections 3.1.1 and 3.10.4.d.

Local Public Document Room locations: Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003; Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 7th day of April 1999.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–9535 Filed 4–15–99; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

[OPM Form 2809]

Submission for OMB Review; Comment Request for Review of a Revised and Expired Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub.

L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget a request for review of a revised and expired information collection. OPM Form 2809, Health Benefits Registration Form, is used by annuitants and former spouses to elect, cancel, or change health benefits enrollment during periods other than open season.

There are approximately 30,000 changes to health benefits coverage per year. Of these, 20,000 are submitted on OPM Form 2809 and 10,000 verbally or in written correspondence. Each form takes approximately 45 minutes to complete; data collection by telephone or mail takes approximately 10 minutes. The annual burden for the form is 15,000 hours; the burden not using the form is 1,667 hours. The total burden is 16,667.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before May 17, 1999.

ADDRESSES: Send or deliver comments to—

Dennis A. Matteotti, Acting Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415
and
Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Phyllis R. Pinkney, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–9528 Filed 4–15–99; 8:45 am]

BILLING CODE 6325–01–U

POSTAL RATE COMMISSION

[Docket No. MC99–3; Order No. 1237]

Mail Classification Case

AGENCY: Postal Rate Commission.

ACTION: Notice of initiation of new classification docket.

SUMMARY: This case addresses a rate anomaly facing certain nonprofit and classroom Periodicals class mailers. The proposed changes allow eligible mailers the option of calculating and paying postage under an alternative rate schedule. The Service also proposes postage refunds under certain circumstances. These actions remedy unintended consequences of a recent rate case. They also eliminate the incentive to create artificial distinctions to qualify for lower rates.

DATES: See Supplementary Information section for dates.

ADDRESSES: Send communications regarding this notice to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 1333 H Street NW., Washington, DC 20268–0001, 202–789–6820.

SUPPLEMENTARY INFORMATION: On April 9, 1999, the Postal Service filed a request with the Commission for a recommended decision on proposed changes in the domestic mail classification schedule (DMCS). The request was filed pursuant to section 3623 of the Postal Reorganization Act, 39 U.S.C. 101 *et seq.* The request includes attachments and is supported by the testimony of one witness. It is on file in the Commission docket room and is available for inspection during the Commission's regular business hours.

The purpose of the Postal Service request is to provide a remedy for a rate anomaly affecting certain nonprofit and classroom Periodicals class mailers which inadvertently resulted from the last omnibus rate case (docket no. R97–1). For certain publications, the rates available in the nonprofit and classroom rate schedules (423.3 and 423.4, respectively) generate higher postage amounts than the regular rate schedule rates.

The Service proposes that until the Periodicals rates may be generally adjusted in the next omnibus rate case, a classification change be instituted that would allow nonprofit and classroom subclass mailings to use the regular rate schedule when such use would lower the publication's postage. Request of the United States Postal Service for a Recommended Decision on Periodicals Classification Change, April 9, 1999 (''Postal Service Request'') at 1. (Even without the proposed classification change, preferred mailers affected by the rate anomaly qualify for the lower regular rates if they relinquish their preferred authorization.) The Service also proposes a new footnote to the regular rate schedule exempting nonprofit and classroom publications with less than 10 percent advertising that use the regular rate schedule from paying the advertising pound rates. Id. at 1–2.

Potential Refunds

According to the Service, the requested classification changes are not intended to reopen for consideration those rates and fees established in docket no. R97–1, but to provide a means of access to the established regular rates for qualifying nonprofit and classroom publications using their current permits. To this end, subject to the Commission's recommendation and the Board of Governor's approval, the Service has initiated a refund procedure to address the rate anomaly as of April 9, 1999. Id. at 2. Under the refund procedure, nonprofit and classroom mailers can submit dual mailing statements and apply for a subsequent refund for the difference between the preferred postage paid and the otherwise applicable regular rate on mailings made from April 9, 1999 forward. The refund procedure is to be comparable to the established ''application pending'' procedure applicable to mailers applying for a preferred rate authorization, as described in domestic mail manual (DMM) §§ E270.8.0–9.0. Ibid.

Contents of the Filing

The Postal Service request is supported by the testimony of witness Taufique (USPS–T–1), who explains the rate anomaly and describes the Service's classification proposal. The testimony maintains that the request has minimal revenue and cost impact and conforms with the applicable standards of the Postal Reorganization Act (specifically, 39 U.S.C. 3623(c) classification criteria).

Proposed DMCS Provisions

The Postal Service's request proposes changes in section 441 (Periodicals) of the current DMCS to provide a remedy for the rate anomaly affecting certain nonprofit and classroom Periodicals class mailers. The proposed DMCS changes are provided as attachment A to the Service request, and likewise accompany this notice and order as attachment A. (Changes presented in italics.)

Proposed Rate Schedule

In attachment B to its request, the Service displays changes it proposes to DMCS rate schedule 421—Periodicals rate schedule 421—regular subclass). The Service's requested changes in rates accompany this notice and order as attachment B.

Procedural Proposal

The Service's request is accompanied by a motion for expedition and for waiver of certain provisions of rule 64(h) (''Postal Service Motion''). The Service requests waiver of the requirement to provide the information specified in Commission rules 64(d), 64(h), 54(f)(2), 54(f)(3), 54(h), 54(i) and 54(j), to the extent they apply. Postal Service Motion at 6. Rule 64(h)(3) provides that the requirements may be waived if the Commission determines that it has been demonstrated that proposed changes in the classification schedule do not significantly change rates and fees or cost-revenue relationships referred to in the rule. In support of the waiver, the Service cites the limited nature and applicability of the proposed DMCS changes. In particular, it notes that the proposal does not involve a fundamental change in any classification or fee, and is extremely restricted in its impact on the revenues and costs of the affected Periodicals subclasses and on the revenues and costs of the system as a whole. Id. at 6–8.

With regard to its motion for expedition, the Service maintains that its proposal to correct the unintended rate anomaly in the nonprofit and classroom Periodicals subclasses entails straightforward, minor changes to the DMCS and rate schedule for the Periodicals regular subclass, with an insignificant effect on the Service's overall volumes, revenues and costs. Id. at 2–3. In accordance with the simplicity and minor impact of the request, the Service suggests a number of procedures to facilitate a speedy resolution, including: (1) A relatively short intervention period; (2) a requirement that if parties desire a hearing, they request one in their notice for intervention, with those issues believed to be of sufficient import delineated; and (3) limited (if any) and expedited discovery, restricted to those matters bearing directly on the proposed changes. Id. at 3–4.

Commission Action on Docket No. MC99–3 Motion

The Commission is inclined to handle this request in an expedient manner, absent a request for a hearing on a genuine issue of material fact. To this end, the Commission directs that any interested party wishing to respond to the Postal Service motion file an answer by April 28, 1999.

Intervention

Anyone wishing to be heard in this case is directed to file a written notice of intervention with Margaret P. Crenshaw, secretary of the Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268–0001 no later than April 28, 1999. Notices should indicate whether an intervenor is seeking full or limited participation status and whether a hearing is requested. *See* 39 CFR 3001.20 and 3001.20a. Participants should state with specificity the issues which they believe will merit evidentiary hearings. There will be a prehearing conference in this docket on May 3, 1999, and if no requests for hearing are received by April 28, the Commission will entertain a motion from the Postal Service to enter its testimony into evidence at that time and to discuss the need for additional procedural steps.

Representation of the General Public

In conformance with section 3624(a) of title 39, U.S. Code, the Commission designates Ted P. Gerarden, director of the Commission's office of the consumer advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Mr. Gerarden will direct the activities of Commission personnel assigned to assist him and, upon request, supply their names for the record. Neither Mr. Gerarden nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding. The OCA shall be separately served with three copies of all filings, in addition to and contemporaneous with, service on the Commission of the 24 copies required by section 10(c) of the Commission's rules of practice (39 CFR 3001.10(c)).

It is ordered:

1. The Commission will sit en banc in docket no. MC99–3.

2. Notices of intervention in docket no. MC99–3 shall be filed no later than April 28, 1999.

3. Ted P. Gerarden, director of the Commission's office of the consumer advocate, is designated to represent the interests of the general public in docket no. MC99–3.

4. Answers to the Postal Service's April 9, 1999 motion referenced in the body of this order concerning waiver of certain filing requirements and expedition of its request shall be filed no later than April 28, 1999.

5. A prehearing conference for the consideration of procedural matters in docket no. MC99–3 shall be held in the hearing room of the Commission, 1333 H Street, NW., Washington, DC on May 3, 1999, at 9:30 a.m.

6. The secretary of the Commission shall arrange for publication of this order in the **Federal Register** in a manner consistent with applicable requirements.

Dated: April 12, 1999.

Margaret P. Crenshaw,

Secretary.

Attachment A—Periodicals, Classification Schedule

* * * * *

440 POSTAGE AND PREPARATION

441 Postage. Postage must be paid on Periodicals class mail as set forth in section 3000. *When the postage computed for a particular issue using the Nonprofit or Classroom rate schedule is higher than the postage computed using the Regular rate schedule, that issue is eligible to use the Regular rate schedule. For purposes of this section, the term issue is subject to certain exceptions related to separate mailings of a particular issue, as specified by the Postal Service.*

ATTACHMENT B—PERIODICALS RATE SCHEDULE 421

[Regular Subclass [1,2]]

	Postage rate unit	Rate[3] (cents)
Per Pound:		
Nonadvertising Portion	Pound	16.1
Advertising Portion:[11]		
Delivery Office[4]	Pound	15.5
SCF[5]	Pound	17.8
1&2	Pound	21.5
3	Pound	22.9
4	Pound	26.3

ATTACHMENT B—PERIODICALS RATE SCHEDULE 421—Continued

[Regular Subclass [1,2]]

	Postage rate unit	Rate[3] (cents)
5	Pound	31.6
6	Pound	37.1
7	Pound	43.8
8	Pound	49.5
Science of Agriculture:		
Delivery Office	Pound	11.6
SCF	Pound	13.3
Zones 1&2	Pound	16.1
Per Piece:		
Less Nonadvertising Factor[6]		5.9
Required Preparation[7]	Piece	29.4
Presorted to 3-digit	Piece	25.3
Presorted to 5-digit	Piece	19.7
Presorted to Carrier Route	Piece	12.2
Discounts:		
Prepared to Delivery Office[4]	Piece	1.3
Prepared to SCF[5]	Piece	0.7
High Density[8]	Piece	1.9
Saturation[9]	Piece	3.7
Automation Discounts for Automation-Compatible Mail:[10]		
From Required:		
Prebarcoded letter size	Piece	6.2
Prebarcoded flats	Piece	4.6
From 3-digit:		
Prebarcoded letter size	Piece	4.7
Prebarcoded flats	Piece	3.9
From 5-digit:		
Prebarcoded letter size	Piece	3.5
Prebarcoded flats	Piece	2.9

Schedule 421 Notes

[1] The rates in this schedule also apply to commingled nonsubscriber, non-requester, complimentary, and sample copies in excess of 10 percent allowance in regular-rate, non-profit, and classroom periodicals.

[2] Rates do not apply to otherwise regular rate mail that qualifies for the within county rates in Schedule 423.2.

[3] Charges are computed by adding the appropriate per-piece charge to the sum of the nonadvertising portion and the advertising portion, as applicable.

[4] Applies to carrier route (including high density and saturation) mail delivered within the delivery area of the originating post office.

[5] Applies to mail delivered within the SCF area of the originating SCF office.

[6] For postage calculations, multiply the proportion of nonadvertising content by this factor and subtract from the applicable piece rate.

[7] Mail not eligible for carrier-route, 5-digit or 3-digit rates.

[8] Applicable to high density mail, deducted from carrier route presort rate.

[9] Applicable to saturation mail, deducted from carrier route presort rate.

[10] For automation compatible mail meeting applicable Postal Service regulations.

[11] *Not applicable to qualifying Nonprofit and Classroom publications containing 10 percent or less advertising content.*

(Authority: 39 U.S.C. 3622)

[FR Doc. 99–9508 Filed 4–15–99; 8:45 am]

BILLING CODE 7715–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review, Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:		
Rule 101	SEC File No. 270–408	OMB Control No. 3235–0464.
Rule 102	SEC File No. 270–409	OMB Control No. 3235–0467.
Rule 103	SEC File No. 270–410	OMB Control No. 3235–0466.
Rule 104	SEC File No. 270–411	OMB Control No. 3235–0465.
Rule 17a–2	SEC File No. 270–189	OMB Control No. 3235–0201.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Rules 101 and 102 prohibit distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by these rules may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of a written policy regarding general compliance with

Regulation M for de minimums transactions. The Commission estimates that 1,716 respondents collect information under Rule 101 and that approximately 40,641 hours in the aggregate are required annually for these collections. In addition, the Commission estimates that 791 respondents collect information under Rule 102 and that approximately 1,691 hours in the aggregate are required annually for these collections.

Rule 103 permits passive market-making in Nasdaq securities during a distribution. A distribution participant that seeks use of this exception would be required to disclose to third parties its intention to engage in passive market making. The Commission estimates that 227 respondents collect information under Rule 103 and that approximately 227 hours in the aggregate are required annually for these collections.

Rule 104 permits stabilizing by a distribution participant during a distribution so long as the distribution participant discloses information to the market and investors. This rule requires disclosure in offering materials of the potential stabilizing transactions and that the distribution participant inform the market when a stabilizing bid is made. It also requires the distribution participants (i.e., the syndicate manager) to maintain information regarding syndicate covering transactions and penalty bids. The Commission estimates that 641 respondents collect information under Rule 104 and that approximately 64.1 hours in the aggregate are required annually for these collections.

Rule 17a–2 requires underwriters to maintain information regarding stabilizing activities conducted in accordance with Rule 104. The Commission estimates that 641 respondents collect information under Rule 17a–2 and that approximately 3,205 hours in the aggregate are required annually for these collections.

The collections of information under Regulation M and Rule 17a–2 are necessary for covered persons to obtain certain benefits or to comply with certain requirements. The collections of information are necessary to provide the Commission with information regarding syndicate covering transactions and penalty bids. The Commission may review this information during periodic examinations or with respect to investigations. Except for the information required to be kept under Rule 104(i) and Rule 17a–2(c), none of the information required to be collected or disclosed for PRA purposes will be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the agency displays a valid OMB control number.

The recordkeeping requirement of Rule 17a–2 requires the information be maintained in a separate file, or in a separately retrievable format, for a period of three years, the first two years in an easily accessible place, consistent with the requirements of Exchange Act Rule 17a–4(f).

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 8, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9489 Filed 4–15–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27005]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 12, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 4, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarants(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 4, 1999, the applicant(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Interstate Energy Corporation (79–9455)

Interstate Energy Corporation (''Interstate''), a registered holding company, and its nonutility subsidiary, Alliant Energy Resources, Inc. (''Alliant'' and, together with Interstate, ''Applicants''), both of 222 West Washington Avenue, Madison, Wisconsin 53703, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 13(b), 32 and 33 of the Act and rules 45, 46, 53, 54, 58, 87, 90 and 91 under the Act.

Background

Interstate's four public-utility subsidiaries are Wisconsin Power & Light Company, South Beloit Water, Gas and Electric Company, Interstate Power Company, and IES Utilities, Inc. (collectively, ''Operating Companies''). Together, the Operating Companies provide public-utility service to approximately 895,000 electric and 378,000 retail gas customers in parts of Wisconsin, Iowa, Minnesota, and Illinois.

Alliant serves as the holding company for substantially all of Interstate's nonutility investments and subsidiaries, which include interests in companies engaged in: environmental consulting and engineering services; the development, ownership and management of affordable multi-unit housing properties; the sale of various financial services, including the origination and sale of mortgages for tax-advantaged affordable housing; energy-related businesses, including, among others, the brokering and marketing of electricity and natural gas, gas supply and fuel management services, oil and gas production, steam production and sale, and energy-management services; ownership and/or operation of foreign utility systems; transportation; and management of investments in telecommunications.

Proposed Transactions

Each of Interstate and Alliant, on behalf of itself and its respective current and future direct and indirect nonutility subsidiaries (''Nonutility Subsidiaries''), seek approval for a program of external financing, credit support arrangements,

and other related proposals for the period through December 31, 2001 (''Authorization Period''), as follows:

Common Stock

Interstate proposes to issue and sell from time to time during the Authorization Period up to 15 million shares of its common stock, $.01 par value per share (''Common Stock''). Interstate may issue and sell Common Stock or options exercisable for Common Stock and issue Common Stock upon the exercise of options. Interstate proposes to issue and sell Common Stock under underwriting agreements of a type generally standard in the industry or through private placements or other non-public offerings to one or more persons. All Common Stock sales would be at rates or prices and under conditions negotiated or based upon, or otherwise determined by, competitive capital markets.

Debentures

Interstate proposes to issue and sell from time to time during the Authorization Period up to $400 million principal amount of Debentures in one or more series, provided that the aggregate principal amount of short-term indebtedness issued by Interstate under the terms of prior Commission authorization [1] and the Debentures at any time outstanding would not exceed $1.1 billion (''Interstate Debt Limitation''). The Debentures (a) may be convertible into any other securities of Interstate, (b) would have maturities ranging from one to 40 years, (c) may be subject to optional and/or mandatory redemption, in whole or in part, at par or at various premiums above their principal amount, (d) may be entitled to mandatory or optional sinking fund provisions, (e) may provide for reset of the coupon under a remarketing arrangement, and (f) may be called from existing investors by a third party. Interstate proposes that the maturity dates, interest rates, redemption and sinking fund provisions and conversion features, if any, for the Debentures of a particular series, as well as any associated placement, underwriting or selling agent fees, commissions and discounts, if any, be established by negotiation or competitive bidding and reflected in the applicable transaction documents. Interstate undertakes that without further Commission authorization it would not issue any Debentures that are not at the time of original issuance rated at least investment grade by a nationally recognized statistical rating organization.

Other Securities

In addition to the specific securities for which authorization is sought in the application-declaration, Interstate proposes to issue and sell other types of securities from time to time during the Authorization Period, in order to minimize financing costs or to obtain new capital under then existing market conditions.

Nonutility Subsidiary Financings

Alliant states that it and its subsidiaries are engaged in and expect to continue to be active in the development and expansion of their existing energy-related, transportation, telecommunications and other nonutility businesses in the Interstate holding company system. In order to finance investments in these businesses, Applicants state that it will be necessary for the Nonutility Subsidiaries to engage in financing transactions, almost all of which are expected to be exempt under rule 52(b) of the Act. Alliant requests that the Commission reserve jurisdiction over the issuance by any Nonutility Subsidiary of any non-rule 52 exempt securities, pending completion of the record.

Applicants state that any promissory note, bond or other evidence of indebtedness issued by a Nonutility Subsidiary that is guaranteed as to principal or interest by Interstate (each, a ''Guaranteed Note'') would mature no more than 40 years after the date of issuance and bear interest at a fixed or floating rate which, in the case of a fixed rate, would be no greater than 300 basis points over the yield to maturity of a United States Treasury obligation having a remaining term approximately equal to the average life of the Guaranteed Note at the time issued, and, in the case of a floating rate, would be not greater than 300 basis points over the rate of interest announced publicly by a major money center bank as its base or prime rate. In addition, a Nonutility Subsidiary may agree to pay a commitment fee not to exceed 1.5% of the average daily unused balance under any committed line of credit and/or maintain compensating balances not to exceed 20% of the amount of any committed line.

Interstate Guarantees

Interstate requests authorization to enter into guarantees, obtain letters of credit, enter into expense agreements or otherwise provide credit support (collectively, ''Interstate Guarantees'') with respect to the obligations of Alliant, any Operating Company or any Nonutility Subsidiary (collectively, ''Subsidiaries'') as may be appropriate to enable the Subsidiary to carry on in the ordinary course of its business, in an aggregate principal amount not to exceed $600 million outstanding at any one time. Interstate proposes to charge each Subsidiary a fee for each guarantee provided on its behalf that is determined by multiplying the amount of the Interstate Guarantee provided by the cost of obtaining the liquidity necessary to perform the guarantee (for example, bank line commitment fees or letter of credit fees, plus other transactional expenses) for the period of time the guarantee remains outstanding.

Nonutility Subsidiary Guarantees

In addition, Alliant and other Nonutility Subsidiaries request authority to provide to other Nonutility Subsidiaries guarantees and other forms of credit support (''Nonutility Subsidiary Guarantees'') in an aggregate principal amount not to exceed $300 million outstanding at any one time. The Nonutility Subsidiary providing the credit support may charge its associate company a fee for each guarantee provided on its behalf determined in the same manner as the Interstate Guarantees.

Hedging Transactions

Interstate and the Nonutility Subsidiaries request authorization to enter into interest rate hedging transactions with respect to existing indebtedness (''Interest Rate Hedges''), subject to certain limitations and restrictions, in order to reduce or manage interest rate cost. Interest Rate Hedges would only be entered into with counterparties (''Approved Counterparties'') whose senior debt ratings, or the senior debt ratings of the parent companies of the counterparties, as published by Standard and Poor's Ratings Group, are equal to or greater than BBB, or an equivalent rating from Moody's Investors Service, Fitch Investors Service or Duff and Phelps. Applicants state that Interest Rate Hedges would involve the use of financial instruments commonly used in today's capital markets, such as interest rate swaps, caps, collars, floors, and structured note (*i.e.*, a debt instrument in which the principal and/or interest

[1] *See Interstate Energy Corporation,* HCAR No. 26956 (December 18, 1998). Under this order, Interstate and Alliant are authorized to, among other things, issue notes and/or commercial paper from time to time through December 31, 2000 and to establish and utilize separate money pools for intrasystem borrowings for Interstate's utility and non-utility subsidiaries. Sepcifically, Interstate is authorized to issue and sell notes and/or commercial paper in an aggregate principal amount at any time outstanding not to exceed $750 million.

payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities. The transactions would be for fixed periods and stated notional amounts. Fees, commissions and other amounts payable to the counterparty or exchange (excluding, however, the swap or option payments) in connection with an Interest Rate Hedge would not exceed those generally obtainable in competitive markets for parties of comparable credit quality.

Anticipatory Hedges

In addition, Interstate and the Nonutility Subsidiaries request authorization to enter into interest rate hedging transactions with respect to anticipated debt offerings (''Anticipatory Hedges''), subject to certain limitations and restrictions. Anticipatory Hedges would only be entered into with Approved Counterparties, and would be utilized to fix and/or limit the interest rate risk associated with any new issuance through (i) a forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury Securities and/or a forward swap (each, a ''Forward Sale''), (ii) the purchase of put options on U.S. Treasury Securities (''Put Options Purchase''), (iii) a Put Options Purchase in combination with the sale of call options on U.S. Treasury Securities (''Zero Cost Collar''), (iv) transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities, or (v) some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including structured notes, caps and collars, appropriate for the Anticipatory Hedges. Anticipatory Hedges may be executed on-exchange (''On-Exchange Trades'') with brokers by opening futures and/or options positions traded on the Chicago Board of Trade, the opening of over-the-counter positions with one or more counterparties (''Off-Exchange Trades''), or a combination of On-Exchange Trades and Off-Exchange Trades. Interstate or a Nonutility Subsidiary would determine the optimal structure of each Anticipatory Hedge transaction at the time of execution. Interstate or a Nonutility Subsidiary would determine the optimal structure of each Anticipatory Hedge transaction at the time of execution. Interstate or a Nonutility Subsidiary may decide to lock in interest rates and/or limit its exposure to interest rate increases. All open positions under Anticipatory Hedges would be closed on or prior to the date of the new issuance and neither Interstate nor any Nonutility Subsidiary would, at any time, take possession or make delivery of the underlying U.S. Treasury Securities.

Financing Subsidiaries

Interstate and Alliant request authority to acquire, directly or indirectly, the equity securities of one or more corporations, trusts, partnerships or other entities created specifically for the purpose of facilitating the financing of the authorized and exempt activities (including exempt and authorized acquisitions) of Interstate and the Nonutility Subsidiaries by issuing long-term debt or equity securities, including monthly income preferred securities, to third parties and the transfer of the proceeds of these financings to Interstate or the Nonutility Subsidiaries. Applicants request that the Commission reserve jurisdiction over the transfer of proceeds of these financings to Interstate, pending completion of the record.

Interstate may, if required, guarantee or enter into expense agreements in respect of the obligations of any Financing Subsidiaries. If the direct parent company of a Financing Subsidiary is authorized in this proceeding or any future proceeding to issue long-term debt or similar types of equity securities, then the amount of the securities issued by that Financing Subsidiary would count against the limitation applicable to its parent for those securities. In these cases, however, the guaranty by the parent of that security issued by its Financing Subsidiary would not be counted against the limitations on Interstate Guarantees or Nonutility Subsidiary Guarantees, as the case may be. In other cases, in which the parent company is not authorized in this proceeding or in a future proceeding to issue similar types of securities, the amount of any guarantee not exempt under rules 45(b)(7) and 52 that is entered into by the parent company with respect to securities issued by its Financing Subsidiary would be counted against the limitation on Interstate Guarantees or Nonutility Subsidiary Guarantees, as the case may be.

Intermediate Subsidiaries

Interstate and Alliant propose to acquire, directly or indirectly, the securities of one or more Intermediate Subsidiaries, which would be organized exclusively for the purpose of acquiring, holding and/or financing the acquisition of the securities of or the interest in one or more (a) ''exempt wholesale generators'' (as defined in section 32 of the Act, ''EWGs'') or ''foreign utility companies'' (as defined in section 33 of the Act, ''FUCOs''), (b) companies whose securities are acquired under rule 58 of the Act (''Rule 58 Subsidiaries''), (c) ''exempt telecommunications companies'' (as defined in section 34 of the Act, ''ETCs''), or (d) other non-exempt Nonutility Subsidiaries (as authorized in this proceeding or in a separate proceeding), provided that Intermediate Subsidiaries may also engage in development activities and administrative activities relating to these subsidiaries. Intermediate Subsidiaries may also provide management, administrative, project development and operating services to these entities. An Intermediate Subsidiary may be organized, among other things, (1) in order to facilitate the making of bids or proposals to develop or acquire an interest in any EWG or FUCO, Rule 58 Subsidiary, ETC or other non-exempt Nonutility Subsidiary; (2) after the award of the bid proposal, in order to facilitate closing on the purchase or financing of the acquired company, (3) at any time after the consummation of an acquisition of an interest in any acquired company in order, among other things, to effect an adjustment in the respective ownership interests in the business held by Interstate or Alliant and non-affiliated investors; (4) to facilitate the sale of ownership interests in one or more acquired nonutility companies; (5) to comply with applicable laws of foreign jurisdictions limiting or otherwise relating to the ownership of domestic companies by foreign nationals; (6) as a part of tax planning in order to limit Interstate's exposure to U.S. and foreign taxes; (7) to further insulate Interstate and the Operating Companies from operational or other business risks that may be associated with investments in nonutility companies; or (8) for other lawful business purposes.

Investments in Energy Assets

Alliant and other Nonutility Subsidiaries request authority to acquire or construct in one or more transactions from time to time during the Authorization Period, nonutility energy assets in the United States, including natural gas production, gathering, processing, storage and transportation facilities and equipment, liquid oil reserves and storage facilities, and associated facilities (collectively, ''Energy Assets''), that would be incidental to the oil and gas exploration and production and energy marketing, brokering and trading operations of Alliant's subsidiaries. Alliant requests authorization to invest up to $125 million (''Investment Limitation'')

during the Authorization Period in Energy Assets or in the equity securities of existing or new companies substantially all of whose physical properties consist or would consist of the Energy Assets.[2] Energy Assets (or equity securities of companies owning Energy Assets) may be acquired for cash or in exchange for Common Stock or other securities of Interstate, Alliant, or other Nonutility Subsidiary of Alliant, or any combination of these forms of compensation. If Common Stock of Interstate is used as consideration in connection with an acquisition, the market value on the date of issuance would be counted against the proposed Investment Limitation. The stated amount or principal amount of any other securities issued as consideration in the transaction would also be counted against the Investment Limitation. Under no circumstances would Alliant or any oil or gas production or marketing subsidiary acquire, directly or indirectly, any assets or properties the ownership or operation of which would cause the companies to be considered an ''electric utility company'' or ''gas utility company'' as defined under the Act.

Sales of Services and Goods Among Alliant and Other Nonutility Subsidiaries

Alliant and other Nonutility Subsidiaries propose to provide services and sell goods to each other at fair market prices determined without regard to cost, and therefore request an exemption (to the extent that rule 92(b) of the Act does not apply) under section 13(b) from the cost standards of rules 90 and 91 as applicable to these transactions, in any case in which any of the following circumstances may apply:

(i) The client company is a FUCO or foreign EWG which derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale within the United States.

(ii) The client company is an EWG which sells electricity at market-based rates which have been approved by the Federal Energy Regulatory Commission (''FERC'');

(iii) The client company is a ''qualifying facility'' (''QF'') within the meaning of the Public Utility Regulatory Policies Act of 1978, as amended (''PURPA'') that sells electricity exclusively (a) at rates negotiated at arm's length to one or more industrial or commercial customers purchasing the electricity for their own use and not for resale, and/or (b) to an electric utility company at the purchaser's ''avoided cost'' as determined under PURPA regulations;

(iv) The client company is a domestic EWG or QF that sells electricity at rates based upon its cost of service, as approved by FERC or any state public utility commission having jurisdiction, provided that the purchaser is not an Operating Company within the Interstate system; or

(v) The client is an ETC, a Rule 58 Subsidiary, or any other Nonutility Subsidiary that does not derive any part of its income from sales of goods, services or other property to an Operating Company within the Interstate system.

Activities of Rule 58 Subsidiaries Within and Outside the United States

Alliant, on behalf of any current or future Rule 58 Subsidiaries, requests authority to engage in certain business activities permitted by rule 58 both within and outside the United States. These activities include: (i) the brokering and marketing of electricity, natural gas and other energy commodities; (ii) energy management services; and (iii) engineering, consulting and other technical support services.

Payment of Dividends Out of Capital and Unearned Surplus

Alliant also proposes, on behalf of itself and each of its current and future non-exempt Nonutility Subsidiaries, that these non-exempt Nonutility Subsidiaries be permitted to pay dividends with respect to the securities of these companies, from time to time during the Authorization Period, out of capital and unearned surplus (including revaluation reserve), to the extent permitted under applicable corporate law and the terms of any credit agreements and indentures that restrict the amount and timing of distributions to shareholders.

Use of Proceeds

Applicants state that the proceeds from the financing authorizations sought in this proceeding would be used for general corporate purposes, including (i) financing, in part, investments by and capital expenditures of Interstate and its Nonutility Subsidiaries, including the funding of future investments in EWGs, FUCOs, and Rule 58 Subsidiaries, (ii) the repayment, redemption, refunding or purchase by Interstate or any Nonutility Subsidiary of any of its own securities under rule 42 of the Act, and (iii) financing working capital requirements of Interstate and its Nonutility Subsidiaries.

Applicants represent that no financing proceeds would be used to acquire the equity securities of any new subsidiary unless the acquisition has been approved by the Commission in this proceeding or in a separate proceeding or under an available exemption under the Act or rules under the Act, including sections 32 and 33 and rule 58. Interstate states that the aggregate amount of proceeds of financing and Interstate Guarantees approved by the Commission in this proceeding used to fund investments in EWGs and FUCOs would not, when added to Interstate's ''aggregate investment'' (as defined in rule 53 of the Act) in all these entities at any point in time, exceed 50% of Interstate's ''consolidated retained earnings'' (also as defined in rule 53). Currently, Interstate's ''aggregate investment'' in EWGs and FUCOs is $73 million, or approximately 14% of Interstate's ''consolidated retained earnings'' for the four quarters ended December 31, 1998 ($537 million). Further, Interstate represents that proceeds of financing and Interstate Guarantees and Nonutility Guarantees utilized to fund investments in Rule 58 Subsidiaries would be subject to the limitations of that rule. Lastly, Interstate represents that it would not seek to recover through higher rates any of the Operating Companies losses attributable to any operations of its Nonutility Subsidiaries.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9585 Filed 4–15–99; 8:45 am]

BILLING CODE 8010–01–M

[2] Companies whose physical properties consist of Energy Assets may also be currently engaged in energy (gas or electric or both) marketing activities. To the extent necessary, Applicants request authorization to continue these activities in the event they acquire these types of companies.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27004]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 9, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the

application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 4, 1999, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 4, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities, et al. (70–8875)

Northeast Utilities (''Northeast''), 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, a registered holding company, Northeast's public utility subsidiaries, The Connecticut Light and Power Company, 107 Selden Street, Berlin, Connecticut 06037, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, Holyoke Water Power Company, Canal Street, Holyoke, Massachusetts 01040, and Public Service Company of New Hampshire and North Atlantic Energy Corporation (''NAEC'') (collectively, ''Utility Subsidiaries''), each at 1000 Elm Street, Manchester, New Hampshire 03015, and Northeast's nonutility subsidiaries, NU Enterprises, Inc. (''NUEI''), Northeast Generation Service Company (''NGS''), Northeast Generation Company (''NGC''), Select Energy, Inc. (''Select''), and Mode 1 Communications, Inc. (''Mode 1'') (collectively, ''Nonutility Subsidiaries''), each at 107 Selden Street, Berlin, Connecticut 06037 (all companies being ''Applicants''), have filed a post-effective amendment to their application-declaration filed under sections 6(a), 7, 9(a), 10, and 12(b) of the Act and rules 43, 45, and 54 under the Act.

By order dated November 12, 1998 (HCAR No. 26939) (''November 1998 Order''), the Commission authorized, among other things: (1) The formation and financing by Northeast of NUEI [1] to ''through multiple subsidiaries, engage in a variety of energy-related and other activities and acquire and manage nonnuclear generating plants'', and (2) the acquisition by NUEI of the securities of NGC,[2], NGS,[3] HEC, Inc., Select, and Mode 1. By order dated November 20, 1996 (HCAR No. 26612) and subsequent supplemental orders [4] (collectively, ''Money Pool Orders''), the Commission authorized, among other things, the continued use, through December 31, 2000, of the Northeast Utilities System Money Pool (''Money Pool''). The Money Pool Orders also reserved jurisdiction over Money Pool borrowings by PSNH that are attributable to contributions by WMECO, pending the approval of the Massachusetts Department of Public Utilities.

The Applicants now request that the Nonutility Subsidiaries be authorized to participate in the Money Pool. The Money Pool currently consists principally of surplus funds that may be available from day to day to Northeast and certain of its subsidiaries. In addition to surplus funds, funds borrowed by Northeast (through the issuance of short-term notes, by selling commercial paper or by borrowing under a revolving credit facility—each transaction as authorized by prior Commission order) are a source of funds for making open account advances to certain of Northeast's subsidiaries through the Money Pool. In addition to the subsidiaries of Northeast which are currently authorized to be potential recipients of these open account advances, the Applicants propose that the Nonutility Subsidiaries be authorized to receive these open account advances from Northeast. It is stated that Money Pool transactions will be designed to match, on a daily basis, the available cash and short-term borrowing requirements of Northeast, the Utility Subsidiaries, and, it is proposed, the Nonutility Subsidiaries in order to minimize the need for short-term borrowings by the Utility Subsidiaries and Nonutility Subsidiaries from external sources. Only certain of Northeast's subsidiaries are now authorized to borrow through the Money Pool from the proceeds of external borrowings by Northeast. It is proposed that the Nonutility Subsidiaries be eligible to borrow through the Money Pool from the proceeds of external borrowings by Northeast. It is stated that, among other Northeast subsidiaries, the Nonutility Subsidiaries will not be parties to the revolving credit facility authorized by prior Commission order. Applicants further propose that the aggregate amount of short-term debt outstanding at any one time will not exceed the following: $75 million for NUEI; $50 million for Select; and $5 million each for NGC, NGS, and Mode 1.

[1] The name cited in the November 1998 Order is ''NEWCO.'' The post-effective amendment states that the company is now known as NUEI.

[2] The name cited in the November 1998 Order is ''GENCO.'' The post-effective amendment states that the company is now known as NGC.

[3] The name cited in the November 1998 Order is ''Northeast Generation Services, Inc.'' The post-effective amendment states that the company is now known as NGS.

[4] *See* Holding Co. Act Release Nos. 26665 (Feb. 11, 1997), 26692 (Mar. 25, 1997), 26721 (May 29, 1997), and 26816 (Jan. 16, 1998).

Georgia Power Company (7–9437)

Georgia Power Company (''Georgia Power''), 241 Ralph McGill Boulevard, N.E., Atlanta, Georgia 30308–3374, a wholly owned subsidiary of the Southern Company, a registered holding company, has filed an application-declaration under sections 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935, as amended (''Act''), and rules 44 and 54 under the Act.

Georgia Power proposes to convey all of its rights, title and interests in and to real and personal property, including engineering drawings, comprising 30 distribution and transmission substation facilities (''Georgia Power Substation Facilities'') to Georgia Transmission Corporation (''GTC''), an electric membership corporation. In exchange, GTC will convey to Georgia Power all its rights, title and interests in and to real and personal property comprising up to four distribution and transmission substation facilities (''GTC's Substation Facilities''), an exchange equalization payment of $3,808,831, and an additional payment of $560,000 to ensure that Georgia Power suffers no after-tax loss on the exchange.

Georgia Power states that the exchange will realign its and GTC's interests so that GTC will be responsible for the operation and maintenance payments for facilities which principally save GTC's load and Georgia Power will be responsible for the operation and maintenance for facilities which principally serve its load. The 30 substations being exchange by Georgia Power represent less than 1% of Georgia Power's total substation facilities (based on original cost).

Georgia Power will obtain from its First Mortgage Bond Trustee a release of the Georgia Power Substation Facilities from the lien of Georgia Power's First Mortgage Bond Indenture. GTC will obtain a release executed by SunTrust

Bank, Atlanta, as Trustee under GTC' Indenture dated as March 1, 1997 releasing the GTC Substation Facilities from the lien of said Indenture.

Georgia Power requests authority to consummate the transaction at any time on or before December 31, 1999 subject to Georgia Power's and GTC's receiving the requisite approvals of all applicable regulatory agencies, including the Commission.

Pennsylvania Electric Company (70–9457)

Pennsylvania Electric Company (''Penelec''), 2800 Pottsville Pike, Reading, Pennsylvania 19605, an electric utility subsidiary of GPU, Inc. (''GPU''), a registered holding company, has filed a declaration under section 12(d) of the Act and rules 44 and 54 under the Act.

Penelec owns a twenty percent undivided ownership interest in the Seneca Pumped Storage Generating Station (''Seneca''), a 435 MW pumped storage station generating facility located near Warren, Pennsylvania. The other eighty percent is owned by Cleveland Electric Illuminating Company, a utility subsidiary of FirstEnergy Corp. (''FistEnergy''), and exempt holding company.

Penelec proposes to sell its interest in Seneca to FE Acquisition Corp. (''FEAC''), a wholly owned, special purpose subsidiary of FistEnergy. In a purchase and sales agreement dated as of October 30, 1998 with FEAC, Penelec agreed to sell its interest to FEAC for $43 million, subject to certain adjustments. Applicant states that the purchase price was determined through a competitive auction process.

Penelec intends to use the net proceeds from the sale, among other things, to reduce debt, pay dividends and/or to fund or offset stranded asset liabilities.[5]

Allegheny Energy, Inc. (70–9459)

Allegheny Energy, Inc. (''Allegheny''), 10435 Downsville Pike, Hagerstown, Maryland 21740, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(A), 10, and 12(c) of the Act and rules 42, 46, and 54 under the Act.

Allegheny requests authority to adopt and implement a shareholder rights plan (''Plan'') and enter into a related agreement creating the shareholder rights (''Rights Agreement''). The Plan is intended to maximize shareholder value by reducing the risk of nonrealization of shareholder value due to opportunistic takeover proposals. Under the Plan, the board of directors of Allegheny (''Board'') would declare a dividend of one right (''Right'') for each outstanding share of Allegheny common stock, par value $1.25 per share (''Common Stock''), payable to all stockholders of record on a specified record date.

Each Right would, after the Rights become exercisable, entitle the holder to purchase from Allegheny one share of Common Stock at a price to be determined by the Board, subject to adjustment (''Exercise Price''). The Rights would not entitle the holders to make a discounted purchase of shares of Common Stock or the common stock of the person acquiring Allegheny until the occurrence of one of the events described below. The Rights will expire at the close of business ten years from the date of the Rights Agreement, unless earlier redeemed or exchanged by Allegheny, as described below.

Until the earlier of two dates described below (''Distribution Date''), Rights would not be exercisable and would trade with the outstanding shares of Common Stock. One date occurs when the Board fixes the date of a public announcement that a person or group (''Acquiring Person'') has acquired beneficial ownership of 15% or more of the Common Stock. The second date occurs ten business days (unless extended by the Board) after any person or group has commenced a tender or exchange offer which would, upon its consummation, result in such person or group becoming an Acquiring Person.

After the Distribution Date, the holders of the Rights would immediately have the right to receive, for each Right exercised, either Common Stock having a market value equal to two times or one times the Exercise Price then in effect, depending upon the circumstances. Under certain circumstances where Allegheny is acquired in a business combination transaction with, or 50% or more of its assets or earning power is sold or transferred to, another person or entity (''Acquiror''), exercise of a Right will entitle its holder to receive common stock of the Acquiror having a market value to two times the Exercise Price then in effect. Rights beneficially owned by any Acquiring Person and certain transferees of the Acquiring Person will be null and void.

The Rights may be redeemed, as a whole, at the discretion of the Board, at a Redemption Price of $0.01 per Right, subject to adjustment, which will be paid, at Allegheny's option, in cash, shares of Common Stock or other equivalent Allegheny securities, at any time prior to the close of business on the date that any person has become an Acquiring Person.

At any time after the Distribution Date and prior to the time that any person (other than Allegheny and certain related entities), together with its affiliates and associates, becomes the beneficial owner of 50% or more of the outstanding shares of Common Stock, the Board may direct the exchange of shares of Common Stock for all of the Rights (other than Rights which have become void) at the exchange ratio of one share of Common Stock per Right, subject to adjustment.

The Exercise Price payable, and the number of shares of Common Stock (or other securities, as the case may be) issuable upon exercise of the Rights are subject to adjustment from time to time to prevent dilution (i) in the event of a stock dividend on, or a subdivision or combination of, the Common Stock, or (ii) upon the distribution to holders of the Common Stock of securities or assets (excluding regular periodic cash dividends) whether by dividend, reclassification, recapitalization or otherwise.

The terms of the Rights may be amended by the Board (i) prior to the Distribution Date in any manner and (ii) on or after the Distribution Date to cure any ambiguity, to correct or supplement any provision of the Rights Agreement which may be defective or inconsistent with any other provisions, or in any manner not adversely affecting the interests of the holders of the Rights generally.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9586 Filed 4–15–99; 8:45 am]

BILLING CODE 8010–01–M

[5] This use of proceeds is mandated by an order of the Pennsylvania Public Utilities Commission, dated October 16, 1998, relating to the sale by Penelec of its generation assets.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 19, 1999.

Closed meetings will be held on Monday, April 19, 1999, at 11:00 a.m. and on Wednesday, April 21, 1999, following the 11:00 a.m. open meeting. An open meeting will be held on Wednesday, April 21, 1999, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters will be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meetings.

Commissioner Hunt, as duty officer, voted to consider the items listed for the closed meetings in a closed session.

The subject matter of the closed meeting scheduled for Monday, April 19, 1999, at 11:00 a.m., will be:

Institution of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

The subject matter of the open meeting scheduled for Wednesday, April 21, 1999, at 11:00 a.m., will be:

The Commission will hear oral argument on an appeal by Warren Trepp, formerly the head high-yield bond trader at Drexel the head high-yield bond trader at Drexel Burnham Lambert, from an administrative law judge's initial decision. For further information, please contact John McCarthy or Andrew Smith at (202) 942–0950.

The subject matter of the closed meeting scheduled for Wednesday, April 21, 1999, following the open meeting at 11:00 a.m., will be:

Post oral argument discussion.

Commissioner Hunt, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: February 14, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9702 Filed 4–14–99; 1:21 p.m.]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed at the end of this publication.

1. *Application for Mother's or Father's Insurance Benefits-0960–0003.* The information collected on form SSA–5 is used by the Social Security Administration to determine an applicant's eligibility for mother's or father's insurance benefits. The respondents are individuals who wish to file an application for such benefits.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Average Burden: 12,500 hours.

2. *Missing and Discrepant Wage Reports Letter and Questionnaires—0960–0432.* SSA uses the information on Forms SSA–L93, SSA–95 and SSA–97 to secure the employer information now missing from its records (or discrepant with Internal Revenue Service (IRS) records) by contacting the involved employers. When secured, SSA will be able to properly post the employee's earnings records. Compliance by employers with SSA requests will facilitate proper posting of employee's wage records. SSA will make two efforts to obtain wage information from the employer, before the case is turned over to the IRS for penalty assessments. The respondents are employers with missing or discrepant wage reports.

Number of Respondents: 360,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Average Burden: 180,000 hours.

3. *Medical Report on Adult with Allegation of Human Immune Deficiency Virus (HIV) Infection and Medical Report on Child with Allegation of HIV Infection 0960–0500.* SSA uses Forms SSA–4814–F5 and SSA–4815–F6 to obtain information from a medical source concerning an individual who has filed for Supplemental Security Income (SSI) disability benefits with an allegation of HIV infection. The information is necessary for SSA field office personnel to determine whether the individual meets the requirements for a presumptive disability payment. The respondents are medical sources of individuals who apply for SSI disability benefits.

	SSA–4814–F5	SSA–4815–F6
Number of Respondents	46,200	12,900.
Frequency of Response	1	1.
Average Burden Per Response	10 minutes	10 minutes.
Estimated Average Burden	7,700 hours	2,150 hours.

4. *Self-Employment—Cooperative Officer Questionnaire—0960–0487.* Form SSA–4184 is used by SSA to develop earnings and to corroborate the claimant's allegations of retirement when the claimant is self-employed or a corporate officer. The respondents are self-employed individuals and corporate officers.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Average Burden: 16,667 hours.

5. *Annual Earnings Test—Direct Mail Follow-Up Program Notices (''Mid-Year Mailer'')—0960–0369.* As part of the effort to reinvent government, in 1997, SSA began to use the information

reported on W–2's and self-employment tax returns to adjust benefits under the earnings test rather than have beneficiaries make a separate report, which often showed the same information. Since SSA eliminated the annual report forms, the Mid-Year Mailer (Forms SSA–L9778, SSA–9779, SSA–9781) has become an even more important tool in helping us to ensure the correct payment of Social Security benefits. The Mid-Year Mailer is used by beneficiaries to update their current year estimate of earnings and to give SSA an estimate of earnings for the following year.

Number of Respondents: 400,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 66,667 hours.

II. The information collection listed below has been submitted to OMB for clearance. Written comments and recommendations on the information collection would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

Application for Benefits Under a U.S. International Social Security Agreement—0960–0448. The information collected on form SSA–2490 is used by SSA to determine a claimant's eligibility for U.S. Social Security benefits under the provisions of an international social security agreement. It is also used to take an application for benefits from a foreign country under an agreement. The respondents are individuals who are applying for benefits from either the United States and/or a foreign country with which the United States has an agreement. The United States currently has 17 such agreements.

Number of Respondents: 20,000.

Frequency of response: 1.

Average Burden per response: 30 minutes.

Estimated Annual Burden: 10,000 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235

(OMB Address)

Office of Management and Budget, OIRA, Attn: Lori Schack, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503

Dated: April 12, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–9481 Filed 4–15–99; 8:45 am]

BILLING CODE 4190–29–U

SOCIAL SECURITY ADMINISTRATION

Government Pension Questionnaire—0960–0160—(SSA–3885); Correction

AGENCY: Social Security Administration.

ACTION: Notice; Correction.

SUMMARY: The Social Security Administration published a document in the **Federal Register** of March 26, 1999 concerning the submission of a request for comments of an information collection package for OMB approval. The document contained incorrect information in relation to the number of respondents and total burden hours.

FOR FURTHER INFORMATION CONTACT: SSA Reports Clearance Officer, Frederick W. Brickenkamp, (410) 965–4145.

Correction

In the **Federal Register** of March 26, 1999, in FR, Vol. 64, No. 58, on page 14782, top of the first column, correct the Number of Respondents and Estimated Average Burden hours to read:

Number of Respondents: 76,000.

Estimated Average Burden: 15,833 hours.

Dated: April 9, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–9482 Filed 4–15–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

Bureau of Administration

[Public Notice 3018]

Transfer of Arms Control and Disarmament Agency's Systems of Records to the Department of State

AGENCY: Bureau of Administration, Department of State.

ACTION: Notice.

SUMMARY: In accordance with the Privacy Act, (5 U.S.C. 552a(e)(4)) this notice describes a revision to the character of the Arms Control and Disarmament Agency's (''ACDA'') systems of records upon the consolidation of ACDA and the Department of State as mandated by the Foreign Affairs Agencies Consolidation Act of 1998.

DATES: Effective April 1, 1999.

FOR FURTHER INFORMATION CONTACT: Margaret P. Grafeld, Information and Privacy Coordinator and Director of the Office of Information Resources Management Programs and Services; Room 1239; Department of State; 2201 C Street, NW, Washington, DC 20520–1512, (202) 647–6620.

SUPPLEMENTARY INFORMATION: Under the Foreign Affairs Agencies Consolidation Act of 1998, Public Law 105–277, ACDA and the Department of State will be consolidated on April 1, 1999. As part of the consolidation, the Department will assume custody and control of systems of records currently maintained by ACDA. For a document relating to the State Department's assumption of control over these systems of records, see a final rule published elsewhere in this volume. The existence and distinct character of these systems will not change except for the following effective April 1, 1999:

1. The agency official who is responsible for access to the systems of records is Margaret P. Grafeld, Information and Privacy Coordinator and Director of the Office of Information Resources Management Programs and Services; Room 1239; Department of State; 2201 C Street, NW, Washington, DC 20520–1512, (202) 647–6620.

2. The procedures whereby an individual can be notified if the system of records contains a record pertaining to him or her may now be found at 22 CFR part 171, subpart C. These regulations are also available at the Department's website located at http://foia.state.gov.

3. The procedures whereby an individual can be notified at his or her request how he or she can gain access to any records pertaining to him or her contained in the system of records, and how he or she can contest its content may now be found at 22 CFR part 171, subpart C. These regulations are also available at the Department's website located at http://foia.state.gov.

Dated: March 30, 1999.

Patrick F. Kennedy,

Assistant Secretary for the Bureau of Administration, Department of State.

[FR Doc. 99–8292 Filed 4–15–99; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3029]

Bureau of Political Military Affairs; Imposition of Missile Proliferation Sanctions Against Entities in the Middle East, Including a Ban on Certain U.S. Government Procurement

AGENCY: State.

ACTION: Notice.

SUMMARY: The United States Government has determined that certain entities in the Middle East have engaged in missile technology proliferation activities that require imposition of sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 12424 of August 19, 1994).

EFFECTIVE DATE: March 23, 1999.

FOR FURTHER INFORMATION CONTACT: For General Information: Vann H. Van Diepen, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202–647–1142). For information on U.S. procurement bans: Gladys Gines, Office of the Procurement Executive, Department of State (703–516–1691).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)), Section 11B(b)(1) of the Export Administration Act of 1979, as amended, (50 U.S.C. app. 2401b(b)(1)), as carried out under Executive Order 12924 of August 19, 1994 (hereinafter cited as the ''Export Administration Act of 1979''), and Executive Order 12851 of June 11, 1993, the United States Government has determined that the following foreign persons, currently operating in the Middle East region, have engaged in missile technology proliferation activities that require the imposition of the sanctions described in Sections 73(a)(2)(A) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(A) and Sections 11B(b)(1)(B)(i) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(i)) on these entities, their subunits and successors, effective March 23, 1999:

1. Arab British Dynamics (ABD);
2. Helwan Machinery and Equipment Company; and
3. Kader Factory for Developed Industries.

Accordingly, the following sanctions are being imposed on these entities:

(A) Licenses for export to the entities described above of Missile Technology Control Regime (MTCR) equipment or technology controlled pursuant to the Export Administration Act of 1979 will be denied for two years;

(B) Licenses for export to the entities described above of Missile Technology Control Regime (MTCR) equipment or technology controlled pursuant to the Arms Export Control Act will be denied for two years; and

(C) No United States Government contracts relating to MTCR-controlled equipment and technology, and involving the entities described above, will be entered into for two years.

With respect to items controlled pursuant to the Export Administration Act of 1979, the export sanction only applies to exports made pursuant to individual export licenses.

These measures shall be implemented by the responsible agencies as provided in Executive Order 12851 of June 11, 1993.

Dated: April 8, 1999.

Eric D. Newsom,

Assistant Secretary of State for Political Military Affairs.

[FR Doc. 99–9576 Filed 4–15–99; 8:45 am]

BILLING CODE 4710–25–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVES

Generalized System of Preferences (GSP); Solicitation of Public Comments Relating to the Reinstatement of Mauritania

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and solicitation of public comment with respect to the eligibility of the Mauritania for the GSP program.

SUMMARY: This notice announces the solicitation of comments related to the reinstatement of Mauritania as a beneficiary developing country under the GSP program. Comments should be submitted by May 17, 1999.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, N.W., Room 518, Washington, D.C. 20508. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

Mauritania has requested that it be reinstated as an eligible country under the GSP program. Mauritania was suspended on August 1, 1993 after a review by the Trade Policy Staff Committee determined that it did not provide for the right of association nor prohibit forced or compulsory labor.

Interested parties are invited to submit comments regarding the eligibility of Mauritania for redesignation as a GSP beneficiary developing country. Submission of comments must be made in English in 14 copies to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, and be received in Room 518 at 600 17th Street, N.W., Washington, D.C. 20508, no later than 5 p.m. on Monday, May 17, 1999. Except for submissions granted ''business confidential'' status pursuant to 15 CFR 2003.6, information and comments submitted regarding Mauritania will be subject to public inspection by appointment with the staff of the USTR Public Reading Room. For an appointment, please call Ms. Brenda Webb at 202/395–6186. If the document contains business confidential information, 14 copies of a nonconfidential version of the submission along with 14 copies of the confidential version must be submitted. In addition, the submission should be clearly marked ''confidential'' at the top an bottom of each page of the document. The version which does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each page (either ''public version'' or ''non-confidential'').

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc 99–9552 Filed 4–15–99; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Tariff-Rate Quota for Imports of Beef

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that USTR has determined that New Zealand, pursuant to its request, is no longer a participating country for purposes of the export certification program for imports of beef under the tariff-rate quota.

DATES: The action is effective May 1, 1999.

FOR FURTHER INFORMATION CONTACT: Suzanne Early, Senior Policy Advisor for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW, Washington, DC 20508; telephone: (202) 395–9615.

SUPPLEMENTARY INFORMATION: The United States maintains a tariff-rate quota on imports of beef as part of its implementation of the *Marrakesh Agreement Establishing the World Trade Organization*. The in-quota quantity of that tariff-rate quota is allocated in part among a number of countries. As part of

the administration of that tariff-rate quota, USTR provided, in 15 CFR part 2012, for the use of export certificates with respect to imports of beef from countries that have an allocation of the in-quota quantity. The export certificates apply only to those countries that USTR determines are participating countries for purposes of 15 CFR part 2012. USTR, pursuant to an earlier request by the government of New Zealand, previously determined that New Zealand was a participating country.

The government of New Zealand has now requested that, effective May 1, 1999, New Zealand no longer be considered as a participating country for purposes of the export certification program. Accordingly, USTR has determined that, effective May 1, 1999, New Zealand is not a participating country for purposes of 15 CFR part 2012. As a result, imports of beef from New Zealand will no longer need to be accompanied by an export certificate in order to qualify for the in-quota tariff rate.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 99–9553 Filed 4–15–99; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–5511]

Great Lakes Pilotage Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard intends to establish the Great Lakes Pilotage Advisory Committee (GLPAC) and is seeking applications for appointment to membership. GLPAC will provide advice and make recommendations to the Coast Guard on regulations and policies on the pilotage of vessels on the Great Lakes.

DATES: Applications must reach the Coast Guard on or before June 15, 1999.

ADDRESSES: You may request an application form by writing to Commandant (G–MW), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593–0001; by calling 202–267–6164; or by faxing 202–267–4700. Submit application forms to the same address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Frank J. Flyntz, Executive Director of GLPAC, or Thomas Lawler, Assistant to the Executive Director, telephone 202–366–8981, fax 202–366–7147.

SUPPLEMENTARY INFORMATION: The Great Lakes Pilotage Advisory Committee (GLPAC) will be a Federal advisory committee constituted under 5 U.S.C. App. 2. It will terminate on September 30, 2003, unless extended by Congress.

GLPAC will provide advice and make recommendations on Great Lakes pilotage to the Assistant Commandant for Marine Safety and Environmental Protection. It may advise, consult with, report to, and make recommendations to the Secretary of the Department of Transportation on matters relating to Great Lakes pilotage and may make these recommendations available to the Congress.

GLPAC will meet at the call of the Secretary at least once a year. It may also meet at the call of a majority of its members. Its subcommittees and working groups may meet to consider specific problems as required.

The Secretary will consider applications for seven positions that will have a term of not more than 5 years, as specified by the Secretary. GLPAC must have—

(a) Three members who are practicing, Great Lakes pilots and who reflect a regional balance;

(b) One member who represents the interests of vessel operators that contract for Great Lakes pilotage services;

(c) One member who represents the interests of Great Lakes ports;

(d) One member who represents the interests of shippers whose cargoes are transported through Great Lakes ports; and

(e) One member who represents the interests of the general public and who is an independent expert on the Great Lakes maritime industry.

To be eligible, applicants must have at least 5 years of practical experience in maritime operations. All members serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the policy of the Department of Transportation on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

Applicants selected may be required to complete a Confidential Financial Disclosure Report (OGE Form 450). Neither the report nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: April 8, 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–9565 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGDO 8–99–013]

Houston/Galveston Navigation Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC). HOGANSAC provides advice and makes recommendations to the Coast Guard on matters relating to the transit of vessels and products to and from the Ports of Galveston, Houston, and Texas City, and through Galveston Bay, Texas.

DATES: Applications must reach the Coast Guard on or before July 31, 1999.

ADDRESSES: You may request an application form by writing to Commanding Officer, USCG VTS Houston/Galveston, P.O. Box 545, Galena Park, TX 77547; by calling 713–671–5164; or by faxing 713–671–5159. Submit application forms to the same address.

FOR FURTHER INFORMATION CONTACT: CDR Paula Carroll, USCG, Executive Secretary of HOGANSAC, telephone 713–671–5164.

SUPPLEMENTARY INFORMATION: HOGANSAC is a Federal advisory committee constituted under 5 U.S.C. App. 2. This committee provides local expertise on communications, surveillance, traffic control, anchorages, aids to navigation, and other, related topics dealing with navigation safety in the Houston/Galveston area as required by the Coast Guard. The committee normally meets three times a year at various locations in the Houston/Galveston area. Members serve voluntarily, without compensation from the Federal Government for salary, travel, or per diem. Term of membership will be for two years, not to exceed three years.

The Committee consists of eighteen members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and

techniques that are used to ship cargo and to navigate vessels in the inshore and the offshore waters of the Gulf of Mexico. Vacancies to be filled are for: (1) Two members who are employed by the Port of Houston Authority or have been selected by that entity to represent them; (2) two members who are employed by the Port of Galveston or the Texas City Port Complex or have been selected by those entities to represent them; (3) two members from organizations that represent shipowners, stevedores, shipyards, or shipping organizations domiciled in the State of Texas; (4) two members representing organizations that operate tugs or barges that use the port facilities at Galveston, Houston, and Texas City Port Complex; (5) two members representing shipping companies that transport cargo from the Ports of Galveston and Houston on liners, break-bulk, or tramp-steamer vessels; (6) two members representing those who pilot or command vessels that use the Ports of Galveston and Houston; (7) two at-large members who may represent a particular interest group but who use the port facilities at Galveston, Houston, and Texas City; (8) one member representing labor organizations that load and unload cargo at the Ports of Galveston and Houston; (9) one member representing licensed merchant mariners other than pilots, who perform shipboard duties on vessels that use the port facilities of Galveston and Houston; (10) one member representing environmental interests; and (11) one member representing the general public.

In support of the policy of the Department of Transportation on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

Applicants selected may be required to complete a Confidential Financial Disclosure Report (OGE Form 450). Neither the report nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: March 29, 1999.

Paul J. Pluta,

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

[FR Doc. 99–9566 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Joint Special Committee 182/ EUROCAE Working Group 48; Minimum Operational Performance Standards (MOPS) for an Avionics Computer Resource

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–182/EUROCAE Working Group (WG)–48 meeting to be held May 11–13, 1999, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036.

The agenda will include: (1) Chairman's Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review of Meeting Report: Joint RTCA SC–182/EUROCAE WG–48 Meeting, March 9–11, 1999; (4) Disposition of Ballot Comments on MOPS Draft Version 2.0; (5) Discuss Policy for Proprietary References in RTCA Documents Regarding ARINC Specification 653, Standard Software Application Interface; (6) Finalize MOPS version 3.0 and recommend adoption by RTCA and EUROCAE; and (7) Chairman's Remarks on Completion of SC–182 and WG–48 Activities.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–9563 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; special committee 194; ATM Data Link Implementation

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 194 meeting to be held May 5–7, 1999, starting at 9:00 a.m. The committee has been formed to produce the guidance and performance requirements necessary to implement data link in the U.S. National Airspace System (NAS), further developing work resulting from the FAA Administrator's NAS Modernization Task Force. Attendance at the May 7 plenary session at MITRE requires prior coordination, which will be arranged for committed registrants. Others who wish to attend the May 7 meeting need to provide name and company affiliation to Ms. Kathy Grover, MITRE, at (703) 883–6638, by April 30. Locations of meetings are provided below.

The schedule and agenda for working group meetings will be as follows:

Wednesday, May 5 (9:00 a.m.–5:00 p.m.): Working Groups (WG)–1, 3, and 4 will meet to begin formulation of work programs and schedules: WG–1, Principles of Operation and Implementation Plan (AMTI, Inc., conference rooms A and B, 1284 Maryland Avenue, SW., Washington, DC 20024); WG–3, Human Factors (RTCA, 1140 Connecticut Avenue, NW., Washington DC 20036); WG–4, Service Provider Interface (Conwal, Inc., 600 Maryland Avenue, SW., Suite 400, Washington, DC 20024.)

Thursday, May 6 (9:00 a.m.–5:00 p.m.): WG's 1–4 formulation of work programs and schedules continues: WG–1, Principles of Operation and Implementation Plan (AMTI, Inc., conference rooms A and B, 1284 Maryland Avenue, SW., Washington, DC 20024); WG–2, Flight Operations and Air Traffic Management Integration (ALPA, 1625 Massachusetts Avenue, NW., 8th floor, Washington, DC); WG–3, Human Factors (RTCA, 1140 Connecticut Avenue, NW., Washington, DC 20036); WG–4, Service Provider Interface (Conwal, Inc., 600 Maryland Avenue, SW., Suite 400, Washignton, DC 20024.)

The agenda for the Plenary meeting will be as follows: Friday, May 7 (10:00 a.m.–3:00 p.m.) Plenary (MITRE CAASD, Wilson Building, Room 1B02, 7600 Old Springhouse Road, McLean, VA 22102): (1) Welcome and Introductory Remarks; (2) Working Group Reports; (3) Review Working Relationship between Special Committee 194 and Special Committee 189/WG–53; (4) Other Business; (5) Summarize Action Items: (6) Dates and Places of Future Meetings.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain

information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–9564 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

The Federal Aviation Administration (FAA) Satellite Operational Implementation Team (SOIT) hosted forum on the capabilities of the Global Positioning System (GPS)/Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS).

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

Name: FAA SOIT Forum on GPS/WAAS/LAAS Capabilities.

Time and Date: 9:00 a.m.–5:00 p.m., May 17–18, 1999.

Place: The Holiday Inn Fair Oaks Hotel, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia 22033.

Status: Open to the aviation industry with attendance limited to space available.

Purpose: The FAA SOIT will be hosting a public forum to discuss the FAA's GPS approvals and WAAS/LAAS operational implementation plans. This meeting will be held in conjunction with a regularly scheduled meeting of the FAA SOIT and in response to aviation industry requests to the FAA Administrator. Formal presentations by the FAA will be followed by a question and answer session. Those planning to attend are invited to submit proposed discussion topics.

Registration: Participants are requested to register their intent to attend this meeting by May 3, 1999. Names, affiliations, telephone and facsimile numbers should be sent to the point of contact listed below.

Point of Contact: Registration and submission of suggested discussion topics may be made to Mr. Steven Albers, phone (202) 267–7301, fax (202) 267–5086, or email at steven.CTR.albers@faa.gov.

Issued in Washington, DC on March 22, 1999.

Hank Cabler,

SOIT Co-Chairman.

[FR Doc. 99–9562 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5500]

Notice of Receipt of Petition for Decision That Nonconforming 1990–1998 Yamaha Virago Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1990–1998 Yamaha Virago motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1990–1998 Yamaha Virago motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is May 17, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether non-U.S. certified 1990–1998 Yamaha Virago motorcycles are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1990–1998 Yamaha Virago motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1990–1998 Yamaha Virago motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1990–1998 Yamaha Virago motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1990–1998 Yamaha Virago motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses,* 111 *Rearview Mirrors,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* and 122 *Motorcycle Brake Systems.*

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standard, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model head lamp assemblies; (b) installation of U.S.-model reflectors on vehicles that are not already so equipped.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information label.

Standard No. 123 *Motorcycle Controls and Displays:* installation of a U.S.-model speedometer calibrated in miles per hour.

The petitioner also states that a vehicle identification number plate will be affixed to the vehicle to meet the requirements of 49 CFR part 565.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–9543 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5499]

Notice of Receipt of Petition for Decision That Nonconforming 1992–1994 Mercedes-Benz 400SE Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992–1994 Mercedes-Benz 400SE passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that the 1992–1994 Mercedes-Benz 400SE that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 17, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1992–1994 Mercedes-Benz 400SE passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1992–1994 Mercedes-Benz 500SEL that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Daimler Benz, A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the 1992–1994 Mercedes-Benz 400SE to the 1992–1994 Mercedes-Benz 500SEL, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1992–1994 Mercedes-Benz 400SE, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1992–1994 Mercedes-Benz 500SEL, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1992–1994 Mercedes-Benz 400SE is identical to the 1992–1994 Mercedes-Benz 500SEL with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *, 103 Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1992–1994 Mercedes-Benz 400SE complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies that incorporate headlamps with DOT markings; (b) installation of

U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of a center high mounted stop lamp if the vehicle is not already so equipped.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components:* replacement of the rear door locks and rear door locking buttons with U.S.-model components.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) replacement of the driver's side air bag and knee bolster in 1992 and 1993 models, and the driver's and passenger's side air bags and knee bolsters in 1994 models with U.S.-model components if the vehicle is not already so equipped. The petitioner states that the vehicles are equipped with combination lap and shoulder restraints that adjust by means of an automatic retractor and release by means of a single push button at both front designated seating positions, with combination lap and shoulder restraints that release by means of a single push button at both rear outboard designated seating positions, and with a lap belt at the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Petitioner states that non-U.S. certified 1992–1994 Mercedes-Benz 400SE will be inspected prior to importation to ensure that requisite parts are marked in compliance with the Theft Prevention Standard found in 49 CFR Part 541.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–9544 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5498]

Notice of Receipt of Petition for Decision That Nonconforming 1997 Chevrolet Astro Vans Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1997 Chevrolet Astro Vans are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1997 Chevrolet Astro Vans manufactured for sale in the Middle East that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 17, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''Wallace'') (Registered Importer 90–005) has petitioned NHTSA to decide whether a 1997 Chevrolet Astro Van manufactured for sale in the Middle East is eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1997 Chevrolet Astro Van that was manufactured for sale in the United States and certified by its manufacturer, General Motors Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1997

Chevrolet Astro Van to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1997 Chevrolet Astro Van, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1997 Chevrolet Astro Van is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 101 *Controls and Displays,* 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Operated Window Systems,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 208 *Occupant Crash Protection,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1997 Chevrolet Astro Van complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* replacement of the tail light assemblies with U.S.-model components that incorporate rear sidemarkers.

Standard No. 111 *Rearview Mirror:* inscription of the required warning statement in the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning device that activates when the key is left in the ignition and the driver's door is opened.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars:* installation of a tire information placard.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicles to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–9545 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5507]

Notice of Receipt of Petition for Decision that Nonconforming 1990–1999 Nissan GTS and GTR Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on petition for decision that nonconforming 1990–1999 Nissan GTS and GTR passenger cars are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a decision that a 1990–1999 Nissan GTS and GTR passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is May 17, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9 am to 5 pm).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Baltimore, Maryland (Registered Importer No. R–90–006) has petitioned NHTSA to decide whether 1990–1999 Nissan GTS and GTR passenger cars are eligible for importation into the United States. J.K. contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are

capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 1990–1999 Nissan GTS and GTR passenger cars have safety features that comply with Standard Nos. 102 *Transmission Shift Lever Sequence * * *.* (based on comparison of components to those on similar U.S.-certified models, such as the Nissan 300ZX Turbo), 103 *Defrosting and Defogging Systems* (based on engineering analysis and comparison of components to those on similar U.S.-certified models, such as the Nissan 300ZX and 300ZX Turbo), 104 *Windshield Wiping and Washing Systems* (based on engineering analysis and comparison of components to those on similar U.S.-certified models, such as the Nissan 240SX, 300ZX, 300ZX Turbo, and Maxima), 105 *Hydraulic Brake Systems* (based on engineering analysis and comparison of components to those on similar U.S.-certified models, such as the Nissan 300ZX and Maxima), 106 *Brake Hoses* (based on comparison of components to those on similar U.S.-certified models and on visual inspection of certification markings), 109 *New Pneumatic Tires* (based on visual inspection of certification markings), 113 *Hood Latch Systems* (based on comparison of components to those on similar U.S.-certified models, such as the Nissan 300 ZX Turbo), 116 *Brake Fluids* (based on visual inspection of certification markings), 124 *Accelerator Control Systems* (based on engineering analysis and comparison of components to those on similar U.S.-certified models, such as the Nissan 300ZX Turbo, which also utilize dual return springs, either of which is capable of closing the throttle when the other is disconnected), 202 *Head Restraints* (based on test data), 203 *Impact Protection for the Driver from the Steering Control System* (based on test data), 204 *Steering Control Rearward Displacement* (based on test data), 205 *Glazing Materials* (based on comparison of components to those on similar U.S.-certified models and on visual inspection of certification markings), 206 *Door Locks and Door Retention Components* (based on test data), 209 *Seat Belt Assemblies* (based on comparison of components to those on similar U.S.-certified models and on visual inspection of certification markings), 216 *Roof Crush Resistance* (based on comparison of roof structure to that of similar U.S. certified models, such as the Nissan 300 ZX, and on engineering analysis), 219 *Windshield Zone Intrusion* (based on test data), and 302 *Flammability of Interior Materials* (based on comparison of components to those on similar U.S.-certified models).

Petitioner also states that based on engineering analysis the 1990–1999 Nissan GTS and GTR passenger cars comply with the Bumper Standard found at 49 CFR part 581. The petitioner observes that the bumpers are of a customary plastic/nylon design impregnated with body color and that they are mounted with high energy absorption components.

The petitioner also contends that 1990–1999 Nissan GTS and GTR passenger cars are capable of being altered to comply with the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a speedometer/odometer calibrated in miles per hour. Petitioner states that it is also silk screening its own custom faces to meet the standard. Petitioner further states that the remaining controls and displays are identical to those found on similar U.S.-certified models, such as the Nissan 300ZX.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps and front sidemarker lights; (b) installation of U.S.-model rear sidemarker lights and reflectors; (c) installation of a high mounted stop lamp, if the vehicle is not already so equipped. The petitioner asserts that the tail lamp assemblies meet the standard in all respects.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard. Petitioner states that the rims that are equipped on the vehicle have DOT certification markings and are identical to those found on similar U.S.-certified models, such as the Nissan 300ZX Turbo.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a U.S.-model warning buzzer in the steering lock electrical circuit on all models and installation of a U.S.-model seatbelt warning system on 1990–1993 models. Petitioner states that the components installed on GTS models will be identical to those found on the Nissan Maxima, and the components installed on GTR models will be identical to those found on the Nissan 300ZX Turbo.

Standard No. 118 *Power-Operated Window Systems:* installation of a relay (identical to that found on the Nissan 300ZX) in the power window system of 1990–1993 models so that the window transport is inoperative when the ignition is switched off. Petitioner states that 1994–1999 models are already equipped with this component.

Standard No. 201 *Occupant Protection in Interior Impact:* The petitioner states that the vehicle will meet the standard with structural modifications to the dash area of the vehicles that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 207 *Seating Systems:* The petitioner states that the vehicle will meet the standard with structural modifications to the seat frames that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 208 *Occupant Crash Protection:* (a) replacement of the driver's side airbag on 1990–1993 models, and the driver's and passenger's side airbags on 1994–1999 models with components manufactured to petitioner's specifications based on static and dynamic test results, that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512; (b) installation of an airbag warning label on each sun visor. Petitioner states that the vehicle is equipped with a seatbelt warning lamp and buzzer that are identical to components found on similar U.S.-certified models. The petitioner also states that the vehicles are equipped with combination lap and shoulder restraints that adjust by means of an automatic retractor and release by means of a single push button at all front and rear designated seating positions.

Standard No. 210 *Seat Belt Assembly Anchorages:* The petitioner states that the vehicle will meet the standard with structural modifications at seat belt assembly anchorage points that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 212 *Windshield Retention:* application of adhesives to the windshield's edges.

Standard No. 214 *Side Impact Protection:* The petitioner states that the vehicle will meet the standard with structural modifications that are more fully described in a submission for

which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 301 *Fuel System Integrity:* The petitioner states that the vehicle will meet the standard with fuel system modifications made in conjunction with those necessary to meet Environmental Protection Agency (EPA) requirements that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512. The petitioner further states that it conducted dynamic tests that demonstrate the vehicle's compliance with the standard.

The petitioner additionally states that a vehicle identification number (VIN) plate must be attached to the left windshield post and a reference and certification label must be added in the left front door post area to meet 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. § 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–9546 Filed 4–15–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33722]

Brandywine Valley Railroad Company—Modified Rail Certificate

On March 17, 1999, Brandywine Valley Railroad Company (Brandywine), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, *Modified Certificate of Public Convenience and Necessity*, to operate the following lines of railroad: (a) between milepost 12.7 at the Delaware/Pennsylvania state line and milepost 30.29 at Modena, PA, a distance of 17.59 miles; and (b) between milepost 18.0 at Wawa, PA, and milepost 54.50 at the Pennsylvania/Maryland state line near Sylmar, MD, a distance of 36.50 miles.[1]

The lines of railroad are owned by the Pennsylvania Department of Transportation (PennDOT) and by the Southeastern Pennsylvania Transportation Authority (SEPTA), respectively. The lines were not included in the final system plan at the time the Consolidated Rail Corporation was formed and, as such, were authorized to be abandoned without further approval of the Interstate Commerce Commission (ICC) pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94–210. PennDOT acquired its line segment from the trustees of the Reading Railroad, while SEPTA acquired its segment from the trustees of the Penn Central Transportation Company, after the respective lines were abandoned in 1976.

Brandywine states that, when the notice was filed, the lines were being operated by the Delaware Valley Railroad Company (DV) under an arrangement with PennDOT pursuant to a modified certificate. Brandywine further states that PennDOT gave DV a notice of termination (in December 1998, according to Brandywine) effective March 19, 1999, and DV stopped operating on that date. PennDOT contracted with Brandywine to assume operations, which began on March 22, 1999.[2] Under an interim operating agreement between Brandywine and PennDOT, service is to be provided by Brandywine until September 30, 1999.[3]

The rail segment qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions,* Finance Docket No. 28990 (ICC served July 16, 1981).

Brandywine indicates that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW, Washington, DC 20001; and on the American Short Line Railroad Association: American Short Line Railroad Association, 1120 G St., NW, Suite 520, Washington, DC 20005.

Decided: April 13, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9701 Filed 4–15–99; 8:45 am]

BILLING CODE 4915–00–P

[1] In a decision served March 26, 1999, the Board's Chairman denied a petition filed March 19, 1999, by the Delaware Valley Railroad Company (DV), the former operator of the line, to stay the effectiveness of this notice. Under our rules, carriers can begin operating immediately on the filing of the notice. 49 CFR 1150.23(a).

[2] On March 23, 1999, Brandywine filed a petition for prescription of alternative rail service under 49 CFR part 1146 over a line of track owned by the Wilmington and Northern Railroad Company and operated by DV as a designated operator between milepost 12.7 at the Delaware/Pennsylvania border and milepost 2.9 at Elsmere Jct., DE. *See Brandywine Valley Railroad Company—Petition for Prescription of Alternative Rail Service—Line Operated by Delaware Valley Railway Company,* STB Finance Docket No. 33732. That petition will be addressed in a separate Board decision.

[3] Brandywine is also negotiating to purchase the line.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33652]

Union Pacific Railroad Company—Acquisition and Operation Exemption—Mid Michigan Railroad, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323–25 filed by Union Pacific Railroad Company for its acquisition of the 107.3-mile line of railroad owned by Mid Michigan Railroad, Inc., between Saint Joseph, MO, and Upland, KS, subject to employee protective and environmental conditions.

DATES: This exemption was effective on April 13, 1999. Petitions to reopen must be filed by May 5, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to the exemption granted in STB Finance Docket No. 33652 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of all pleadings must be served on applicant's representative, Joseph D. Anthofer, 1416 Dodge Street, #830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon (202) 565–1600. [TDD for the hearing impaired (202) 565–1695.]

SUPPLEMENTARY INFORMATION: For further information, refer to the Board's decision served April 14, 1999.

To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., 1925 K Street, NW, Suite 210, Washington, DC 20006. Telephone: (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 13, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9569 Filed 4–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33727]

New Hampshire and Vermont Railroad Company—Operation Exemption—Certain Lines of the State of New Hampshire

New Hampshire and Vermont Railroad Company (NHVT), a Class III rail carrier has filed a notice of exemption under 49 CFR 1150.41 to operate approximately 36 miles of certain rail lines owned by the State of New Hampshire by and through the New Hampshire Department of Transportation (subject lines).[1] The subject lines consist of a parcel or strip of railroad land of varying width, lying in Grafton and Coos Counties, NH, comprising a portion of railroad right-of-way known as the ''Berlin Branch'' and a portion of railroad right-of-way known as the ''Groveton Branch'': (a) from milepost 113.0 in Littleton, NH (shown as railroad Valuation Station 995+66 on plans for Federal Valuation Section 22, Map 19), to milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation Section 22, Map 31); (b) from milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation Section 22, Map 31), to milepost 130.9 in Jefferson (Waumbec Junction), NH (shown as railroad Valuation Station 325+03.2 on plans for Federal Valuation Section 24.2, Map 6 at the point of switch for the Maine Central Railroad connecting track); and (c) from milepost 130.9 in Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2), to a point in Groveton (Northumberland), NH (shown as the Valuation Section 2715+83 on plans for Federal Valuation Section 22, Map 52 at the Whistle Post located South of the West Street crossing, such point being the point of intersection with the tracks of the St. Lawrence & Atlantic Railroad Company).[2]

The earliest the transaction could be consummated was March 25, 1999, the effective date of the exemption (7 days after the notice of exemption was filed). However, this transaction is related to STB Finance Docket No. 33728, the *State of New Hampshire Department of Transportation—Acquisition Exemption—New Hampshire and Vermont Railroad Company,* in which the State of New Hampshire has filed a notice of exemption with respect to its purchase of these lines from NHVT. Because the exemption in STB Finance Docket No. 33728 was not scheduled to take effect until on or after March 30, 1999, the exemption in STB Finance Docket No. 33727 could not have been consummated prior to March 30, 1999.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33727, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on David H. Anderson, Attorney at Law, 288 Littleton Road, Suite 21, Westford, MA 01886.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 8, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9438 Filed 4–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33728]

State of New Hampshire Department of Transportation—Acquisition Exemption—New Hampshire and Vermont Railroad Company

The State of New Hampshire Department of Transportation (NHDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by purchase) approximately 36.0 miles of rail line owned by the New Hampshire and Vermont Railroad Company (NHVT). The lines being acquired by NHDOT are known as the Berlin Branch and the Groveton Branch and extend: (a) from milepost 113.0 at Littleton, NH (Valuation Station 995+66), to milepost 125.0 at Whitefield, NH (Valuation Station 1629+30); (b) from milepost 125.0 at Whitefield, NH (Valuation Station 1629+30), to milepost 130.9 at Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2); and (c) from milepost 130.9 at Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2), to a point in Groveton (Northumberland), NH, where said line intersects with a line of railroad owned by the St. Lawrence & Atlantic Railroad Company (Valuation Station 2715+83). NHVT will operate the property.

The transaction was scheduled to be consummated on or after March 30, 1999.

This transaction is related to STB Finance Docket No. 33727, *New Hampshire and Vermont Railroad Company—Operation Exemption—Certain Lines of the State of New Hampshire,* wherein NHVT has filed a notice of exemption to operate over the lines once they are owned by NHDOT. Thus, NHVT will continue as the primary common carrier freight operator of the subject lines.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33728, must be filed with

[1] The parties state that NHVT and the State of New Hampshire, by its Department of Transportation, entered into an operating agreement on March 15, 1999, providing for NHVT's operation of the subject line.

[2] NHVT certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed $5 million.

the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, REA, CROSS & AUCHINLOSS, Suite 570, 1707 L Street, N. W., Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 8, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9439 Filed 4–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 566X)]

CSX Transportation, Inc.—Abandonment Exemption—in Duval County, FL

On March 29, 1999, CSX Transportation, Inc. (CSXT) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its Jacksonville Service Lane, Kingsland Subdivision, extending from milepost S–634.85 at Acorn Street to milepost S–635.09 at the connection of the line to be abandoned with CSXT's former Jacksonville-Savannah main line, a distance of 0.24-miles, in Jacksonville, Duval County, FL. The line traverses U.S. Postal Service Zip Codes 32204 and 32205 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 16, 1999.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 6, 1999. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub-No. 566X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001; and (2) Charles M. Rosenberger, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before May 6, 1999.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Service at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 12, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9570 Filed 4–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 6, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 17, 1999 to be assured of consideration.

Departmental Offices/International Portfolio Investment Data Systems

OMB Number: 1505–0024.

Form Number: International Capitol Form CQ–1 (Parts 1 and 2) and International Capitol Form CQ–2 (Parts 1 and 2).

Type of Review: Extension.

Title: Financial Liabilities to Unaffiliated Foreigners (CQ–1, Part 1); Financial Claims on Unaffiliated Foreigners (CQ–1, Part 2); Commercial Liabilities to Unaffiliated Foreigners (CQ–2, Part 1); and Commercial Claims on Unaffiliated Foreigners (CQ–2, Part 2)

Description: Forms CQ–1 and CQ–2 are required by law and are designed to collect timely information on international portfolio capital movement, including data on financial and commercial liabilities to, and claims on, unaffiliated foreigners held by nonbanking enterprises in the United States. This information is necessary for compiling the U.S. balance of payments, for calculating the U.S. international investment position and for U.S. financial/monetary policies.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 4 hours.

Frequency of Response: Quarterly.

Estimated Total Reporting/Recordkeeping Burden: 8,000 hours.

Clearance Officer: Lois K. Holland (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW, Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–9502 Filed 4–15–99; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 8, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 17, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1581.

Regulation Project Number: REG–209485–86 Final.

Type of Review: Extension.

Title: Continuation Coverage Requirements Applicable to Group Health Plans.

Description: The statute and the regulations require group health plans to provide notices to individuals who are entitled to elect the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) continuation coverage of their election rights. Individuals who wish to obtain the benefits provided under the statute are required to provide plans notices in the cases of divorce from the covered employee, a dependent child's ceasing to be dependent under the terms of the plan, and disability. Most plans will require that elections of COBRA continuation coverage be made in writing. In cases where qualified beneficiaries are short by an insignificant amount in a payment made to the plan, the regulations require the plan to notify the qualified beneficiary if the plan does not wish to treat the tendered payment as full payment. If a health care provider contacts a plan to confirm coverage of a qualified beneficiary, the regulations require that the plan disclose the qualified beneficiary's complete rights to coverage.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents: 1,800,000.

Estimated Burden Hours Per Respondent: 14 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 404,640 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–9503 Filed 4–15–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 9, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 17, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1483.

Form Number: IRS Form W–7.

Type of Review: Extension.

Title: Application for IRS Individual Taxpayer Identification Number.

Description: Regulations under Internal Revenue Code (IRC) section 6109 provide for a type of taxpayer identifying number called the ''IRS Individual Taxpayer Identification Number'' (ITIN). Individuals who currently do not have, and are not eligible to obtain, social security numbers can apply for this number on Form W–7. Taxpayers may use this number when required to furnish a taxpayer identifying number under regulations. An ITIN is intended for tax use only.

Respondents: Individuals or households.

Estimated Number of Respondents: 500,000.

Estimated Burden Hours Per Respondent:

Learning about the law or the form 13 minutes

Preparing the form—29 minutes

Copying, assembling and sending the form to the IRS—20 minutes

Frequency of Response: Other (Individuals file once to get an ITIN.)

Estimated Total Reporting Burden: 525,000 hours.

OMB Number: 1545–1645.

Revenue Procedure Number: Revenue Procedure 99–13.

Type of Review: Extension.

Title: Section 403(b) Plan Corrections and Closing Agreements.

Description: This revenue procedure modifies and amplifies Revenue Procedure 98–22, 1998-12 I.R.B. 11, and provides guidance to employers, custodians and individual taxpayers with respect to the administration of tax-sheltered annuity arrangements within the meaning of section 403(b) of the Code. In so doing, a mechanism to make certain corrections to section 403(b) plans.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/ Recordkeeping: 500.

Estimated Burden Hours Per Respondent/Recordkeeper: 3 hours, 48 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 1,899 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–9504 Filed 4–15–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 9, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department

Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 17, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0152.

Form Number: IRS Form 3115.

Type of Review: Extension.

Title: Application for Change in Accounting Method.

Description: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents/Recordkeepers: 6,400

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
Form 3115	20 hr., 34 min	3 hr., 15 min	4 hr., 56 min.
Schedule A	4 hr., 18 min	1 hr., 41 min	1 hr., 50 min.
Schedule B	4 hr., 47 min	46 min	2 hr., 4 min.
Schedule C	27 hr., 1 min	1 hr., 40 min	3 hr., 22 min.
Schedule D	5 hr., 1 min	1 hr., 59 min	2 hr., 9 min.

Frequency of Response: Other (when needed).

Estimated Total Reporting/Recordkeeping Burden: 272,062 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 99–9505 Filed 4–15–99; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

Africa Regional Internship Program; Notice: Request for Proposals

SUMMARY: The Africa/Near East/South Asia Division of the Office of Citizen Exchanges of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award to manage the Africa Regional internship Program (ARIP). One award is anticipated. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to assume management of the citizen exchange program. Grants are subject to the availability of funds. The goal of the ARIP is to promote democratic leadership and citizen participation among key sectors of society. The ARIP will link mid-career professionals from Sub-Saharan Africa with U.S. counterpart institutions and groups for internships in the areas of education, non-governmental organization, public administration, and business and trade. The grantee organization should work closely with hosts in planning and implementing internships to ensure rich and meaningful educational experiences, professionally and culturally.

Institutions with less than four years of international exchange experience are not eligible to apply for a grant under this program.

Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition with applicants until the proposal review process has been completed.

Announcement Name and Number

All correspondence with USIA concerning this RFP should reference the above title and number *E/P–99–51.*

Deadline for Proposals

All proposal copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Monday, May 17, 1999. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will *not* be accepted. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions may contact the Office of Citizen Exchanges, (E/P), Room 220, United States Information Agency, 301 Fourth Street, SW, Washington, DC 20547, telephone (202) 260–2745, email: otamches@usia.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required certification forms, specific budget instructions and standard guidelines for proposal preparation. Please specify USIA Program Officer Orna Tamches on all inquiries and correspondence.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from USIA's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package via Fax on Demand

The entire Solicitation Package may be requested from the Bureau's ''Grants Information Fax on Demand System,'' which is accessed by calling 202/401–7616. The ''Table of Contents'' listing available documents and order numbers should be the first order when entering the system.

ADDRESSES: Applicants must follow all instructions given in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Information Agency, Ref.: E/P–99–51, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW, Washington, DC 20547.

Program Information

Overview

The Office of Citizen Exchanges works with U.S. private sector, non-profit organizations on cooperative projects that introduce American and foreign participants to each others' social, economic, and political structures, and international interests. The Office has launched a new Africa Regional Internship Program, a practical exchange program designed to promote democratic leadership and citizen participation among key sectors of society. the ARIP will link mid-career professionals from Sub-Saharan Africa

with U.S. counterpart institutions and groups for internships in four broad areas: education; non-governmental organization; public administration; and business and trade. In FY 1999, USIA plans to place a minimum of 20 African participants in practical internships in U.S. communities.

Guidelines

Project activity is conceived of as four- to six-week internships in the United States. Proposals should reflect the applicant's understanding of the political, economic, and social environment of potential African participants. Programs should be designed for English speakers, recognizing that some participants may have greater fluency in French, Portuguese or other languages. USIA is interested in proposal designs that take into account the need for on going sharing of information, training and concrete plans for self-sustainability. Examples include plans to create professional networks or professional associations to share information; establishing ongoing Internet communication; and/or train-the-trainers models.

Africa Regional Internship Program (ARIP)

The ARIP should build expertise and develop skills required for effective leadership in a democratic society, including management, planning, public relations and community outreach, through a comprehensive, in-depth, hands-on experience. A minimum of 20 mid-career African men and women, working in the fields of education, non-governmental organization (NGO), public administration, and business and trade, will participate. Interns will be emerging professionals who demonstrate an interest in working with U.S. counterparts and a capacity to apply new skills to their jobs. These skills would be developed through four- to six-week internship placements in the U.S., matched to the participants professional development needs and directly related to the interns' jobs at home. It will be the grantee's responsibility to arrange and to ensure appropriate and valuable internships, professionally and culturally. The intern and participating organizations in the United States and in the home country should develop priorities and strategies to meet the training and development needs.

Participants should experience the interaction among government agencies, the private sector, NGOs and the community at large in order to observe the process of policy development and implementation as well as examine funding, investment, administration and regulatory issues relevant to the specialized field. It is anticipated that relationships would be established that would lay the groundwork for continued collaboration between the interns and their professional counterparts in the United States, and that linkages would be established between institutions to promote continued professional development and training opportunities.

Implementation should begin in the summer of 1999.

Participant Selection

Close coordination and communication will be needed among the grantee organization, USIS posts in Africa, African nominees, and U.S. hosts. Nominations for participation in the program will be welcome from the grantee organization, but major responsibility for nominations and ultimate authority to approve or disapprove participation will be with USIS posts in Sub-Saharan African countries. Countries in Sub-Saharan Africa which do not have USIS posts will not be eligible to participate.

Visa Regulations

Foreign participants on programs sponsored by the Office of Citizen Exchanges are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of financial and in-kind support. Proposals with substantial private sector support from foundations, corporations and other institutions will be considered more competitive than those with less such support. A program of this magnitude will require more funding than USIA can provide, and significant cost sharing is expected; a minimum of 33 percent cost sharing of total program expenses is required.

Applicants are requested to submit proposals not to exceed $250,000 in funding from USIA. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location or activity in order to facilitate USIA decisions on funding. While a comprehensive line item budget based on the model in the Solicitation Package must be submitted, separate component budgets are optional.

The following project costs are eligible for consideration for funding:

1. *International and domestic air fares; visas; transit costs; ground transportation costs.*

2. *Per diem.* For the U.S. program, organizations have the option of using a flat $160/day for program participants or the published U.S. Federal per diem rates for individual U.S. cities. For activities outside of the U.S., the published Federal per diem rates must be used.

Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate. Per diem rates may be accessed at http://www.policyworks.gov/.

3. *Book and cultural allowance.* Participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a participant book allowance of $50. U.S. staff do not receive these benefits.

4. *Consultants.* Consultants may be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.

5. *Room rental.* Room rental for group activities should not exceed $250 per day.

6. *Materials development.* Proposals may contain costs to purchase, develop and translate materials for participants.

7. *One working meal per project.* Per capita costs may not exceed $5–$8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one.

8. *A return travel allowance* of $70 may be provided to each participant to be used for incidental expenditures during international travel.

9. All USIA-funded delegates will be covered under the terms of *USIA-sponsored health insurance policy.* The premium is paid by USIA directly to the insurance company.

10. *Administrative costs.* Other costs necessary for the effective administration of the program including salaries for grant organization employees, benefits and other direct and indirect costs are described in the detailed instructions in the application package. While this announcement does not prescribe a rigid ratio of administrative to program costs, in general priority will be given to proposals whose administrative costs

are less than twenty-five (25) percent of the total requested from USIA. Proposals should show costs-staring, including both contributions from the applicant and from other sources.

Please refer to the Application Package for complete budget guidelines.

Diversity, Freedom And Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the Support for Diversity section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K complaint systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the USIA area office(s) and the USIA post(s) overseas, where appropriate. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Final funding decisions are at the discretion of USIA's Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Agency's mission.

2. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability To Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier Effect/Impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support for Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without USIA support) ensuring that USIA supported programs are not isolated events.

9. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. *Cost-Effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-Sharing:* Proposals should maximize cost-sharing, in cash or in kind, through other private sector support as well as institutional direct funding contributions. The grant recipient must provide a minimum of 33 percent cost sharing of the total program expense.

12. *Ability for Institutions To Develop or Enhance Linkages With African Institutions:* Proposals should demonstrate how hosting institutions will develop follow-up plans with African participants, to further strengthen existing programs/activities that they develop through the ARIP.

Authority

Overhaul grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other

nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: April 12, 1999.

William B. Bader,

Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–9534 Filed 4–15–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

As required by the Federal Advisory Committee Act, Pub. L. 92–463, the VA hereby gives notice that the Special Medical Advisory Group has scheduled a meeting on April 27, 1999. The meeting will convene at 8:30 a.m. and end at 2:00 p.m. The meeting will be held in Room 830 at VA Central Office, 810 Vermont Avenue, N.W., Washington, D.C. The purpose of the meeting is to advise the Secretary and Under Secretary for Health relative to the care and treatment of disabled veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the meeting will include discussion of annual ethics briefing; systematization of VHA's quality network; integration of academic affiliations; and national scopes of practices for non-physician providers.

All sessions will be open to the public. Those wishing to attend should contact Celestine Brockington, Office of the Under Secretary for Health, Department of Veterans Affairs. Her phone number is 202.273.5878.

Dated: April 9, 1999.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99–9526 Filed 4–15–99; 8:45 am]

BILLING CODE 8320–01–M

Friday
April 16, 1999

Part II

Department of Education

34 CFR Part 682

Federal Family Education Loan Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840–AC55

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: This document contains corrections and other technical changes to the final regulations for the Federal Family Education Loan Program in 34 CFR Part 682. The regulations govern the Federal Stafford Loan Program, the Federal Supplemental Loans for Students (Federal SLS) Program, the Federal PLUS Program and the Federal Consolidation Loan Program, collectively referred to as the Federal Family Education Loan Programs.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Pamela Moran or Patricia Beavan, Policy Section, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, Department of Education, 400 Maryland Avenue, SW (Room 3053, ROB–3) Washington, DC 20202. Telephone 202–708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The regulations that are the subject of these corrections incorporate self-implementing statutory changes made to the Higher Education Act, as amended, by the Higher Education Amendments of 1992 (the 1992 Amendments), the Omnibus Budget Reconciliation Act of 1993 (OBRA), and the Higher Education Technical Amendments of 1993 (1993 Amendments). These regulations do not implement the Higher Education Amendments of 1998. Those amendments will be addressed by other regulations as needed. However, some technical changes have been modified to ensure that they do not conflict with those amendments.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the provisions in these final regulations reflect needed technical corrections and changes to the Federal Family Education Loan Program (FFEL) regulations. These corrections and changes do not affect the substantive rights or obligations of individuals or institutions. Therefore, the Secretary has concluded that these regulations are technical in nature and do not necessitate public comment. Therefore, the Secretary finds that such a solicitation would be unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

For the same reasons, the Secretary has determined, under section 492(b)(2) of the Higher Education Act of 1965, as amended, that these regulations should not be subject to negotiated rulemaking.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. These regulations contain technical corrections to current regulations. The changes will not have a significant economic impact on the institutions affected.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

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 an 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.

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 of portable document format (pdf) on the World Wide Web at either 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. If you have questions about using the pdf, call the U.S. Government Printing Office at (202) 512–1530 or, 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**.

List of Subjects in 34 CFR Part 682

Administrative practice and procedures, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: April 8, 1999.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.032, Federal Family Education Loan Program)

The Secretary amends part 682 of Title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

1. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

§ 682.100 [Amended]

2. Section 682.100(a)(2) is amended by removing the word ''beginning'' and adding, in its place, ''that began''; paragraph (a)(4) is amended by removing the phrase ''their repayment obligations with respect to loans received while they were students,'', and by adding in its place, ''other loans including loans:''; by removing ''and'', after ''PLUS''; and at the end of the paragraph, before the period, is amended by adding '', and existing loans obtained under the Consolidation Loan Program, and William D. Ford Direct Loan (Direct Loan) program

loans, if the application for the Consolidation loan was received on or after November 13, 1997''.

3. Section 682.100(b)(2)(i)(C) is amended by adding, after the semi-colon, ''as in effect for periods of enrollment that began prior to July 1, 1994,''; and paragraph (b)(2)(iii) is amended by adding, after ''SLS'', ''(as in effect for periods of enrollment that began prior to July 1, 1994)''.

§ 682.101 [Amended]

4. Section 682.101(b) is amended by removing ''Eligible educational institutions'', and by adding, in its place, ''Institutions of higher education''.

5. Section 682.101(c) is amended by adding, after ''and,'' ''for periods of enrollment that began''.

§ 682.102 [Amended]

6. Section 682.102(e)(1) is amended by removing in the fourth sentence after the italicized heading, ''borrower'' and by adding, in its place, ''student''; and after ''borrower's'', by adding, ''or student's'' both times it appears; and in the last sentence, by adding ''Stafford loan'' after ''for''.

7. Section 682.102(e)(2) is amended by removing ''Generally'' and by adding, in its place, ''In the case of a subsidized Stafford loan,''; in the second sentence, by removing ''In most cases, the'' and by adding, in its place, ''The''; by adding a new sentence after the third sentence to read, ''In the case of an unsubsidized Stafford loan, the borrower is responsible for interest during these periods.''; and in the last sentence, after ''repayment period'', by adding, ''for the subsidized and unsubsidized Stafford loan,''.

8. Section 682.102(e)(4), first sentence, is amended by adding ''fully'' after ''is''.

§ 682.103 [Amended]

9. Section 682.103(a) is amended by adding ''and Federal GSL programs'' after ''FFEL''; in paragraph (c), after ''FFEL'', by adding, ''and Federal GSL''; and in paragraph (d), after ''FFEL'', by adding, ''and Federal GSL''.

§ 682.200 [Amended]

10. Section 682.200(a)(1) is amended by removing ''College Work-Study (CWS) Program''; by removing ''Consolidation'' and by adding, in alphabetical order, ''Federal Consolidation''; by adding in alphabetical order, after the term ''Enrolled'', ''Federal Pell Grant Program'', ''Federal Perkins Loan Program'', ''Federal PLUS Program'', ''Federal Work-Study (FWS) Program'', and ''Full-time student''; by removing ''Guaranteed Student Loan (GSL) Program'', ''Pell Grant Program'', ''Perkins Loan Program'', and ''PLUS Program''; and by removing the term ''State''.

11. Section 682.200 is amended in paragraph (a)(2) by adding after ''Educational program'', a new term ''Federal Family Education Loan Program (formerly known as the Guaranteed Student Loan (GSL) Program)''; by removing ''or association'' after ''Nationally recognized accrediting agency''; by removing ''Program of study by correspondence'' and by adding, in alphabetical order ''Correspondence course''; by adding ''State'' after ''Secretary''; by removing ''Vocational school'', and by adding, in alphabetical order, ''Postsecondary Vocational Institution''; by adding a new paragraph (a)(3); in paragraph (b), in the definition of ''Borrower'', after ''FFEL'', by adding ''Program''; by revising the definitions of ''Co-maker'' and ''Subsidized Stafford Loan''; in the definition of ''Default'', by adding after ''promissory note,'', ''the Act, or regulations as applicable,''; in the definition of ''Disbursement'', after ''to'', by adding, ''a holder, in the case of a Consolidation loan, or to''; after ''master check'', by adding ''or by electronic funds transfer''; by removing ''represents'', and by adding, in its place, ''may represent'', by removing ''more than one borrower,'', and by adding, in its place, ''borrowers'', and by removing ''or by electronic funds transfer''; in the definition of ''Disposable income'', in the first sentence, by removing ''a borrower's'', and by adding, in its place, ''an individual's''; after ''source'', by adding, '', including spousal income,''; in the second sentence, after ''Federal'', by removing ''and State'', and by adding, in its place, '', State, and local''; in the definition of ''Estimated financial assistance'', in paragraph (2)(ii), by adding ''Federal'' before ''Perkins''; by removing ''College'', and by adding, in its place, ''Federal''; and by removing ''for an acceptable reason''; removing the definition of ''Full-time student''; in the definition of ''Grace period'', in the first sentence, by removing ''eligible institution'', and by adding, in its place, ''institution of higher education''; in the third sentence, by removing ''eligible institution'', and by adding, in its place, ''institution of higher education''; in the definition of ''Half-time student'', in the first sentence, by removing ''eligible institution'', and by adding, in its place, ''institution of higher education,''; and by adding before the period ''as defined in 34 CFR 668.2''; and in the second sentence, by removing ''program of study by correspondence'', and by adding, in its place, ''correspondence course''; in the definition of ''Satisfactory repayment arrangement'', in paragraph (1), by removing the reference to ''section 428F(b) of the HEA'' and by adding, in its place, ''§ 682.401(b)(4)''; after ''consecutive'' by adding '',on-time,''; in paragraph (2), after ''consecutive'' by adding, '', on-time,''; in the definition of ''School'', in paragraph (1), by removing ''section 481 of the Act'' and by adding, in its place, ''34 CFR 600.4''; by removing paragraphs (2) through (4) and redesignating paragraph (5) as paragraph (2); in the redesignated paragraph (2), by removing ''eligible institution'', and by adding, in its place, ''institution of higher education''; in the definition of ''Unsubsidized Stafford loan'', before the period, by adding ''but do qualify for special allowance under § 682.302'' to read as follows:

§ 682.200 Definitions.

* * * * *

(a) * * *

(3) The definition for cost of attendance is set forth in section 472 of the Act, as amended.

(b) * * *

(2) * * *

Co-Maker: One of two married individuals who jointly borrow a Consolidation loan, each of whom are eligible and who are jointly and severally liable for repayment of the loan. The term co-maker also includes one of two parents who are joint borrowers as previously authorized in the PLUS Program.

* * * * *

Subsidized Stafford Loan: A Stafford loan that qualifies for interest benefits under § 682.301(b) and special allowance under § 682.302.

* * * * *

§ 682.201 [Amended]

12. Section 682.201(a)(3) is amended by adding after ''(e.g.,'', ''denial of a PLUS loan to a parent based on adverse credit,''.

13. Section 682.201(a)(4)(i) is amended by removing ''and interest that has'', and by adding, in its place,'', interest, collection costs, legal costs, and late charges that have''.

14. Section 682.201(a)(4)(ii)(A) is amended by adding after ''note'', ''that includes the same terms and conditions as the original note signed by the borrower''.

15. Section 682.201(a)(5) is amended by removing the paragraph designation

''(i)''; by removing paragraph (a)(5)(ii); by redesignating paragraphs (i)(A) and (B) as paragraphs (a)(5)(i) and (ii), respectively; and by removing the semi-colon at the end of redesignated paragraph (a)(5)(ii), and by adding, in its place, a period.

16. Section 682.201(a)(6) is amended by removing the cross reference to ''668.7(b)'' and by adding, in its place, ''668.32(e)''.

17. Section 682.201(b)(1)(iii) is amended by removing the cross reference to ''668.7'' and by adding, in its place, ''668.33''.

18. Section 682.201(b)(1)(iv) is amended by removing the cross reference to ''668.7'' and by adding, in its place, ''668.35 and meets the requirements of judgment liens that apply to the student under 34 CFR 668.32(g)(3)''.

19. Section 682.201(c)(1)(i) is amended by removing ''a Consolidation loan made'', and by adding, in its place, ''an application received by a consolidating lender'', by removing ''but'', and by adding, in its place, '', and for which the loan was made''; by removing ''are'', and adding, in its place ''is''.

20. Section 682.201(c)(1)(ii) is amended by removing '', or, in the case of a PLUS borrower, the dependent student on whose behalf the parent is borrowing has ceased,''.

21. Section 682.201(c)(1)(iii)(C) is amended by adding, after ''status'', ''on a Title IV loan''.

§ 682.202 [Amended]

22. Section 682.202 is amended by adding a new paragraph (h) to read as follows:

* * * * *

(h) *Special allowance.* Pursuant to § 682.412(c), a lender may charge a borrower the amount of special allowance paid by the Secretary on behalf of the borrower.

§ 682.204 [Amended]

23. Section 682.204 is amended, in paragraph (a)(1) by removing, ''a dependent'' and by adding, in its place, ''an''; in paragraph (a)(2), after ''Stafford Loan'', by adding, ''and Direct Stafford Loan''; in paragraph (a)(3), before ''academic'', by adding, ''an''; in paragraph (a)(4), after ''admission in the program'', by adding, ''and who is not a graduate or professional student''; in paragraph (b) by revising the introductory text; in paragraph (b)(2), by removing ''$65,000'', and by adding, in its place, ''$65,500''; in paragraph (c) by adding ''(1)'' after the italicized paragraph heading; removing the word ''graduate'', and by adding, in its place, ''undergraduate''; by removing, after ''study'', the word ''for'' and by adding, in its place, ''under''; by adding a new paragraph (c)(2); in paragraph (d) by removing in the first sentence, ''paragraph (b)'', and by adding, in its place, ''paragraphs (a) and (c)''; in the second sentence, by removing ''in combination with Unsubsidized Stafford Loans'', and by adding, in its place, ''in addition to the amounts allowed under paragraphs (a) and (c) of this section''; in paragraph (d)(3), after ''admission into the program'', by adding, ''and who is not a graduate or professional student''; in paragraph (e) in the italicized heading preceding the introductory text by removing, ''Unsubsidized Stafford Loan Program'' and by adding, in its place, ''Combined Federal Stafford and SLS and Federal Direct Stafford''; in paragraph (f)(2)(i)(C) by adding, after ''length is'', the word, ''at''; in paragraph (f)(4)(ii), by removing ''study'' and by adding, in its place, ''student''; in paragraph (h) by removing ''may borrow for enrollment in an eligible program of study''; and in paragraph (j) by removing ''HPSL'', and by adding, in its place, ''or HEAL'', to read as follows:

§ 682.204 Maximum loan amounts.

* * * * *

(b) *Stafford Loan Program aggregate limits.* The aggregate unpaid principal amount of all loans made under the Stafford Loan and Direct Stafford Loan Programs may not exceed—

* * * * *

(c) * * *

(2) In the case of an independent undergraduate student, a graduate or professional student, or certain dependent undergraduate students, the total amount the student may borrow for any period of enrollment under the Unsubsidized Stafford Loan and Direct Unsubsidized Stafford Loan Programs may not exceed the amounts determined under paragraph (a) of this section less any amount received under the Federal Stafford Loan Program, in combination with the amounts determined under paragraph (d) of this section.

* * * * *

§ 682.205 [Amended]

24. Section 682.205(a)(2)(xiii) is amended by removing after ''wages'', the word, ''will'', and by adding, in its place, ''may''.

§ 682.206 [Amended]

25. Section 682.206(e)(2) is amended by removing ''Federal PLUS Program loan and''; and by adding, before the period, '',or may be made to an eligible borrower with an endorser who is secondarily liable for repayment of the loan''.

§ 682.207 [Amended]

26. Section 682.207 is amended in paragraph (a)(1) by removing '', SLS,'' and '', Federal SLS,''; by removing ''other than'' after ''loans''; and by adding, in its place, ''. This section does not prescribe procedures for''; in paragraph (b)(1)(i)(B) by removing ''SLS'' and by adding, in its place, ''PLUS''; in paragraph (b)(1)(ii)(A), by removing ''if required by the guarantor or lender,'' and by adding, in its place, ''that''; in paragraph (b)(1)(ii)(C), by removing ''eligible institution'', and by adding, in its place, ''institution of higher education''; in paragraph (b)(1)(v)(B)(*1*), by removing ''to the eligible institution'', and by adding, in its place, ''in accordance with the disbursement schedule provided by the school'', in paragraph (b)(1)(v)(B)(*2*), by removing ''eligible institution'', and by adding, in its place, ''institution of higher education''; by adding a new paragraph (b)(1)(v)(B)(*3*); in paragraph (c) introductory text, by removing ''A'', and by adding, in its place, ''Except for a borrower attending an eligible foreign institution, a''; and in paragraph (d)(2)(i)(C) by adding, ''and has not previously received a loan under this part'' after ''intended'' to read as follows:

§ 682.207 Due diligence in disbursing a loan.

* * * * *

(b) * * *

(1) * * *

(v) * * *

(B) * * *

(*3*) In the case of a student enrolled in a foreign institution, a check from the lender that is made co-payable to the institution and sent directly to either the parent or the eligible institution.

* * * * *

§ 682.208 [Amended]

27. Section 682.208(b)(1)(iii) is amended by removing ''within'', and by adding, in its place, ''no less frequently than every''; and by adding ''or quarterly'' after ''days''.

28. Section 682.208(c)(2) is amended by removing ''eligible school'' and by adding, in its place, ''institution of higher education''.

29. Section 682.208 is amended in paragraph (e)(1) by removing ''or'' before ''SLS''; by adding '', or Consolidation'' after ''SLS''; and in paragraph (e)(3) by removing the cross reference to ''(15)(ii)'' and adding, in its place, ''(17)(ii)''.

§ 682.209 [Amended]

30. Section 682.209 is amended in paragraph (a)(1) by removing ''fully''; in paragraph (a)(2)(i), in the third sentence, removing ''last'', and by adding, in its place, ''first''; in paragraph (a)(2)(ii), after the reference to ''(a)(2)(iii)'', by adding '', (a)(2)(iv), and (a)(2)(v); by adding new paragraphs (a)(2)(iv) and (a)(2)(v); and adding ''; and'' at the end, and removing ''and'' at the end of paragraph (a)(3)(i)(A); in paragraph (a)(3)(i)(B), before ''6'', by adding ''the day after''; by removing ''eligible school'' and by adding, in its place, ''institution of higher education and''; by adding a new paragraph (a)(3)(i)(C); in paragraph (a)(3)(ii)(B), before the semi-colon, by adding, ''unless the borrower during this period has submitted payments with instructions that those payments are intended for future installment payments''; in paragraph (a)(3)(ii)(C), after ''the'', by adding ''post deferment''; in paragraph (a)(4)(ii) by removing '',according to the schedule required in § 682.602''; in paragraph (a)(4)(iii) by removing, ''required under § 682.602''; in paragraph (a)(6)(iii), in the third sentence, after ''includes'', removing the remainder of the sentence, and by adding, in its place, ''any borrower whose Consolidation loan application is received by the lender on or after January 1, 1993.''; paragraph (a)(6)(vii)(A) is revised; paragraph (a)(6)(viii)(A) is revised; in paragraph (a)(6)(viii)(C), by removing ''If'', and by adding, in its place, ''Except in the case of a Consolidation loan, if''; in paragraph (a)(6)(ix) by removing ''may'', and adding, in its place, ''shall, to the extent practicable''; in paragraph (a)(7)(ii), before ''12–'', by adding ''10–,''; removing the cross reference to ''§ 682.208(h)'' and adding, in its place, ''§ 682.209(h)''; in paragraph (e)(2)(i) by removing the cross reference to ''§ 682.202(a)(2)(iv)'' and by adding, in its place, ''§ 682.202(a)(2)(ii) and (3)(ii)''; in paragraph (f)(2)(i) by removing the cross reference to ''§ 682.202(a)(2)(iv)'' and by adding, in its place, ''§ 682.202(a)(2)(ii) and (3)(ii), as appropriate''; in paragraph (g)(1) by adding ''Federal'' before ''PLUS''; in paragraph (h)(2) by redesignating paragraphs (i) through (v) as paragraphs (ii) through (vi); by adding a new paragraph (h)(2)(i); in paragraph (h)(3) by removing ''In'' and by adding, in its place, ''Except for a Consolidation loan disbursed on or after July 1, 1994, in''; in paragraph (h)(5)(ii) by removing ''for'' and adding, in its place, ''the borrower the option of a'' to read as follows:

§ 682.209 Repayment of a loan.

* * * * *

(a) * * *

(2) * * *

(iv) If the lender first learns after the fact that an SLS borrower has entered the repayment period, the repayment begins no later than 75 days after the date the lender learns that the borrower has entered the repayment period.

(v) The lender may establish a first payment due date that is no more than an additional 30 days beyond the period specified in paragraphs (a)(2)(i)—(a)(2)(iv) of this section in order for the lender to comply with the required deadline contained in § 682.205(c)(1).

* * * * *

(3) * * *

(i) * * *

(C) For a borrower with a loan with a variable interest rate, the day after 6 months following the date on which the borrower is no longer enrolled on at least a half-time basis at an institution of higher education.

* * * * *

(6) * * *

(vii) * * *

(A)(*1*) The amount of the borrower's installment payment is scheduled to change (usually by increasing) during the course of the repayment period; or

(*2*) If the loan has a variable interest rate that changes annually, the lender may establish a repayment schedule that may have adjustments in the payment amount as provided under paragraph (a)(6)(i) of this section; and

* * * * *

(viii) * * *

(A)(*1*) The amount of the borrower's installment payment is adjusted annually, based on the borrower's expected total monthly gross income received by the borrower from employment and from other sources during the course of the repayment period; or

(*2*) If the loan has a variable interest rate that changes annually, the lender may establish a repayment schedule that may have adjustments in the payment amount as provided under paragraph (a)(6)(i) of this section; and

* * * * *

(h) * * *

(2) * * *

(i) Is less than $7,500, the borrower shall repay the Consolidation loan in not more than 10 years;

* * * * *

§ 682.210 [Amended]

31. Section 682.210 is amended by adding ''on that loan'' after ''deferment'' in paragraph (a)(8); and by removing ''(r)'', and adding, in its place ''(s)'', in paragraph (a)(10).

32. Section 682.210 is amended by removing ''eligible institution'', and by adding, in its place, ''institution of higher education'' in paragraph (b)(3) introductory text,; by adding '', a Direct Stafford,'' after ''received a Stafford'' in paragraph (b)(4); and by adding ''of paragraph (b)(5)'' after ''purposes'' in paragraph (b)(7), introductory text.

33. Section 682.210 is amended by adding, ''of paragraphs (s)(2) through (s)(6)'' in the second sentence, after ''purposes'' in paragraph (s)(1); and by removing ''for'' the first time it appears, and adding, in its place, ''based on the borrower's'' in paragraph (s)(2).

§ 682.211 [Amended]

34. Section 682.211 is amended by removing ''(h)'', and adding, in its place, ''(g)'' in paragraph (a)(2); and by adding, ''based on the same or differing condition'', after ''impaired'' in paragraph (a)(3).

35. Section 682.211(d) is amended by adding, in the first sentence, ''but prior to claim payment'' after ''default''; and by removing ''repayment obligation'' and adding, in its place, ''agreement to repay the debt'' in the second sentence.

36. Section 682.211(e) is amended by removing ''or a forbearance granted under paragraph (g) of this section'' in the first sentence.

37. Section 682.211 is amended by removing paragraph (f)(4); redesignating paragraphs (f)(5) through (f)(9) as paragraphs (f)(4) through paragraph (f)(8), respectively; removing ''682.402(d)'', and adding, in its place, ''682.402(f)'' in redesignated paragraph (f)(4); and by removing ''is established in accordance with § 682.209(a)(3)(ii)(B)'', and adding, in its place, '', which can be no later than 45 days after the period ends'' in redesignated paragraph (f)(8).

38. Section 682.211 is further amended by removing paragraph (g); redesignating paragraphs (h) through (j) as paragraphs (g) through (i), respectively; removing ''paragraph (j)(5)'' and adding, in its place, ''paragraph (i)(5) of this section'', in redesignated paragraph (g); removing ''paragraph (i)(1)'' and adding, in its place, ''paragraph (h)(1)'' in redesignated paragraph (h)(2); removing ''paragraph (i)(2)(i)'' and adding, in its place, ''paragraph (h)(2)(i)'' in redesignated paragraph (h)(3)(i); removing ''paragraph (i)(2)(ii)(B)'' and adding, in its place, ''paragraph (h)(2)(ii)(B)'' in redesignated paragraph (h)(3)(ii); removing ''paragraph (i)(2)(ii)(C)'', and adding, in its place, ''paragraph (h)(2)(ii)(C)'' in redesignated paragraph (h)(3)(iii); removing ''paragraph (j)(2)'', ''paragraph

''(j)(2)(ii)'', and ''paragraph (j)(4)'', and adding, in their place, ''paragraph (i)(2)'', ''paragraph (i)(2)(ii)'', and ''paragraph (i)(4)'', respectively, in redesignated paragraph (i)(1); removing ''paragraph (j)(2)(i)'', and adding, in its place, ''paragraph ''paragraph (i)(2)(i)'' in redesignated paragraph (i)(4).

§ 682.215 [Amended]

39. Section 682.215 is amended by adding ''or other non-profit private'' after ''public'' in paragraph (e)(2)(i).

§ 682.300 [Amended]

40. Section 682.300 is amended by adding ''except as provided in paragraph (c)(4) of this section'' before the word ''if'' in paragraph (b)(2)(ii); by removing ''restricted'' in paragraph (b)(2)(ii)(B); by removing ''or'' after the semicolon in paragraph (b)(2)(vi); by removing the period at the end of paragraph (b)(2)(vii), and by adding, in its place, ''; or''; and by adding a new paragraph (b)(2)(viii) to read as follows:

§ 682.300 Payment of interest benefits on Stafford and Consolidation loans.

* * * * *

(b) * * *

(2) * * *

(viii) The date the lender determines that the borrower is eligible for loan discharge under § 682.402(d) or (e).''

* * * * *

§ 682.301 [Amended]

41. Section 682.301 is amended by removing, ''academic period'' and adding, in its place, ''period of enrollment'' in paragraph (b)(1); and by removing, ''academic period'' and adding, in its place, ''period of enrollment'' in paragraph (b)(2).

§ 682.302 [Amended]

42. Section 682.302 is amended by removing, ''prior to'' and adding, in its place, ''on or before'' in paragraph (d)(1)(v); by removing ''guaranty agency returns a claim'' and adding, in its place, ''lender received a returned claim from the guaranty agency on a loan'' in paragraph (d)(1)(vii); by redesignating paragraph (d)(2) as paragraph (d)(3); and by adding a new paragraph (d)(2) to read as follows:

§ 683.302 Payment of special allowance on FFEL loans.

* * * * *

(d) * * *

(2) In the case of a loan disbursed on or after October 1, 1992, the Secretary does not pay special allowance on a loan if—

(i) The disbursement check is returned uncashed to the lender or the lender is notified that the disbursement made by electronic funds transfer or master check will not be released from the restricted account maintained by the school; or

(ii) The check for the disbursement has not been negotiated before the 120th day after the date of disbursement or the disbursement made by electronic funds transfer or master check has not been released from the restricted account maintained by the school before that date.

* * * * *

43. Section 682.305 is amended by revising paragraph (a)(3)to read as follows:

§ 682.305 Procedures for payment of interest benefits and special allowance.

(a) * * *

(3)(i)(A) The Secretary reduces the amount of interest benefits and special allowance payable to the lender by—

(*1*) The amount of origination fees the lender was authorized to collect during the quarter under § 682.202(c), whether or not the lender actually collected that amount; and

(*2*) The amount of lender fees payable under paragraph (a)(3)(ii) of this section.

(B) The Secretary increases the amount of interest benefits and special allowance payable to the lender by the amount of origination fees refunded to borrowers during the quarter under § 682.202(c).

(ii) For any FFEL loan made on or after October 1, 1993, a lender shall pay the Secretary a loan fee equal to 0.50% of the principal amount of the loan.

* * * * *

§ 682.400 [Amended]

44. Section 682.400 is amended by removing ''GSL'' and adding, in its place ''FFEL'' in paragraph (a); and by removing ''and'' before ''bankruptcy'' and adding '', closed school and false certification discharge'' after ''bankruptcy'' in paragraph (b)(1)(ii).

§ 682.401 [Amended]

45. Section 682.401 is amended by removing the comma after ''Stafford'', and by adding, in its place, ''and'', removing '', PLUS'', and removing ''(h)'', and adding, in its place, ''(g)'' in paragraph (b)(1); removing ''(g)'', and adding, in its place, ''(h)'' in paragraph (b)(2); removing ''or'' at the end of paragraph (b)(2)(ii)(A); removing the period at the end of paragraph (b)(2)(ii)(B), and adding, in its place, ''; or''; by adding a new paragraph (b)(2)(ii)(C); by removing ''§ 682.204(i)'' and adding, in its place, ''§ 682.204(k)'' in paragraph (b)(2)(iii); by adding a new paragraph (b)(4)(v); by removing '', SLS,'' in paragraph (b)(5)(ii); by removing ''sections 428A(a)(2) or'', and adding, in its place, ''section'' in paragraph (b)(6)(i)(C); revising paragraph (b)(10)(iv); removing ''§ 682.401(b)(9)(vi)(A) and (B)'' and adding, in its place, ''§ 682.401(b)(10)(vi)(A) and (B)'' in paragraph (b)(10)(v); and revising paragraphs (b)(15) through (b)(28) to read as follows:

§ 682.401 Basic program agreement.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(C) A period that does not exceed 12 months.

* * * * *

(4) * * *

(v) A guaranty agency must inform the borrower that he or she may only obtain reinstatement of borrower eligibility under this section once.

* * * * *

(10) * * *

(iv) The amount of the insurance premium may not exceed—

(A) For a loan disbursed on or before June 30, 1994, 3 percent of the principal balance of the loan; or

(B) For a loan disbursed on or after July 1, 1994, 1 percent of the principal balance of the loan.

* * * * *

(15) *Guarantee agency verification of default data.* A guaranty agency shall respond to an institution's written request for verification of its default rate data for purposes of an appeal pursuant to 34 CFR 668.17(c)(1)(i) within 15 working days of the date the agency receives the institution's written request pursuant to 34 CFR 668.17(c)(8), and simultaneously provide a copy of that response to the Secretary's designated Department official.

(16) *Guaranty agency administration.* In the case of a State loan guarantee program administered by a State government, the program must be administered by a single State agency, or by one or more private nonprofit institutions or organizations under the supervision of a single State agency. For this purpose, ''supervision'' includes, but is not limited to, setting policies and procedures, and having full responsibility for the operation of the program.

(17) *Loan assignment.* (i) Except as provided in paragraph (b)(17)(iii) of this section, the guaranty agency must allow a loan to be assigned only if the loan is fully disbursed and is assigned to—

(A) An eligible lender;

(B) A guaranty agency, in the case of a borrower's default, death, total and

permanent disability, or filing of a bankruptcy petition, or for other circumstances approved by the Secretary, such as a loan made for attendance at a school that closed or a false certification claim;

(C) An educational institution, whether or not it is an eligible lender, in connection with the institution's repayment to the agency or to the Secretary of a guarantee or a reinsurance claim payment made on a loan that was ineligible for the payment;

(D) A Federal or State agency or an organization or corporation acting on behalf of such an agency and acting as a conservator, liquidator, or receiver of an eligible lender; or

(E) The Secretary.

(ii) For the purpose of this paragraph, ''assigned'' means any kind of transfer of an interest in the loan, including a pledge of such an interest as security.

(iii) The guaranty agency must allow a loan to be assigned under paragraph (b)(17)(i) of this section, following the first disbursement of the loan if the assignment does not result in a change in the identity of the party to whom payments must be made.

(18) *Transfer of guarantees.* Except in the case of a transfer of guarantee requested by a borrower seeking a transfer to secure a single guarantor, the guaranty agency may transfer its guarantee obligation on a loan to another guaranty agency, only with the approval of the Secretary, the transferee agency, and the holder of the loan.

(19) *Standards and procedures.* (i) The guaranty agency shall establish, disseminate to concerned parties, and enforce standards and procedures for—

(A) Ensuring that all lenders in its program meet the definition of ''eligible lender'' in section 435(d) of the Act and have a written lender agreement with the agency;

(B) School and lender participation in its program;

(C) Limitation, suspension, termination of school and lender participation;

(D) Emergency action against a participating school or lender;

(E) The exercise of due diligence by lenders in making, servicing, and collecting loans; and

(F) The timely filing by lenders of default, death, disability, bankruptcy, closed school, false certification, and ineligible loan claims.

(ii) The guaranty agency shall ensure that its program and all participants in its program at all times meet the requirements of subparts B, C, D, and F of this part.

(20) *Monitoring student enrollment.* The guaranty agency shall monitor the enrollment status of a FFEL program borrower or student on whose behalf a parent has borrowed that includes, at a minimum, reporting to the current holder of the loan within 60 days any change in the student's enrollment status reported that triggers—

(i) The beginning of the borrower's grace period; or

(ii) The beginning or resumption of the borrower's immediate obligation to make scheduled payments.

(21) *Submission of interest and special allowance information.* Upon the Secretary's request, the guaranty agency shall submit, or require its lenders to submit, information that the Secretary deems necessary for determining the amount of interest benefits and special allowance payable on the agency's guaranteed loans.

(22) *Submission of information for reports.* The guaranty agency shall require lenders to submit to the agency the information necessary for the agency to complete the reports required by § 682.414(b).

(23) *Guaranty agency transfer of information.* (i) A guaranty agency from which another guaranty agency requests information regarding Stafford and SLS loans made after January 1, 1987, to students who are residents of the State for which the requesting agency is the principal guaranty agency as defined in § 682.800(d) shall provide—

(A) The name and social security number of the student; and

(B) The annual loan amount and the cumulative amount borrowed by the student in loans under the Stafford and SLS programs guaranteed by the responding agency.

(ii) The reasonable costs incurred by an agency in fulfilling a request for information made under paragraph (b)(23)(i) of this section must be paid by the guaranty agency making the request.

(24) *Information on defaults.* The guaranty agency shall upon the request of a school, furnish information with respect to students, including the names and addresses of such students, who were enrolled at that school and who are in default on the repayment of any loan guaranteed by that agency.

(25) *Information on loan sales or transfers.* The guaranty agency must, upon the request of a school, furnish to the school last attended by the student, information with respect to the sale or transfer of a borrower's loan prior to the beginning of the repayment period, including—

(i) Notice of assignment;

(ii) The identity of the assignee;

(iii) The name and address of the party by which contact may be made with the holder concerning repayment of the loan; and

(iv) The telephone number of the assignee or, if the assignee uses a lender servicer, another appropriate number for borrower inquiries.

(26) *Third-party servicers.* The guaranty agency may not enter into a contract with a third-party servicer that the Secretary has determined does not meet the financial and compliance standards under § 682.416. The guaranty agency shall provide the Secretary with the name and address of any third-party servicer with which the agency enters into a contract and, upon request by the Secretary, a copy of that contract.

(27) *Collection charges and late fees on defaulted FFEL loans being consolidated.* (i) A guaranty agency may add collection costs in an amount not to exceed 18.5 percent of the outstanding principal and interest to a defaulted FFEL Program loan that is included in a Federal Consolidation loan.

(ii) When returning the proceeds from the consolidation of a defaulted loan to the Secretary, a guaranty agency may only retain the amount added to the borrower's balance pursuant to paragraph (b)(27)(i) of this section.

(28) *Change in agency's records system.* The agency shall provide written notification to the Secretary at least 30 days prior to placing its new guarantees or converting the records relating to its existing guaranty portfolio to an information or computer system that is owned by, or otherwise under the control of, an entity that is different than the party that owns or controls the agency's existing information or computer system. If the agency is soliciting bids from third parties with respect to a proposed conversion, the agency shall provide written notice to the Secretary as soon as the solicitation begins. The notification described in this paragraph must include a concise description of the agency's conversion project and the actual or estimated cost of the project.

* * * * *

§ 682.402 [Amended]

46. Section 682.402 is amended by adding ''unless that borrower would qualify for discharge of the loan under these regulations'' before the period at the end of paragraph (a)(2); by removing '', on or after July 23, 1992'' in paragraph (b)(1); by removing ''the'' before ''light'' in paragraph (d)(6)(ii)(G); by adding '', the Secretary'' after ''lender'' in paragraph (e)(6)(v); by removing ''(e)(10)(iii)(C)'' and adding, in its place, ''(e)(10)(ii)(C)'' in paragraph (e)(10)(ii)(D)(*2*); by removing ''(e)(10)(iii)(C)'', and adding, in its place,

''(e)(10)(ii)(C)'' in paragraph (e)(10)(ii)(E); by removing ''(e)(10)(iv)(B)'', and adding, in its place, ''(e)(10)(iv)'' in paragraph (e)(11); by removing the first paragraph designated as (e)(13); by removing ''(d) through (i)'', and adding, in its place, ''(f) through (m)'' in paragraph (f)(1); by adding, ''debtor's attorney or the'' after ''issued by the'' in paragraph (f)(3); by removing ''(e)'', and adding, in its place, ''(g)'' in paragraph (f)(5)(i); by removing ''(d)(5)(i)'', and adding, in its place, ''(f)(5)(i)'' in paragraph (f)(5)(ii); by removing ''(d)(2)'', and adding, in its place, ''(f)(3)'' in paragraph (g)(2)(iv)(A); by removing ''(f)'', and adding, in its place, ''(g)'' in paragraph (h)(1)(i); by removing ''(g)'', and adding, in its place, ''(i)'' in paragraph (h)(1)(ii); by revising paragraph (h)(2)(i); by adding ''closed school or false certification'' after ''of a'' in paragraph (h)(2)(iii); by removing ''Federal'' in paragraph (h)(2)(v); by revising paragraph (h)(3)(iii); by removing ''(h)(2)'', and adding, in its place, ''(i)(2)'' in paragraph (i)(3)(ii); by revising paragraph (m)(1); and by adding ''as provided in § 682.210(a)(5)'' after the word ''deferment'' in paragraph (m)(2) to read as follows:

§ 682.402 Death, disability, closed school, false certification, and bankruptcy payments.

* * * * *

(h) * * *

(2)(i) The amount of loss payable—

(A) On a death or disability claim is equal to the sum of the remaining principal balance and interest accrued on the loan, collection costs incurred by the lender and applied to the borrower's account within 30 days of the date those costs were actually incurred, and unpaid interest up to the date the lender should have filed the claim.

(B) On a bankruptcy claim is equal to the unpaid balance of principal and interest determined in accordance with paragraph (h)(3) of this section.

* * * * *

(3) * * *

(iii) During the period required by the guaranty agency to approve the claim and to authorize payment or to return the claim to the lender for additional documentation not to exceed—

(A) 45 days for death, disability or bankruptcy claims; or

(B) 90 days for closed school and false certifications.

* * * * *

(m) * * *

(1) Includes any period during which the lender does not require the borrower to make a payment on the loan.

* * * * *

§ 682.403 [Amended]

47. Section 682.403 is amended by removing ''eligible educational institution'' both times it appears, and by adding, in its place, ''institution of higher education'' in paragraph (a)(2)(iii)(D); by revising paragraph (d); by removing ''sections 422(c) and (d)'' and adding, in its place, ''section 422'' in paragraph (f) to read as follows:

§ 682.403 Federal advances for claims payments.

* * * * *

(d) The Secretary makes an advance to a guaranty agency—

(1) On terms and conditions specified in an agreement between the Secretary and the guaranty agency;

(2) To ensure that the agency will fulfill its lender-of-last resort obligation; and

(3) To meet the agency's immediate cash needs and to ensure the uninterrupted payment of claims when the Secretary has terminated the agency's agreement and assumed its functions.

* * * * *

§ 682.404 [Amended]

48. Section 682.404 is amended by removing ''$50'', and by adding, in its place, ''an amount equal to one percent of the total unpaid principal and accrued interest on the loan as of the date the lender transmits its request to the guaranty agency'' in paragraph (a)(3)(i); by adding ''and all loans guaranteed on or after October 1, 1993,'' after ''(h),'' in paragraph (d)(1); and by removing ''30'' and adding, in its place, ''27'' in paragraph (g)(2)(ii).

§ 682.405 [Amended]

49. Section 682.405 is amended by adding ''on-time'' in the second sentence, after ''one'' in paragraph (b)(1) introductory text,; by removing ''consequences'', and by adding, in its place, ''effects'' in the second sentence in paragraph (b)(1)(iv); and by removing ''10-year maximum'', and by adding in its place, ''applicable maximum repayment term, as defined under sections 682.209(a) or (h)'' in the second sentence in paragraph (b)(3).

§ 682.406 [Amended]

50. Section 682.406 is amended by removing the first comma and by adding, in its place, a semi-colon, and by removing the remainder of the paragraph in paragraph (a)(9); and by revising paragraph (a)(12) to read as follows:

§ 682.406 Conditions of reinsurance coverage.

(a) * * *

(12) The agency and the lender, if applicable, complied with all other Federal requirements with respect to the loan including—

(i) Payment of origination fees;

(ii) For Consolidation loans disbursed on or after October 1, 1993, payment, on a monthly basis, of an interest payment rebate fee calculated on an annual basis and equal to 1.05 percent of the unpaid principal and accrued interest on the loan;

(iii) Compliance with all preclaims assistance requirements in § 682.404(a)(2)(ii).

* * * * *

§ 682.408 [Amended]

51. Section 682.408(a) is amended by removing '',SLS,''.

§ 682.409 [Amended]

52. Section 682.409(a) is amended by removing ''§§ 682.402(d), 682.402(i)'' and by adding, in its place, ''§§ 682.402(f), 682.402(k)''.

§ 682.410 [Amended]

53. Section 682.410 is amended by removing ''Administrative Cost Allowance payments received under § 682.407 and transitional'', and by adding, in its place, ''Transitional'' in paragraph (a)(1)(vi); by removing the word ''or'' after ''bankruptcy,'' and adding, before the period, '', or closed school or false certification'' in paragraph (b)(5)(i)(E); by removing ''promptly'',, and adding, in its place, '', within the timeframe specified in paragraph (b)(6)(ii) of this section,'' after the word ''shall'' in paragraph (b)(5)(ii); by removing ''during the period specified in paragraph (5)(iv)(B) of this section'' in the second sentence in paragraph (b)(6)(ii)(A), and adding at the end of the sentence, before the period, ''during the period specified for this review in paragraph (b)(5)(iv)(B)''; removing ''or'' at the end of paragraph (b)(6)(vi)(A)(*2*); by removing ''and'', and adding, in its place, ''or'' at the end of paragraph (b)(6)(vi)(A)(*3*); by adding a new paragraph (b)(6)(vi)(A)(*4);* by removing ''(1) through (3)'', and by adding, in its place, ''(1), (2), (3), and (5)'' in paragraph (b)(6)(vi)(B)(*2*); revising paragraph (b)(6)(vii)(B); by removing ''(B)(6)(vii)(D)(*2*)'', and adding, in its place, ''(b)(6)(vii)(B)'', removing ''institute a civil suit'', and adding, in its place, ''initiate administrative wage garnishment'', adding ''and the loan has not been assigned to the Department for a civil suit to be filed'' after ''loan'', removing ''a judgment on'', and adding, before the period, ''through administrative wage garnishment'' in paragraph

(b)(6)(viii)(A); by removing ''that the cost of litigation would not exceed the amount likely to be obtained if litigation were begun'', and removing ''shall institute a civil suit'', and adding, in its place, ''initiate administrative wage garnishment'' in paragraph (b)(6)(viii)(B); by removing ''a'' in the first sentence, after ''enforce'', and by adding, in its place, ''an administrative wage garnishment order or a'', by adding ''administrative wage garnishment order or'' after ''ensure that the'', removing ''judgment'' in the second sentence, and adding, in its place, ''debt'', adding ''income or'' after ''sufficient'' both times it appears, removing ''or income'' after ''assets'' both times it appears, adding ''the administrative wage garnishment order or'' after ''satisfy'', removing ''the remainder of the'' after ''to satisfy'', and by adding, in its place, ''an administrative wage garnishment order or a'' in paragraph (b)(6)(ix)(A); by adding ''income or'' after ''sufficient'', removing ''or income'', removing ''judgment and that the cost of enforcing the judgment would not exceed the likely recovery'', and by adding, in its place, ''debt'', adding ''initiate administrative wage garnishment or'' after ''intention to'', and removing ''on the judgment'' before ''unless'' in paragraph (b)(6)(ix)(B); by adding ''administrative wage garnishment or'' before ''remainder of the judgment'' in paragraph (b)(6)(ix)(C); removing and reserving paragraph (b)(6)(xi); by removing ''sue'', and adding, in its place ''initiate administrative wage garnishment'' in paragraph (b)(6)(xii); by removing, ''(b)(7)(iii)–(vi)'' in the first sentence, and adding, in its place, ''(b)(7)(iii)–(v)'', removing ''(b)(7)(iii)–(vi)'' in the second sentence, and by adding, in its place, ''(b)(7)(iii)–(v)'' in paragraph (b)(7)(ii); and by removing ''refer'', and adding, in its place, ''make the initial referral of'' in paragraph (b)(7)(iv)(B) to read as follows:

§ 682.410 Fiscal, administrative, and enforcement requirements.

* * * * *

(b) * * *

(6) * * *

(vi) * * *

(A) * * *

(*4*) The day on which the agency received a payment on a loan that remains in default notwithstanding the payment; and

* * * * *

(vii) * * *

(B) The agency need not initiate administrative wage garnishment if the agency determines and documents in the borrower's file that the borrower does not have sufficient income to satisfy the debt or a substantial portion thereof.

* * * * *

§ 682.411 [Amended]

54. Section 682.411 is amended by removing, ''no later than 45 days following the end of the grace period'', and by adding, in its place, ''by the deadlines specified in § 682.209(a)'' and adding ''(a)(2)(v) and'' after ''provided in (682.209'' in paragraph (b)(1); by removing, in the last sentence, ''notice or collection letter'' and adding, in its place, ''collection letters'' in paragraph (d)(1); by adding, ''correct telephone number,'' after ''correct address,'' in paragraph (d)(3)(i); by adding ''correct telephone number,'' after ''correct address,'' in paragraph (d)(3)(ii); by adding '',or correct telephone number'' after ''correct address'' in paragraph (d)(4)(iv)(B); and by adding, in the third sentence, before the period, ''and may be in writing or by phone calls'' in paragraph (g).

§ 682.413 [Amended]

55. Section 682.413 is amended by removing ''that violate (682.206(f)(1)'' and by adding, in its place, ''for which the certification required under (682.206(f)(1) is not available'' in paragraph (c)(1)(vi); and by removing ''that violate (682.206(f)(1)'', and by adding, in its place, ''as specified in (682.413(c)(1)(vi)'' in paragraph (c)(2),.

§ 682.415 [Amended]

56. Section 682.415 is amended by removing ''682.402(e)(2)'' and by adding, in its place, ''682.402(g)(2)'' in paragraph (b)(1)(iv); by removing ''(a)(2)(ii)'', and adding, in its place, ''(a)(2)(iii)'' and removing ''682.402(e)(2)'', and adding, in its place, ''682.402(g)(2)'' in paragraph (b)(3); by removing ''or'' after ''disability,'' and adding, '', or closed school and false certification discharges'' after ''bankruptcy'' in paragraph (b)(5)(i); by removing ''682.402(e)(2)'', and adding, in its place, ''682.402(g)(2)'' in paragraph (b)(6)(i); by removing ''(a)(3)(iii)(A)'', and adding, in its place, ''(a)(2)(iii)(A)'' in paragraph (b)(9); by removing ''(a)(2)(ii)'', and adding, in its place, ''(a)(2)(iii)'' in paragraph (c)(4); and by removing ''servicer'', and adding, in its place, ''service'' in paragraph (c)(7)(ii).

§ 682.505 [Amended]

57. Section 682.505(d) is amended by adding ''Federal'' before ''PLUS'' and again before ''SLS'' in the italicized heading; and by adding ''Federal'' in the introductory text before ''SLS''.

§ 682.507 [Amended]

58. Section 682.507(a)(2) is amended by adding ''Federal'' before ''Consolidation''.

§ 682.511 [Amended]

59. Section 682.511 is amended by adding ''Federal'' before ''Consolidation'' in paragraph (a)(2); and by removing ''682.402(e)(1)'' and adding, in its place, ''682.402(g)(1)'' in paragraph (b)(2).

§ 682.512 [Amended]

60. Section 682.512 is amended by removing ''(682.402(f)(2) and (f)(3)'' and adding, in its place, ''(682.402(h)(2) and (h)(3)'' in paragraph (b)(1)(ii).

§ 682.603 [Amended]

61. Section 682.603 is amended by removing the comma and adding ''or'' after ''Stafford'' and by removing '', or SLS'' in paragraph (d) introductory text,; by removing '', SLS,'' in paragraph (e) introductory text,; by redesignating paragraph (f)(1)(i) as paragraph (f)(1)(i)(A); by adding a new paragraph (f)(1)(i)(B); by removing the comma and the parenthetical phrase in paragraph (f)(1)(ii)(B), and adding, in its place, a period; by adding ''time'' after ''instruction'' in paragraph (f)(3)(ii)(A); to read as follows:

§ 682.603 Certification by a participating school in connection with a loan application.

* * * * *

(f)(1) * * *

(i) * * *

(B) For a defaulted borrower who has regained eligibility under § 682.401(b)(4), the academic year in which the borrower regained eligibility.

* * * * *

§ 682.604 [Amended]

62. Section 682.604 is amended by removing ''If'', and adding, in its place, ''Except as provided in § 668.167, if'' in paragraph (a)(3); by adding, before the first comma, ''and (D)(*1*)'' in paragraph (b)(1); by removing ''from the beginning of'', and adding, in its place, ''for'' in paragraph (b)(2)(i); by adding, before the first comma, ''and (D)(*1*)'' in paragraph (c)(2)(i); by removing ''student'', and adding, in its place, ''borrower'' in paragraph (c)(2)(ii); by removing ''student'' before ''borrower's'' in paragraph (c)(2)(ii)(B); by removing ''not more than 30 days prior to the first day of classes of the period of enrollment for which the loan is intended,'' and ''Federal'' in paragraph (c)(3) introductory text; by removing ''668.165(b)(2)'', and adding, in its place, ''668.164'' in paragraph (d)(1)(ii)(A); by adding paragraph

(d)(1)(ii)(B); by removing ''682.605(b)(1)(ii)'', and adding, in its place, ''682.605'', and by removing ''682.605(b)(1)(A) and (B)'', and adding, in its place, ''682.605'' in paragraph (d)(4); by adding '', touch-tone telephone technology'', in the first sentence, after ''presentation'', in paragraph (f)(1); by removing ''correspondence school'', and by adding, in its place, ''student enrolled in a correspondence course'' in paragraph (g)(1)(i); by adding ''the borrower's expected permanent address, the address of the borrower's next of kin, and'' after ''as well as'' in paragraph (g)(2)(vi); by adding ''or unsubsidized'' after ''nonsubsidized'' in paragraph (h)(1); and by removing ''only the'', and adding, in its place, ''any'' in paragraph (h)(3) to read as follows:

§ 682.604 Processing the borrower's loan proceeds and counseling borrowers.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(B) The school, as a fiduciary for the benefit of the guaranty agency, the Secretary, and the student, may hold any additional loan proceeds that the student requests in writing that the school retain in order to assist the student in managing his or her loan funds for the remainder of the academic year. The school shall maintain these funds, as provided in § 668.165(b)(5).

* * * * *

Appendix B to Part 682—[Removed]

63. Appendix B to part 682 is removed and reserved.

64. Appendix D to part 682 is amended, in the ''Note'' following the heading, by adding, at the end, ''For the purpose of determining the three-year deadline, reinsurance is lost on the later of (a) three years from the last date the claim could have been filed for claim payment with the guaranty agency (270th day of delinquency) *for a claim that was not filed;* or (b) three years from the date the guaranty agency rejected the claim, *for a claim that was filed*.''; by adding ''(a)(6)'' after ''(a)(5),'' in the ''Introduction'' section, in the second paragraph, sixth sentence, and removing, in the seventh sentence, ''682.300(b)(2)(vi)'', and adding, in its place, ''682.300(b)(2)(vii)''; by adding a new definition of ''Earliest unexcused violation '' in alphabetical order in paragraph D.I.A.; by removing ''682.402(e)(2)(i)'', and adding, in its place, ''682.402(g)(2)(i)'' in D.I.E.2., first paragraph; and adding, in the second paragraph, in the third sentence, before the period, ''unless the status has changed due solely to passage of time. In the latter case, the lender must place the borrower in the status that would exist had no bankruptcy claim been filed. If the borrower is delinquent after the loan is determined nondischargeable, the lender should grant administrative forbearance to bring the borrower's account current as provided in (682.211(f)(5)'' to read as follows:

Appendix D—Policy for Waiving the Secretary's Right to Recover or Refuse to Pay, Interest Benefits, Special Allowance, and Reinsurance on Stafford, PLUS, Supplemental Loans for Students, and Consolidation Program Loans Involving Lenders' Violations of Federal Regulations Pertaining to Due Diligence in Collection or Timely Filing of Claims [Bulletin 88–G–138]

* * * * *

D. * * *

I. * * *

A. * * *

Earliest unexcused violation means:

1(a) In cases when reinsurance is lost due to a failure to timely establish a first payment due date, the earliest unexcused violation would be the 46th day after the date the first payment due date should have been established.

1(b) In cases when reinsurance is lost due to a gap of 46 days, the earliest unexcused violation date would be the 46th day following the last collection activity.

(c) In cases when reinsurance is lost due to 3 or more due diligence violations of 6 days or more, the earliest unexcused violation would be the day after the date of default.

(d) In cases when reinsurance is lost due to a timely filing violation, the earliest unexcused violation would be the day after the filing deadline.

* * * * *

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Friday
April 16, 1999

Part III

Office of Management and Budget

Economic Classification Policy Committee; Initiative To Create a Product Classification System, Phase I: Exploratory Effort To Classify Service Products; Notice

OFFICE OF MANAGEMENT AND BUDGET

Economic Classification Policy Committee; Initiative To Create a Product Classification System, Phase I: Exploratory Effort To Classify Service Products

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Proposed development of a comprehensive and integrated North American product classification system.

SUMMARY: Under Title 44 U.S.C. 3504(e), the Office of Management and Budget (OMB), through its Economic Classification Policy Committee (ECPC), is seeking public comment on the proposed development of a comprehensive classification system for products produced by North American Industry Classification System (NAICS) industries. The ECPC proposes, over the long term, to develop a comprehensive and integrated North American Product Classification System for the products produced by industries classified under the North American Industry Classification System (NAICS) and, over the short term, to explore the feasibility of identifying and classifying products produced by selected NAICS service industries. The ECPC is particularly seeking proposals for an initial identification of the service products created by industries in selected service sectors as well as comments on related discussions of needs and uses for product data, guiding principles for the product classification development, and organization and tasks of the product classification committees. In addition, the ECPC is seeking information sources in the academic and business communities that can be used by the classification committees to identify the products created by the service industries included in Phase I (see Industry Appendix).

DATES: To ensure consideration, all comments on the development of a product classification system and proposals for products must be received electronically or in writing no later than June 15, 1999.

ADDRESSES: Please send comments and proposals for products electronically either by e-mail to prodclass@ccmail.census.gov or by using the response form found on www.census.gov/products. Proposals may also be mailed to Michael F. Mohr, Coordinator, ECPC Initiative to Classify Service Products, Bureau of the Census, U.S. Department of Commerce, Room 2633–3, Washington, DC 20233, telephone number (301) 457–2589, FAX (301) 457–1536. Proposals will become part of the library of background information to guide the work of the classification committees. All comments and proposals received in response to this notice will be available for public inspection at the Bureau of the Census, U.S. Department of Commerce, 4700 Silver Hill Road, Suitland, MD 20233. Please telephone the Bureau of the Census at (301) 457–2589 to make an appointment. Those making proposals will be notified directly of action taken by the ECPC.

Those wishing to identify information sources for the service industries included in Phase I should do so either through the web site at www.census.gov/products, or by e-mail to prodclass@ccmail.census.gov, or by contacting Michael F. Mohr, Coordinator, ECPC Initiative to Classify Service Products, Bureau of the Census, U.S. Department of Commerce, Room 2633–3, Washington, DC 20233, telephone number (301) 457–2589, FAX (301) 457–1536.

Web Page: A Web Page for the product classification initiative can be found at www.census.gov/products. This site provides extensive information on, and will report news about, the initiative; it also provides a structured medium through which interested parties can participate electronically in Phase I by identifying information sources and submitting proposals for the products produced by the covered service industries.

Electronic Availability: This document is available on the World Wide Web from the Census Bureau at the address <http://www.census.gov/products> under the listing **Federal Register** Notice. This document is also available via File Transfer Protocol (FTP) at the address <ftp.census.gov/pub/epcd/www/products/products99.txt>. A more comprehensive treatment of the subject matter contained in this notice is provided in a Discussion Paper that is also available electronically at the foregoing addresses. Copies of the NAICS manual referenced in this notice can be ordered from the National Technical Information Service at the address <http://www.ntis.gov/naics> or (800) 553–6847.

FOR FURTHER INFORMATION CONTACT: Parties wishing further information on the work described in this notice should contact Michael F. Mohr, Coordinator: ECPC Initiative to Classify Service Products, Bureau of the Census, U.S. Department of Commerce, Room 2633–3, Washington, DC 20233, e-mail michael.f.mohr@ccmail.census.gov, telephone number (301) 457–2589, FAX (301) 457–1536.

SUPPLEMENTARY INFORMATION:

Background

In a **Federal Register** notice of July 26, 1994 (59 FR 38092–38096), OMB announced that the ECPC had agreed to work in concert with Mexico's Instituto Nacional de Estadística, Geografía e Informática (INEGI) and Statistics Canada to develop a new and common industry classification system—the North American Industry Classification System (NAICS)—that would replace the existing system used in the United States, the Standard Industrial Classification System (SIC). Final agreement on NAICS was announced in a **Federal Register** notice of April 9, 1997 (62 FR 17287–17337). This agreement resulted in the publication in 1998 of the new North American Industry Classification System, United States, 1997 manual.

In addition to announcing the development of NAICS, the 1994 **Federal Register** notice also indicated that each country would provide product data compiled within the framework of its respective statistical system, to meet the need for such information. Recognizing the increasing international trade in goods and services, each country envisaged working cooperatively to help improve existing commodity classification systems, including the Harmonized System (HS) of the Customs Cooperation Council and the United Nations' Provisional Central Product Classification System (CPC) for services.[1] In particular, the three countries agreed that such cooperation would entail coordinating their product classification efforts and keeping each other informed of proposals for change in this area. Integral to the product classification accord was a common recognition by the statistical agencies of the three countries that ''market-oriented, or demand-based, groupings of economic data are required for many purposes, including studies of market share, demand for goods and services, import competition in domestic markets and similar studies.''[2]

In recognition of the product classification accord, the ECPC committed to expanding the list of commodities and services that would be available from the 1997 Economic Censuses. The ECPC also established two product code task forces to

[1] The provisional CPC has since been replaced by version 1.0; see United Nations [1998].

[2] See Economic Classification Policy Committee [1994], 59 FR 38094.

implement this commitment—the Investment Goods Product Code Task Force and the Service Product Code Task Force. Although preliminary work on service products classification began in 1993, that work was subsequently terminated because the total restructuring of the industry classification system consumed all available resources within the statistical agencies.[3]

Having now largely accomplished the industry classification objectives for NAICS, the ECPC is announcing a new initiative to develop a comprehensive classification system for the products produced by NAICS industries. This initiative will be conducted as a joint effort by Canada, Mexico, and the United States. The long-term objective of the joint initiative is to develop a market-oriented/demand-based classification system for products that: (a) Is not industry-of-origin based but can be linked to the NAICS industry structure, (b) is consistent across the three NAICS countries, and (c) promotes improvements in the identification and classification of service products across international classification systems, such as the Central Product Classification System of the United Nations.

Product Classification System Initiative

The ECPC anticipates that the initiative to classify service products will be a comprehensive effort that addresses both the conceptual issues and the data collection issues necessary to ensure that the system is conceptually sound, feasible to implement, and relevant to analytical and operational objectives. The initiative will be implemented in two phases. An interim, or exploratory, phase to be launched in early 1999 and completed during 2000 (Phase I), will develop preliminary product classifications for a subset of NAICS service industries. These results will be incorporated in the 2002 Economic Census and related programs. A second, or final, phase of this initiative will be launched after the 2002 Economic Census. Exploiting the lessons and insights gained from the deliberations of Phase I and the data collection activities of the 2002 Economic Census, this phase (Phase II) will develop a complete and fully integrated product classification system that extends to all NAICS industries. The results of Phase II will be incorporated in the 2007 Economic Census and related programs.

[3] Nonetheless, the ECPC's product classification objectives with respect to investment goods were largely achieved.

In undertaking this effort, the ECPC recognizes that the development of even a preliminary classification system for selected service products will be a complex endeavor that will tax the expertise of the statistical agencies which currently lack familiarity with how industry produces these service products. Accordingly, the ECPC is actively seeking information sources in the academic and business communities that can be used by the classification committees to identify the products created by the service industries included in Phase I (see Industry Appendix). Commentors who wish to provide such information should refer to the **ADDRESSES** section of this notice.

The ECPC is seeking proposals for the initial identification of service products as well as comments on the discussion of needs and uses and guiding principles for the product classification, and the organization and tasks of the classification committees. In accordance with the proposed classification development process outlined below, the ECPC requests that respondents to this notice support their proposals for the identification and definition of service products for service industries included in Phase I of this initiative with documentation that provides information to support the following tasks:

1. Developing a model/description of the production process for each industry;
2. Identifying/defining the final products sold by each industry;
3. Developing formal definitions for the identified products; and
4. Proposing suggestions for organizing the products identified for each sector into a market-oriented classification system that will allow users to:

a. identify the quantity and price(s) of each product produced by each industry,

b. aggregate common products across all industries, and

c. group and aggregate products in a manner that satisfies the demand-side classification framework adopted by the three NAICS countries.

Phase I: Classification of Service Products

The first or interim phase of the initiative proposes to identify and classify the products produced by the industries in four NAICS service sectors—Information (Sector 51); Finance and Insurance (Sector 52) except Insurance (Subsector 524); Professional, Scientific, and Technical Services (Sector 54); and Administrative and Support, Waste Management and Remediation Services (Sector 56).[4]

Needs and Uses

There are two reasons for the focus on services in Phase I. First, the value of final production produced by industries included in NAICS service sectors now accounts for about 45 percent of private sector Gross Domestic Product (GDP) in the U.S., and these sectors include some of the fastest growing segments of the economy, such as computer services, communications, management consulting, temporary help services, and health services. Second, despite its importance in the overall private economy, the U.S. currently has no product classification system for service industries. In contrast, the Census Bureau has been collecting product-level data for manufacturing industries since at least the 1899 Census of Manufactures; by 1939 it was collecting data for approximately 6,400 manufactured products. Moreover, the Census Bureau has had a published list of manufactured products and product codes since 1947—the Numerical List of Manufactured and Mineral Products, which has been revised and updated every five years (in conjunction with the economic censuses). By 1967 the list of manufactured products had grown to 10,500, but more than 12,000 products were included under the NAICS classification system for the 1997 Economic Census.

The collection of product data for these manufactured products by the Census Bureau and the collection of associated producer price data by the Bureau of Labor Statistics (BLS) have long provided national accountants and researchers with the information necessary to estimate, monitor, and analyze the growth in real output, prices, productivity, international trade, and competitiveness in the manufacturing sector. In turn, these manufacturing estimates and analyses have long served to influence and guide the formulation of government policies, including industrial, international trade, fiscal, and monetary policies. And, within the business community, Census Bureau tabulations of the detailed products made and used by manufacturers have been highly valued and much utilized, as a reliable and

[4] In addition to these four sectors, NAICS service sectors also include: Real Estate and Rental and Leasing (Sector 53); Management of Companies and Enterprises (Sector 55); Educational Services (Sector 61); Health Care and Social Assistance (Sector 62); Arts, Entertainment, and Recreation (Sector 71); Accommodation and Food Services (Sector 72); and Other Services (except Public Administration) (Sector 81).

comprehensive source of information on trends and new developments in the product markets in which businesses operate and compete.

Over the last several decades, however, the share of U.S. national output derived from service sector industries has grown to exceed the share derived from manufacturing and all other goods-producing sectors combined. Moreover, that share seems certain to grow over the long-term and, perhaps, accelerate its pace. In recognition of this profound structural change, the ECPC believes it is critical to provide the business and economics community '' business analysts, policy makers, researchers, and statistical agencies '' with the kind of comprehensive, well-organized data on the products produced by service industries that presently exist for the products produced by manufacturing and other goods-producing industries.

Thus, the overriding objective of Phase I of the initiative is to systematically explore the development of a formal classification system for service products that can be used throughout the public and private communities of users to coordinate the collection, tabulation, and analysis of data on the value of the detailed products sold or produced for final consumption by selected service industries and on the prices charged for those products. Although preliminary, the results from Phase I will be available to guide the collection of data for service products in the affected industries during the 2002 Economic Census. In contrast to Phase I, the ultimate objective of Phase II of the initiative will be to develop an agreed-upon, integrated, and comprehensive list of products, product definitions, and product codes that (1) encompasses the products of both goods-and service-producing industries alike and (2) accommodates a demand-side/market-oriented classification framework for grouping and aggregating these products.

Guiding Principles

The ECPC is proposing three general principles to guide the overall process of classifying the products produced by industries:

1. An understanding of the production process of the reporting units included in the respective industries is a required first principle for identifying and defining the product(s) actually produced for final consumption by those industries.[5]

2. The aim of the product classification process should be to identify, define, and classify the final products produced and transacted by the reporting units within each industry. The final products of reporting units in an industry are those that are created and transacted (sold or transferred) by the reporting units to economic entities outside of the individual reporting units.

3. The classification of products produced by industries should be based on a market-oriented, or demand-based, conceptual framework.[6]

With respect to the first principle, the ECPC believes it is necessary to approach the process of product classification for industries from the perspective of the production process because it provides the necessary conceptual framework for: (a) Identifying the activities performed by a given industry, (b) facilitating an ordered consideration of information and competing hypotheses about the role of any products derived from those activities in the production process, (c) developing informed judgements about the final products produced by the industry, and (d) providing insights into the transaction unit that is appropriate and feasible for measuring the respective products and the reporting unit that is appropriate for collecting the data. Put simply, in order to satisfy the second principle, it is necessary to distinguish the final products produced by a given industry's production process from the intermediate outputs produced and consumed by that process. While this approach has significance for industries generally, it is especially important in the case of service industries where, in contrast to goods-producing industries such as manufacturing, there exists much confusion about what many service industries do and how they do it.

Finally, once the products of the industries have been identified and defined, it is necessary to organize those products according to a consistent classification principle that is acceptable and useful to all segments of the data using community. The third principle reflects the ECPC's commitment to satisfy this requirement in a manner that reflects the consensus reached on this issue by the three NAICS countries. The guiding role of the third principle in classifying and grouping products was enunciated by Triplett [1994a, p. 6], who noted that a product grouping system ''should incorporate, and facilitate the analysis of, the relationships among products—demand relations, substitution relations, marketing relationships, uses by consumers or by other ultimate purchasers.''

Guidelines for Product Identification in Service Industries

Identifying the final products of each industry is the first step in developing a product classification system. Recognizing that this step can be difficult for many service industries, the ECPC intends that private sector respondents to this Initiative and the classification committees will formulate proposals for the products of a given service industry in the context of the following definitions and guidelines.

- *Conceptual Definition of a Service Product:* A service is a change in the condition of a person, or a good belonging to some economic entity, brought about as the result of the activity of some other economic entity, with the approval of the first person or economic entity.[7] To correctly define the product(s) of a service industry it is essential to specify exactly what the producer agrees to sell and what the customer agrees to buy. That is, a determination must be made of what is implicitly or explicitly ''contracted for'' when a transaction takes place. Further, it is important to distinguish between the output the industry produces and the activities carried out by the industry to produce the output.[8]
- *Final Service Product:* The final products of reporting units in an industry are the service products (simple, composite, or bundle) that are created and transacted (sold or transferred) by the reporting units to other reporting units, enterprises, institutions or persons; domestic or international.
- *Types of Service Products:* The final service products may include one or more of the following broad types:[9]

(a) *Simple service:* a standard service whose real output can often be measured in physical units or counts; e.g., a traditional haircut or basic phone service.

(b) C*omposite service:* a product that embodies several distinct services that are produced together (by virtue of regulations, production process, safety or hygiene requirements, or industry

[5] The ECPC recognized the dual importance of this principle for classifying both service industries and the products produced by such industries early on; see Economic Classification Policy Committee [1993a], Section 6.5.

[6] This classification principle was first established in several papers by Triplett [1990, 1994a, and 1994b]; see also Economic Classification Policy Committee [1993b].

[7] See Hill [1977, p.318].

[8] See Sherwood [1997, p.3].

[9] These service product types were suggested by Chadeau [1997, p.2].

practice). The customer is not free to pick and choose among the several services in the composite—the consumer buys all or none; e.g., a conventional hotel room rental includes maid service, salon haircuts include shampooing, or the final product (diagnosis or course of treatment) created by a doctor's office visit may embody a variety of required diagnostic services (see related discussion in section C below).

(c) *Service bundle:* a product containing a collection of services negotiated between the service provider and the customer and whose composition may vary by customer; e.g., traditional phone service plus call waiting and/or caller ID, etc., a bundle of information services that can be transmitted through a common medium (cable, satellite) and that may include voice, data and/or visual services, etc., or different bundles of janitorial services, or legal services, or accounting services, etc.

• *Product Detail:* Identify and define products for your selected industry at a level of detail that accords with prevailing marketing practices and record keeping practices in the industry.

Classification Committees

Phase I of the initiative will be accomplished through the creation of four classification committees (one per sector) that will operate simultaneously and draw on the combined talent and resources of the Federal statistical agencies. The ECPC also will strive to provide each committee with consultancy support from private sector industry experts. The committees will implement a comprehensive product classification process for each NAICS service industry in the Industry Appendix below. The process will include:

1. Developing a model/description of the production process for each industry;

2. Identifying/defining the final products sold by each industry;

3. Developing formal definitions for the identified products; and

4. Proposing suggestions for organizing the products identified for each sector into a market-oriented classification system that will allow users to:

a. identify the quantity and price(s) of each product produced by each industry,

b. aggregate common products across all industries, and

c. group and aggregate products in a manner that satisfies the demand-side classification framework adopted by the three NAICS countries.

In addition, each classification committee will consider issues related to the unit of measurement and to the feasibility of measuring and reporting data on output and prices for the products identified for the respective service industries, including industry record-keeping practices and reporting units.

Donald R. Arbuckle,

Acting Administrator and Deputy Administrator, Office of Information and Regulatory Affairs.

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Industry Appendix—U.S. Industries Arranged by NAICS Sectors, Subsectors, and Industry Groups

51 INFORMATION

511 Publishing Industries

5111 Newspaper, Periodical, Book, and Database Publishers
51111 Newspaper Publishers
51112 Periodical Publishers
51113 Book Publishers
51114 Database and Directory Publishers
51119 Other Publishers
511191 Greeting Card Publishers
511199 All Other Publishers

5112 Software Publishers

51121 Software Publishers

512 Motion Picture & Sound Recording Industries

5121 Motion Picture & Video Industries

51211 Motion Picture & Video Production
51212 Motion Picture & Video Distribution
51213 Motion Picture & Video Exhibition
512131 Motion Picture & Theaters (except Drive-Ins)
512132 Drive-In Motion Picture Theaters
51219 Postproduction Services and Other Motion Picture and Video Industries
512191 Teleproduction and Other Postproduction Services
512199 Other Motion Picture and Video Industries

513 Broadcasting & Telecommunications

5131 Radio & Television Broadcasting

51311 Radio Broadcasting
513111 Radio Networks
513112 Radio Stations
51312 Television Broadcasting

5132 Cable Networks & Program Distribution

51321 Cable Networks
51322 Cable & Other Program Distribution

5133 Telecommunications

51331 Wired Telecommunications Carriers
51332 Wireless Telecommunications Carriers (except Satellite)
513321 Paging
513322 Cellular & Other Wireless Telecommunications
51333 Telecommunications Resellers
51334 Satellite Telecommunications
51339 Other Telecommunications

514 Information Services & Data Processing Services

5141 Information Services

51411 News Syndicates
51412 Libraries & Archives
51419 Other Information Services
514191 On-Line Information Services
514199 All Other Information Services

5142 Data Processing Services

51421 Data Processing Services

52 FINANCE & INSURANCE

521 Monetary Authorities—Central Bank

5211 Monetary Authorities—Central Bank

52111 Monetary Authorities—Central Bank

522 Credit Intermediation & Related Activities

5221 Depository Credit Intermediation

52211 Commercial Banking
52212 Savings Institutions
52213 Credit Unions
52219 Other Depository Credit Intermediation

5222 Nondepository Credit Intermediation

52221 Credit Card Issuing
52222 Sales Financing
52229 Other Nondepository Credit Intermediation
522291 Consumer Lending
522292 Real Estate Credit
522293 International Trade Financing
522294 Secondary Market Financing
522298 All Other Nondepository Credit Intermediation

5223 Activities Related to Credit Intermediation

52231 Mortgage & Nonmortgage Brokers
52232 Financial Transactions Processing, Reserve, & Clearinghouse Activities
52239 Other Activities Related to Credit Intermediation

523 Securities, Commodity Contracts & Other Financial Investments & Related Activities

5231 Securities & Commodity Contracts Intermediation & Brokerage

52311 Investment Banking & Securities Dealing
52312 Securities Brokerage
52313 Commodity Contracts Dealing
52314 Commodity Contracts Brokerage

5232 Securities & Commodity Exchanges

52321 Securities & Commodity Exchanges

5239 Other Financial Investment Activities

52391 Miscellaneous Intermediation
52392 Portfolio Management
52393 Investment Advice
52399 All Other Financial Investment Activities
523991 Trust, Fiduciary & Custody Activities
523999 Miscellaneous Financial Investment Activities

525 Funds, Trusts & Other Financial Vehicles

5251 Insurance & Employee Benefit Funds

52511 Pension Funds
52512 Health & Welfare Funds
52519 Other Insurance Funds

5259 Other Investment Pools & Funds

52591 Open-End Investment Funds
52592 Trusts, Estates & Agency Accounts
52593 Real Estate Investment Trusts
52599 Other Financial Vehicles

54 PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES

541 Professional, Scientific & Technical Services

5411 Legal Services

54111 Offices of Lawyers
54112 Offices of Notaries
54119 Other Legal Services
541191 Title Abstract & Settlement Offices
541199 All Other Legal Services

5412 Accounting, Tax Preparation, Bookkeeping & Payroll Services

54121 Accounting, Tax Preparation, Bookkeeping & Payroll Services
541211 Offices of Certified Public Accountants
541213 Tax Preparation Services
541214 Payroll Services
541219 Other Accounting Services

5413 Architectural, Engineering & Related Services

54131 Architectural Services
54132 Landscape Architectural Services
54133 Engineering Services
54134 Drafting Services
54135 Building Inspection Services
54136 Geophysical Surveying & Mapping Services
54137 Surveying & Mapping (except Geophysical) Services
54138 Testing Laboratories

5414 Specialized Design Services

54141 Interior Design Services
54142 Industrial Design Services
54143 Graphic Design Services
54149 Other Specialized Design Services

5415 Computer Systems Design &Related Services

54151 Computer Systems Design & Related Services
541511 Custom Computer Programming Services
541512 Computer Systems Design Services
541513 Computer Facilities Management Services
541519 Other Computer Related Services

5416 Management, Scientific, & Technical Consulting Services

54161 Management Consulting Services
541611 Administrative Management & General Management Consulting Services
541612 Human Resources & Executive Search Consulting Services
541613 Marketing Consulting Services
541614 Process, Physical Distribution & Logistics Consulting Services
541618 Other Management Consulting Services
54162 Environmental Consulting Services
54169 Other Scientific & Technical Consulting Services

5417 Scientific Research & Development Services

54171 Research & Development in the Physical, Engineering & Life Sciences
54172 Research & Development in the Social Sciences & Humanities

5418 Advertising & Related Services

54181 Advertising Agencies
54182 Public Relations Agencies
54183 Media Buying Agencies
54184 Media Representatives
54185 Display Advertising
54186 Direct Mail Advertising
54187 Advertising Material Distribution Services
54189 Other Services Related to Advertising

5419 Other Professional, Scientific, and Technical Services

54191 Marketing Research & Public Opinion Polling
54192 Photographic Services
541921 Photography Studios, Portrait
541922 Commercial Photography
54193 Translation & Interpretation Services
54194 Veterinary Services
54199 All Other Professional, Scientific & Technical Services

56 ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES

5611 Administrative & Support Services

5611 Office Administrative Services
56111 Office Administrative Services
5612 Facilities Support Services
56121 Facilities Support Services

5613 Employment Services

56131 Employment Placement Agencies
56132 Temporary Help Services
56133 Employee Leasing Services

5614 Business Support Services

56141 Document Preparation Services
56142 Telephone Call Centers
561421 Telephone Answering Services
561422 Telemarketing Bureaus
56143 Business Service Centers
561431 Private Mail Centers
561439 Other Business Service Centers (including Copy Shops)
56144 Collection Agencies
56145 Credit Bureaus
56149 Other Business Support Services
561491 Repossession Services
561492 Court Reporting & Stenotype Services
561499 All Other Business Support Services

5615 Travel Arrangement & Reservation Services

56151 Travel Agencies
56152 Tour Operators
56159 Other Travel Arrangement & Reservation Services
561591 Convention and Visitors Bureaus
561599 All Other Travel Arrange & Reservation Services

5616 Investigation & Security Services

56161 Investigation, Guard & Armored Car Services
561611 Investigation Services
561612 Security Guards & Patrol Services
561613 Armored Car Services
56162 Security Systems Services
561621 Security Systems Services (except Locksmiths)
561622 Locksmiths

5617 Services to Buildings & Dwellings

56171 Exterminating & Pest Control Services

56172 Janitorial Services
56173 Landscaping Services
56174 Carpet & Upholstery Cleaning Services
56179 Other Services to Buildings & Dwellings

5619 Other Support Services

56191 Packaging & Labeling Services
56192 Convention & Trade Show Organizers
56199 All Other Support Services

562 Waste Management & Remediation Services

5621 Waste Collection

56211 Waste Collection
562111 Solid Waste Collection
562112 Hazardous Waste Collection
562119 Other Waste Collection

5622 Waste Treatment & Disposal

56221 Waste Treatment & Disposal
562211 Hazardous Waste Treatment & Disposal
562212 Solid Waste Landfill
562213 Solid Waste Combustors & Incinerators
562219 Other Nonhazardous Waste Treatment & Disposal

5629 Remediation & Other Waste Management Services

56291 Remediation Services
56292 Materials Recovery Facilities
56299 All Other Waste Management Services
562991 Septic Tank & Related Services
562998 All Other Miscellaneous Waste Management Services

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Friday
April 16, 1999

Part IV

Department of Education

National Institute on Disability and Rehabilitation Research; Notice of Final Funding Priorities and Notice Inviting Applications for New Awards; Notices

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research; Notice of Final Funding Priorities for Fiscal Years 1999–2000 for a Center and Certain Projects

SUMMARY: The Secretary announces final funding priorities for one Rehabilitation Research and Training Center (RRTC) and two Disability and Rehabilitation Research Projects (DRRPs) under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1999–2000. The Secretary takes this action to focus research attention on areas of national need. These priorities are intended to improve rehabilitation services and outcomes for individuals with disabilities.

EFFECTIVE DATE: These priorities take effect on May 17, 1999.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–2742. Internet: Donna__Nangle@ed.gov

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice contains final priorities under the Disability and Rehabilitation Research Projects and Centers Program for one RRTC related to health and wellness for persons with long-term disabilities, and two DRRPs related to: health care services for persons with disabilities; and medical rehabilitation services for persons with disabilities. The final priorities refer to NIDRR's proposed Long-Range Plan (LRP). The LRP can be accessed on the World Wide Web at: http://www.ed.gov/legislation/FedRegister/announcements/1998–4/102698a.html

These final priorities support the National Education Goal that calls for every adult American to possess the skills necessary to compete in a global economy.

The authority for the Secretary to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(g) and 764).

Note: This notice of final priorities does *not* solicit applications. A notice inviting applications is published in this issue of the **Federal Register**.

Analysis of Comments and Changes

On February 1, 1999 the Secretary published a notice of proposed priorities in the **Federal Register** (64 FR 4936). The Department of Education received seven letters commenting on the notice of proposed priority by the deadline date. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under statutory authority—are not addressed.

Rehabilitation Research and Training Centers

Priority 1: Health and Wellness for Persons With Long-Term Disabilities

Comment: Two commenters asked if the RRTC is required to address each of the disabilities identified in the priority equally.

Discussion: Applicants must address the disabilities identified in the introduction and may propose to address additional disabilities. Applicants have the discretion to determine the emphasis that they propose to place on the disabilities addressed by the RRTC.

Changes: The Introduction has been revised to clarify that the RRTC may address disabilities in addition to those identified in the Introduction.

Comment: Two commenters indicated that NIDRR should specify the alternative therapies that the RRTC should address.

Discussion: NIDRR prefers to provide applicants with the discretion to propose alternative therapies to investigate. The peer review process will evaluate the merits of the proposals.

Changes: None.

Comment: One commenter indicated that the RRTC should be required to carry out ''population-based'' research and utilize emerging dissemination methodologies that utilize technology. The same commenter and a second commenter indicated that the RRTC should be required to explore theories on health behaviors, readiness to change, and barriers to change.

Discussion: NIDRR prefers to provide applicants with the discretion to propose specific research approaches, theoretical perspectives, and dissemination techniques. The peer review process will evaluate the merits of the proposals.

Changes: None.

Comment: The RRTC should investigate the economics of promoting health and wellness.

Discussion: An applicant could propose to investigate the economics of health and wellness under the second or third required activity. The peer review process will evaluate the merits of the proposal. NIDRR has no basis to require all applicants to investigate the economics of health and wellness.

Changes: None.

Comment: Two commenters questioned the extent to which the RRTC was expected to address the needs of adults or children, or both?

Discussion: The RRTC is required to address the needs of persons with long-term disabilities, regardless of their age. Adults are more likely to experience long-term disabilities. However, the RRTC is expected to address the needs of children who meet the definition of long-term disabilities included in the priority. Applicants have the discretion to propose to emphasize certain age groups.

Changes: None.

Comment: The RRTC should be required to develop and test innovative health promoting techniques, strategies, or programs.

Discussion: The priority requires the RRTC to identify and evaluate best practices in health promotion activities. Having met the requirement to identify and evaluate best practices in health promotion, an applicant could propose to develop new health promoting techniques, strategies, or programs. The peer review process will evaluate the merits of the proposal. NIDRR believes that it is not feasible for the RRTC to also develop and test innovative health promoting techniques, strategies, or programs.

Changes: None.

Comment: The priority appears to limit the scope of the RRTC to certain disabilities that are identified in the priority. NIDRR should clarify why these disabilities were selected.

Discussion: The priority requires the RRTC to include selected disabilities, but does not limit the RRTC to addressing only those disabilities. Applicants have the discretion to propose to address other disabilities in addition to those identified in the priority. The disabilities identified in the priority were selected because of their prevalence and impact on the health and wellness of persons with long-term disabilities.

Changes: None.

Comment: The RRTC should include a special emphasis on women with disabilities.

Discussion: An applicant could propose to emphasize the health promotion and wellness needs of women with disabilities, and the peer review process will determine the

merits of the proposal. NIDRR has no basis to require all applicants to emphasize the health promotion and wellness needs of women with disabilities.

Changes: None.

Comment: What is included in the requirement for the project to coordinate with the RRTC on Managed Care for Persons With Disabilities?

Discussion: NIDRR requires coordination activities in order to avoid duplication of effort and improve the quality of the research that a project carries out. Applicants have the discretion to propose how they will coordinate with other entities carrying out related research.

Changes: None.

Priority 2: Health Care Services for Persons With Disabilities

Comment: The second required activity could be read to authorize a very wide range of initiatives. NIDRR should clarify the intent of the second required activity.

Discussion: The second required activity is based on the findings of the first required activity to analyze the access of persons with disabilities to the continuum of health care services and identify successful service delivery strategies and barriers to access to the continuum. NIDRR recognizes that the range of activities that an applicant could propose to do is very broad. This broad discretion is necessary in order to provide applicants with the necessary authority to follow-up the findings from the first required activity.

Changes: None.

Priority 3: Medical Rehabilitation Services for Persons With Disabilities

Comment: The priority should be revised to provide applicants with the discretion to propose to address underserved populations instead of referring specifically to certain emergent disabilities.

Discussion: NIDRR believes that the cost and complexity of treatment of the emergent disabilities identified in the priority merit requiring all applicants to address them. However, applicants are not limited to addressing only those disabilities included in the priority, and have the discretion to address other populations.

Changes: None.

Rehabilitation Research and Training Centers

Authority for the RRTC program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(b)(2)). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations for coordinated research and training activities. These entities must be of sufficient size, scope, and quality to effectively carry out the activities of the Center in an efficient manner consistent with appropriate State and Federal laws. They must demonstrate the ability to carry out the training activities either directly or through another entity that can provide that training.

The Secretary may make awards for up to 60 months through grants or cooperative agreements. The purpose of the awards is for planning and conducting research, training, demonstrations, and related activities leading to the development of methods, procedures, and devices that will benefit individuals with disabilities, especially those with the most severe disabilities.

Description of Rehabilitation Research and Training Centers

RRTCs are operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services. RRTCs serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates or authorized representatives of the individuals.

RRTCs conduct coordinated, integrated, and advanced programs of research in rehabilitation targeted toward the production of new knowledge to improve rehabilitation methodology and service delivery systems, to alleviate or stabilize disabling conditions, and to promote maximum social and economic independence of individuals with disabilities.

RRTCs provide training, including graduate, pre-service, and in-service training, to assist individuals to more effectively provide rehabilitation services. They also provide training including graduate, pre-service, and in-service training, for rehabilitation research personnel and other rehabilitation personnel.

RRTCs serve as informational and technical assistance resources to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of these individuals through conferences, workshops, public education programs, in-service training programs and similar activities.

RRTCs disseminate materials in alternate formats to ensure that they are accessible to individuals with a range of disabling conditions.

NIDRR encourages all Centers to involve individuals with disabilities and individuals from minority backgrounds as recipients of research training, as well as clinical training.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RRTC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary will fund under this competition only applications that meet this priority.

Priority 1: Health and Wellness for Persons With Long-Term Disabilities

Introduction

Chapter Four of NIDRR's proposed LRP (63 FR 57190–57219) focuses on maximizing health and function for persons with disabilities. Health maintenance for persons with disabilities includes not only access to care for routine health problems and appropriate specialty care including medical rehabilitation, but also participation in health promotion and wellness activities.

The National Center for Health Statistics defined long-term disabilities as ''long-term reduction in activity resulting from chronic disease or impairment.'' For the purpose of this priority, long-term disabilities include, but are not limited to, cerebral palsy, multiple sclerosis, post-polio, amputation, and spinal cord injury. This center will assess the health maintenance and promotion practices of persons with long-term disabilities. NIDRR expects this research to clarify whether specialized assessment and health promotion activities are required for persons with long-term disabilities, and how health promotion activities affect the incidence of secondary conditions.

For the purpose of this priority, health promotion strategies include alternative

therapies (e.g., therapeutic massage, acupuncture), stress management practices, physical exercise, nutrition, and other activities designed to promote healthy lifestyle and social well-being. These strategies are vitally important in maintaining health and wellness. NIDRR expects the RRTC, through its training and dissemination activities, to encourage self-directed health promotion activities.

Priority

The Secretary will establish an RRTC for the purpose of developing strategies for health maintenance and reducing secondary conditions for persons with long-term disabilities. The RRTC must:

(1) Evaluate health assessment definitions, policies and practices, and measurement methodologies and instruments, and describe their impact on health promotion activities for persons with long-term disabilities;

(2) Evaluate the impact of selected health maintenance strategies on the incidence and severity of secondary conditions and other outcomes such as function, independence, general health status, and quality of life;

(3) Identify and evaluate best practices in health promotion activities for persons with long-term disabilities;

(4) Provide training on: (i) research methodology and applied research experience; and (ii) knowledge gained from the Center's research activities to persons with disabilities and their families, service providers, and other parties, as appropriate;

(5) Develop informational materials based on knowledge gained from the Center's research activities, and disseminate the materials to persons with disabilities, their representatives, service providers, and other interested parties;

(6) Involve individuals with disabilities and, if appropriate, their representatives, in planning and implementing its research, training, and dissemination activities, and in evaluating the Center;

(7) Conduct a conference on the findings of the RRTC and publish a comprehensive report on the final outcomes of the conference. The report must be published in the fourth year of the grant; and

(8) Coordinate with other entities carrying out related research or training activities.

In carrying out these purposes, the RRTC must coordinate with health and wellness research and demonstration activities sponsored by the National Center on Medical Rehabilitation Research, the Department of Veterans Affairs, and the Centers for Disease Control and Prevention.

Disability and Rehabilitation Research Projects

Authority for Disability and Rehabilitation Research Projects (DRRPs) is contained in section 204(a) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(a)). DRRPs carry out one or more of the following types of activities, as specified in 34 CFR 350.13–350.19: research, development, demonstration, training, dissemination, utilization, and technical assistance. Disability and Rehabilitation Research Projects develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. In addition, DRRPs improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary will fund under this competition only applications that meet these priorities.

Research Priorities in Health Care and Medical Rehabilitation Services for Persons With Disabilities

Introduction

Chapter 4 of NIDRR's proposed LRP (63 FR 57202) discusses the health care service and medical rehabilitation service needs of persons with disabilities. The demand for these services is expected to continue to grow in the coming decades because of increased potential for survival after trauma and disease, prevalence of disability related to the general aging of the population, and the incidence of persons with disabilities acquiring secondary disabilities or chronic conditions. NIDRR proposes to establish a research agenda that examines access to the continuum of health care services, and changes in medical rehabilitation service systems, including demands that new populations of persons with disabilities are placing on medical rehabilitation service systems.

There has been insufficient research on the access of persons with disabilities to the continuum of health care services. Access to this continuum, including primary, acute, and long-term health care services over the course of a lifetime, bears directly on quality of life issues. By developing new knowledge about access to the continuum of health care services for persons with disability, NIDRR expects the DRRP on health care services to contribute to persons with disabilities maintaining their health and decreasing the occurrence of secondary conditions.

Medical rehabilitation service systems are changing in response to a number of factors. One major factor is the rise of managed care as the dominant form of organization and payment for health care services, including medical rehabilitation services. In addition, as discussed in the proposed LRP, new populations of persons with disabilities are emerging and placing new demands on medical rehabilitation service systems. NIDRR expects the DRRP on medical rehabilitation services to generate new knowledge about these changes in order to assist service providers and consumers to achieve desired rehabilitation outcomes. For the purpose of the proposed priority, emergent disabilities include, but are not limited to, AIDS, Attention Deficit Hyperactivity Disorder, violence-induced neurological damage, repetitive motion syndromes, childhood asthma, drug addiction, and environmental illnesses.

Priority 2: Health Care Services for Persons With Disabilities

The Secretary proposes to fund a DRRP to improve the continuum of health care services for persons with disabilities over their lifetime. The DRRP must:

(1) Analyze the access of persons with disabilities to the continuum of health care services and identify successful service delivery strategies and barriers to access to the continuum; and

(2) Based on paragraph (1), develop strategies to improve access to the continuum of health care services.

In carrying out the purposes of the priority, the project must:

- Address the health care needs of persons with disabilities of all ages; and
- Coordinate with the RRTC on Managed Care for Persons with Disabilities.

Priority 3: Medical Rehabilitation Services for Persons With Disabilities

The Secretary proposes to establish a DRRP to improve medical rehabilitation services for persons with disabilities, especially those with emergent disabilities. The DRRP must:

(1) Describe the changes taking place in the delivery of medical rehabilitation services including, but not limited to, those related to the setting where

services are provided, length of stay, qualifications of personnel, and payment systems; and

(2) Develop a methodology to analyze the impact of these changes on outcomes;

(3) Identify the nature and extent of the need for medical rehabilitation services by persons with emergent disabilities;

(4) Analyze persons with emergent disabilities' access to medical rehabilitation services; and

(5) Identify strategies to improve access by persons with emergent disabilities to medical rehabilitation services.

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 either of the following sites:

http://ocfo.ed.gov/fedred.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 preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office at (202) 512–1530 or, toll free at 1–888–293–6498.

Anyone may also view these documents in text copy 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 this document is the document published in the **Federal Register**.

APPLICABLE PROGRAM REGULATIONS: 34 CFR Part 350.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Number 84.133A, Disability and Rehabilitation Research Projects, and 84.133B, Rehabilitation Research and Training Centers)

Dated: March 13, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99–9617 Filed 4–15–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.133A and 84.133B]

National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards Under the Disability and Rehabilitation Research Project and Centers Program for Fiscal Year (FY) 1999

NOTE TO APPLICANTS: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs, including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

This program supports the National Education Goal that calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The estimated funding levels in this notice do not bind the Department of Education to make awards in any of these categories, or to any specific number of awards or funding levels, unless otherwise specified in statute.

APPLICABLE REGULATIONS: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 80, 81, 82, 85, 86, and 350.

Program Title: Disability and Rehabilitation Research Project and Centers Program.

CFDA Numbers: 84.133A and 84.133B.

Purpose of Program: The purpose of the Disability and Rehabilitation Research Project and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. In addition, the purpose of the Disability and Rehabilitation Research Project and Centers Program is to improve the effectiveness of services authorized under the Act.

Eligible Applicants: Parties eligible to apply for grants under this program are States, public or private agencies, including for-profit agencies, public or private organizations, including for-profit organizations, institutions of higher education, and Indian tribes and tribal organizations.

Program Authority: 29 U.S.C. 762.

APPLICATION NOTICE FOR FISCAL YEAR 1999 DISABILITY AND REHABILITATION RESEARCH PROJECTS, CFDA NO. 84–133A

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
84.133A–7—Health Care Services for Persons with Disabilities	June 3, 1999	1	$250,000	36
84.133A–11—Medical Rehabilitation Services for Persons with Disabilities.	June 3, 1999	1	200,000	36

***Note:** The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

Applications Available: April 19, 1999.

Health Care and Medical Rehabilitation Services Projects Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for a project on health care services for persons with disabilities and a project on medical rehabilitation services for persons with disabilities under the Disability and Rehabilitation Research Project and Centers Program.

(a) *Importance of the problem* (9 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed activities address a significant need of those who provide services to individuals with disabilities (3 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

(b) *Responsiveness to an absolute or competitive priority* (4 points total).

(1) The Secretary considers the responsiveness of the application to the absolute or competitive priority published in the **Federal Register**.

(2) In determining the responsiveness of the application to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (2 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (2 points).

(c) *Design of research activities* (40 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (10 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (5 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (5 points);

(C) Each sample population is appropriate and of sufficient size (5 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (4 points); and

(E) The data analysis methods are appropriate (4 points).

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable (7 points).

(d) *Design of dissemination activities* (5 points total).

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (2 points).

(ii) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter (2 points).

(iii) The extent to which the information to be disseminated will be accessible to individuals with disabilities (1 point).

(e) *Plan of operation* (6 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (6 points).

(f) *Collaboration* (2 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (1 point).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (1 point).

(g) *Adequacy and reasonableness of the budget* (4 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (2 points).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(h) *Plan of evaluation* (10 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (3 points); and

(B) Achieving the project's intended outcomes and expected impacts (2 points).

(ii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (3 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(i) *Project staff* (15 total points).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the following:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (5 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (3 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (5 points).

(j) *Adequacy and accessibility of resources* (5 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (3 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (2 points).

APPLICATION NOTICE FOR FISCAL YEAR 1999 REHABILITATION RESEARCH AND TRAINING CENTER, CFDA NO. 84.133B–9

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year) *	Project period (months)
84.133B–9—Health and Wellness for Persons with Long-term Disabilities.	June 3, 1999	[1] $700,000	.....	60.

*** Note:** The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

Applications Available: April 19, 1999.

RRTC Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for an RRTC on health and wellness for persons with long-term disabilities under the Disability and Rehabilitation Research Project and Centers Program.

(a) *Importance of the problem* (9 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed activities address a significant need of those who provide services to individuals with disabilities (3 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

(b) *Responsiveness to an absolute or competitive priority* (4 points total).

(1) The Secretary considers the responsiveness of the application to the absolute or competitive priority published in the **Federal Register**.

(2) In determining the responsiveness of the application to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (2 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (2 points).

(c) *Design of research activities* (35 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (5 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (5 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (5 points);

(C) Each sample population is appropriate and of sufficient size (5 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (5 points); and

(E) The data analysis methods are appropriate (5 points).

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable (5 points).

(d) *Design of training activities* (11 points total).

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the proposed training materials are likely to be effective, including consideration of their quality, clarity, and variety (2 points).

(ii) The extent to which the proposed training methods are of sufficient quality, intensity, and duration (2 points).

(iii) The extent to which the proposed training content—

(A) Covers all of the relevant aspects of the subject matter (1 point); and

(B) If relevant, is based on new knowledge derived from research activities of the proposed project (1 point).

(iv) The extent to which the proposed training materials, methods, and content are appropriate to the trainees, including consideration of the skill level of the trainees and the subject matter of the materials (2 points).

(v) The extent to which the proposed training materials and methods are accessible to individuals with disabilities (1 point).

(vi) The extent to which the applicant is able to carry out the training activities, either directly or through another entity (2 points).

(e) *Design of dissemination activities* (8 points total).

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the content of the information to be disseminated—

(A) Covers all of the relevant aspects of the subject matter (1 point); and

(B) If appropriate, is based on new knowledge derived from research activities of the project (1 point).

(ii) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (2 points).

(iii) The extent to which the methods for dissemination are of sufficient

quality, intensity, and duration (2 points).

(iv) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter (1 point).

(v) The extent to which the information to be disseminated will be accessible to individuals with disabilities (1 point).

(f) *Design of technical assistance activities* (4 points total).

(1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration (1 point).

(ii) The extent to which the information to be provided through technical assistance covers all of the relevant aspects of the subject matter (1 point).

(iii) The extent to which the technical assistance is appropriate to the target population, including consideration of the knowledge level of the target population, needs of the target population, and format for providing information (1 point).

(iv) The extent to which the technical assistance is accessible to individuals with disabilities (1 point).

(g) *Plan of operation* (4 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the following factors:

(i) The adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (2 points).

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective (2 points).

(h) *Collaboration* (2 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (1 point).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (1 point).

(i) *Adequacy and reasonableness of the budget* (3 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (1 point).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(j) *Plan of evaluation* (7 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (1 point); and

(B) Achieving the project's intended outcomes and expected impacts (1 point).

(ii) The extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments (1 point).

(iii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (2 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(k) *Project staff* (9 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (1 point).

(3) In addition, the Secretary considers the following factors:

(1) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (2 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (2 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (2 points).

(iv) The extent to which the project staff includes outstanding scientists in the field (2 points).

(l) *Adequacy and accessibility of resources* (4 points).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (1 point).

(ii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research (2 points).

(iii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Instructions for Application Narrative

The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

The Secretary strongly recommends the following:

(1) a one-page abstract;

(2) an Application Narrative (i.e., Part III that addresses the selection criteria that will be used by reviewers in evaluating individual proposals) of no more than *125 pages for RRTC applications* and *75 pages for Project applications*, double-spaced (no more than 3 lines per vertical inch) 8½″ x 11″ pages (on one side only) with one-inch margins (top, bottom, and sides). The application narrative page limit recommendation does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications; and

(3) a font no smaller than a 12-point font and an average character density no greater than 14 characters per inch.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA/[Applicant must insert number and letter]), Washington, D.C. 20202–4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. [Washington, D.C. time] on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Room #3633, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped self-addressed postcard containing the CFDA number and title of this program.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Forms and Instructions

The appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Form—Non-Construction Programs (Standard Form 524A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014) and instructions. (Note: ED Form GCS–014 is intended for the use of primary participants and should not be transmitted to the Department.)

Certification of Eligibility for Federal Assistance in Certain Programs (ED Form 80–0016).

Disclosure of Lobbying Activities (Standard Form LLL (if applicable) and instructions; and Disclosure Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an *original signature.* No grant may be awarded unless a completed application form has been received.

For Applications Contact: The Grants and Contracts Service Team (GCST), Department of Education, 400 Independence Avenue S.W., Switzer Building, 3317, Washington, D.C. 20202, or call (202) 205–8207. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9860. The preferred method for requesting information 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.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, S.W., room 3418, Switzer Building, Washington, D.C. 20202–2645. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–2742. Internet: Donna—Nangle@ed.gov

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.

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 either 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 preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498. Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 29 U.S.C. 760–762.

Dated: April 13, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix

Application Forms and Instructions

Applicants are advised to reproduce and complete the application forms in this Section. Applicants are required to submit an original and two copies of each application as provided in this Section. However, applicants are encouraged to submit an original and seven copies of each application in order to facilitate the peer review process and minimize copying errors.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No! On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should Be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of

participation by the other parties, including written agreements or assurances of cooperation. It is not useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should Be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program, and are contained in this Consolidated Application Package.

4. May I Submit Applications to More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes, you may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What Is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application.

An applicant for an RRTC is limited to an indirect rate of 15%.

An applicant for a Disability and Rehabilitation Research Project should limit indirect charges to the organization's approved indirect cost rate. If the organization does not have an approved indirect cost rate, the application should include an estimated actual rate.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for *grants* under NIDRR programs. However, individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise Me Whether My Project Is of Interest to NIDRR or Likely To Be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That My Application Will Be Referred to the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting My Application Can I Find Out If It Will Be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date. Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR To Find Out If My Application Is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If My Application Is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will All Approved Applications Be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.

BILLING CODE 4000–01–P

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved OMB No. 1875-0106 Exp. 06/30/2001

Applicant Information

1. Name and Address

Legal Name:_____

Address:_____

_____

City _____ State _____ County _____ ZIP Code + 4 _____ - _____

Organizational Unit

2. Applicant's D-U-N-S Number | | | | | | | | | |

3. Catalog of Federal Domestic Assistance #: 8 4 | | | | | ➡ Title:_____

4. Project Director:_____

Address:_____

City _____ State _____ ZIP Code + 4 _____ - _____

Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

E-Mail Address:_____

5. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No

(If "Yes," attach an explanation.)

6. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:_____

7. Novice Applicant ☐ Yes ☐ No

Application Information

8. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

9. Is application subject to review by Executive Order 12372 process?

☐ Yes *(Date made available to the Executive Order 12372 process for review):* ____/____/_____

☐ No *(If "No," check appropriate box below.)*

☐ Program is not covered by E.O. 12372.

☐ Program has not been selected by State for review.

10. Proposed Project Dates:

Start Date:	End Date:
____/____/_____	____/____/_____

11. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No

a. If "Yes," Exemption(s) #: _____ *OR* b. Assurance of Compliance #: _____

c. IRB approval date: _____ ☐ Full IRB or ☐ Expedited Review

12. Descriptive Title of Applicant's Project:

Estimated Funding

13a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

14. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

b. Title

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address:

e. Signature of Authorized Representative | Date:____/____/_____

REV. 1/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

4. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

5. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

6. **Type of Applicant.** Enter the appropriate letter in the box provided.

7. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

8. **Type of Submission.** Self-explanatory.

9. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

10. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

11. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 11 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 11a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 11a, are appropriate. **Provide this narrative information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 11.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 11a and continue with the remaining parts of item 11, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 11b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 11c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 11c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 11b and skip 11c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

12. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

13. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 13.

14. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 14e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 11 on the application "Yes" and designated exemptions in 11a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 11 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1880--0538

Expiration Date: 10/31/99

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such

conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that the U.S. Department of Education imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or

2. For a-fellowship, scholarship, stipend, discretionary grant, or loan in any program of the U.S. Department of Education that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105i);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship Program (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));

OR

B. I have made arrangements satisfactory to the U.S. Department of Education to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to the U.S. Department of Education for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ _____

(Signature) (Date)

_____

(Typed or Printed Name)

Name or number of the USDE program under which this certification is being made: _____

ED 80-0016 (9/92)

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____

4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

[FR Doc. 99–9618 Filed 4–15–99; 8:45 am]
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LIST OF PUBLIC LAWS

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H.R. 193/P.L. 106–20
Sudbury, Assabet, and Concord Wild and Scenic River Act (Apr. 9, 1999; 113 Stat. 30)
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