2–26–98
Vol. 63 No. 38
Pages 9719–9924

federal register

Thursday
February 26, 1998

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Title 3—

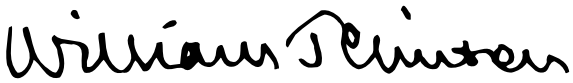
The President

Executive Order 13076 of February 24, 1998

Ordering the Selected Reserve of the Armed Forces to Active Duty

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operations in and around Southwest Asia. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
February 24, 1998.

[FR Doc. 98–5119
Filed 2–25–98; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Chapter II and Part 226

RIN 0584–AC20

Child Nutrition and WIC Reauthorization Act Amendments

AGENCY: Food and Consumer Service, USDA.

ACTION: Interim rule, with request for comments.

SUMMARY: This rule incorporates changes to the Child and Adult Care Food Program (CACFP) required by the Child Nutrition and WIC Reauthorization Act of 1989 and the Healthy Meals for Healthy Americans Act of 1994 by: providing administrative funds to family day care home sponsors for expansion into low-income or rural areas; granting federally funded income-eligible Head Start participants automatic eligibility for free CACFP meals without further application or eligibility determination; and allowing the use of administrative funds to assist unlicensed day care homes in becoming licensed. These revisions are intended to encourage Program participation in low-income and rural areas and to reduce the level of administrative and paperwork burden for Federal, State and local Program administrators and for Program participants. In addition, this rule amends 7 CFR chapter II to reflect the renaming of the Food and Consumer Service as the Food and Nutrition Service.

DATES: This rule is effective April 27, 1998 with the exception of the amendments to the heading of 7 CFR chapter II and to the references in the chapter, which are effective November 25, 1997. To be assured of consideration, comments must be postmarked on or before August 25, 1998.

ADDRESSES: Comments should be addressed to Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Room 1006, Alexandria, Virginia 22302. All written submissions will be available for public inspection at this location, Monday through Friday, 8:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Eadie or Ed Morawetz at the above address or by telephone at (703) 305–2620.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or in the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. Thus the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The Child and Adult Care Food Program is listed in the Catalog of Federal Domestic Assistance under No. 10.558. For the reasons set forth in the final rule in 7 CFR 3015, Subpart V, and related notice (published at 48 FR 29115, June 24, 1983) CACFP is included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Shirley R. Watkins, Under Secretary, Food, Nutrition, and Consumer Services, has certified that this rule will not have a significant economic impact on a substantial number of small entities. Even though Head Start agencies will benefit from the reduction of paperwork for those participants who qualify for automatic free meal eligibility, these benefits will not have a significant economic impact. The Department of Agriculture does not anticipate any adverse fiscal impact which would result from implementation of this rulemaking.

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless it is so specified in the ''Effective Date'' section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the CACFP, the administrative procedures are set forth under the following regulations: (1) Institution appeal procedures in 7 CFR 226.6(k), and (2) Disputes involving procurement by State agencies and institutions must follow administrative appeal procedures to the extent required by 7 CFR 226.22 and 7 CFR Part 3015.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), this notice invites the general public and other public agencies to comment on the information collection.

Written comments must be received on or before April 27, 1998.

Comments concerning the information collection aspects of this interim rule should be sent to the Office

of Information and Regulatory Affairs, OMB, Room 3208, New Executive Building, Washington, D.C. 20503, Attention: Wendy Taylor, Desk Officer for the Food and Nutrition Service. A copy of these comments may also be sent to Mr. Eadie at the address listed in the **ADDRESSES** section of this preamble. Commenters are asked to separate their information collection requirements from their comments on the remainder of the interim rule.

OMB is required to make a decision concerning the collection of information contained in this interim regulation between 30 to 60 days after the publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the interim regulation.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The title, description, and respondent description of the information collections are shown below with an estimate of the annual reporting and recordkeeping burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: 7 CFR Part 226, Child and Adult Care Food Program.

OMB Number: 0584–0055.

Expiration Date: July 31, 2000.

Type of Request: Revision of existing collection.

Abstract: The rule, Child Nutrition and WIC Reauthorization Act Amendments, implements the provision included in Pub. L. 103–448, the Healthy Meals for Healthy Americans Act of 1994, that allows a Federally funded income eligible Head Start participant to be eligible for free meals under CACFP without further application. In addition, the rule also implements the provision included in Pub. L. 101–147, the Child Nutrition and WIC Reauthorization Act of 1989, that makes additional administrative funds available to family day care home sponsors to reach children located in low-income or rural areas. In accordance with the Paperwork Reduction Act of 1995, the Department is providing the public with the opportunity to provide comments on the information collection requirements of the interim rule as noted below:

ESTIMATED ANNUAL REPORTING AND RECORDKEEPING BURDEN

Section	Annual number of respondents	Annual frequency	Average burden per response	Annual burden hours
7 CFR 226.12(b), Day care home sponsors submit application and enter into agreement for expansion funds:				
Existing	0	0	0	0
Proposed	388	1	2.5	970
7 CFR 226.12(b), State agency approval of expansion funds requests:				
Existing	0	0	0	0
Proposed	54	7	1.5	567
7 CFR 226.23(e), All households except for those with income eligible Head Start participants:				
Existing	687,562	1	.05	34,378
Proposed	336,304	1	.075	25,223

Estimated Total Annual Burden on Respondents:

Total Existing Burden Hours 34,378
Total Proposed Burden Hours 26,760
Total Difference –7,618

Public Participation

In accordance with the requirements of 5 U.S.C. 553, the Under Secretary for Food, Nutrition, and Consumer Services has determined that good cause exists for not requiring notice and comment before making this rule effective. In Section 708(k)(3)(A) of Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Congress directed the Secretary of Agriculture to issue as interim regulations by January 1, 1997 those provisions of this rulemaking applicable to expansion funds and the use of administrative funds to assist day care home licensing. Therefore, notice and public comment before the regulations in this rulemaking on those matters are implemented is impracticable. The Under Secretary for Food, Nutrition, and Consumer Services has also determined that the remaining provisions of this rulemaking may also be implemented without prior notice and comment. Those provisions related to Head Start participant eligibility for CACFP are nondiscretionary. Thus, prior notice and comment are unnecessary as it would serve no practical purpose. As specified above, the Department will consider comments on all regulations implemented by this rulemaking and will address those comments in future rulemakings.

Background

On November 10, 1989, the Child Nutrition and WIC Reauthorization Act of 1989 (Pub. L. 101–147) made a number of changes to the Child Care Food Program by amending Section 17 of the National School Lunch Act (NSLA) (42 U.S.C. 1766). In addition to changing the name of the Program to the Child and Adult Care Food Program (CACFP) in Section 105(a), Pub. L. 101–147 contained provisions which: (1) simplified the free and reduced price application process, (2) established a ⅓ daily Recommended Dietary Allowance (RDA) nutritional requirement for lunches served in adult day care centers, (3) made additional administrative funds available to family day care home sponsors to reach children located in low-income or rural areas, (4) permitted State agencies to allow every-other-year applications by institutions, (5) allowed State governors to designate a separate State agency to administer the adult portion of the CACFP, (6) changed the basis for

making commodities available to State agencies, and (7) made two miscellaneous technical changes.

In response to the above-referenced legislative provisions, the Department published a final rule on January 16, 1990 at 55 FR 1376 which changed the name of the Program from the Child Care Food Program to the Child and Adult Care Food Program and a final rule on July 14, 1993 at 58 FR 37847 on a meal pattern to be used in adult day care centers. The adult meal pattern rule contained the requirement found in section 105(b)(3)(A) of Pub. L. 101–147 that lunches served in adult day care centers provide approximately one-third of the Recommended Dietary Allowances established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences to participating individuals. Finally, the Department has issued a final rule which implemented those provisions of Pub. L. 101–147 related to the content and processing of free and reduced price applications (61 FR 25550, May 22, 1996) and an interim Child Nutrition and WIC Reauthorization Act of 1989 and Other Amendments Rule concerning provisions 5, 6, and 7 above (62 FR 23613, May 1, 1997). The expansion funds provision contained in Pub. L. 101–147 is included in this interim regulation, while the provision regarding two-year applications is discussed below.

On October 6, 1994, the Healthy Meals for Healthy Americans Act of 1994 (Pub. L. 103–448) amended section 17 of the NSLA. Pub. L. 103–448 included provisions which: (1) allow a Federally-funded income eligible Head Start child to be considered automatically eligible for free CACFP meals without further application or eligibility determination; (2) allow the use of administrative funds to assist unlicensed day care homes in becoming licensed; and (3) permit State agencies to allow three-year applications from institutions.

The preamble to this interim rulemaking provides an in-depth discussion of the first two provisions. The third, which amended the provision from Pub. L. 101–147 permitting State agencies to take two-year applications from institutions, will be proposed in a future regulation which is designed to streamline current Program requirements, where feasible, for State and local Program administrators.

1. Expansion Funds for Low-Income or Rural Areas

Section 105(b)(1)(A) of Pub. L. 101–147 amended section 17(f)(3)(C) of the NSLA (42 U.S.C. 1766(f)(3)(C)) to provide for additional administrative payments to day care home sponsoring organizations wishing to expand into low-income or rural areas. This amendment was made to the NSLA because of evidence demonstrating that low-income and rural areas are generally underserved by family and group day care homes participating in the CACFP and that sponsoring organizations may encounter higher-than-normal costs when expanding into those areas. Current section 226.12(b) of the Program regulations contains a reference to the availability of start-up payments to develop or *expand* Program operations in day care homes. In the past, these funds have been employed to extend the Program without specific regard for income or geographic considerations. ''Expansion funds,'' as that term is used in section 105(b)(1)(A) of Pub. L. 101–147, are only to be available for extending the Program into low-income or rural areas presently unserved or underserved by the Program. Given the broad similarity between the intended use of expansion funds provided for by Pub. L. 101–147 and start-up payments presently provided by the Department to stimulate Program growth, the Department has been guided extensively by its experience with start-up payments in developing the interim implementation of expansion payments discussed below.

Accordingly, this interim rulemaking amends section 226.2 to add a new definition of ''expansion payments'' which limits the availability of these funds to expanding the Program to day care homes located in low-income or rural areas and amends the existing definitions of the terms ''administrative costs'' and ''start up payments'' for consistency.

Basic Eligibility

Under section 226.12(b) of existing CACFP regulations, four types of organizations are eligible for start-up funds to develop or expand day care operations. They are: (1) prospective sponsoring organizations of day care homes; (2) participating sponsoring organizations of child care centers or outside-school-hours care centers which intend to sponsor day care homes; (3) independent centers which intend to sponsor day care homes; and (4) participating day care home sponsoring organizations with fewer than 50 homes. These four categories were established in regulations issued by the Department on January 22, 1980 (45 FR 4960, 4966).

The Department believes that expansion funds should be made available only to currently participating sponsoring organizations of family day care homes. Because of their experience with Program requirements these organizations will be best suited to efficiently and effectively expand the Program. Sponsors eligible for start-up funds would have access to expansion funds once they became active family day care home sponsoring organizations if they wish to expand into low-income or rural areas.

Accordingly, this interim rulemaking amends section 226.12(b) to limit the availability of expansion funds to participating sponsoring organizations of family day care homes.

Time Restrictions

Section 105(b)(1)(F) of Pub. L. 101–147 amended section 17(f)(3)(C) of the NSLA (42 U.S.C. 1766 (f)(3)(C)) to provide that ''[i]nstitutions that have received start-up funds may also apply at a later date for expansion funds.'' In order to implement this provision in an orderly manner, the Department believes that it is appropriate to require some minimum amount of time to elapse between the receipt and expenditure of start-up funds and the receipt of expansion funds. While sponsors may add homes on a regular basis without start-up funds, the relatively large number of homes brought into a sponsorship as a result of receiving start-up funds will make significant demands on a sponsor's resources. Sponsoring organizations which have just begun Program operations or have expanded their operations with start-up funds need adequate time to adjust to their new responsibilities. We believe that a full year's experience with its new homes should be adequate to accomplish this.

Accordingly, this interim rulemaking amends section 226.12(b) by prohibiting a sponsoring organization which has received start-up funds from applying for expansion funds until 12 months after it has satisfied all its obligations under its start-up agreement with the State agency.

Payment Limitations

Section 226.12(d) of current regulations limits the number of homes on which the *start-up* funds calculation is based to 50 homes or, for existing sponsors of homes, 50 minus the number of homes already operated by the sponsor. Consistent with this start-up limitation, we are limiting to 50 the number of homes on which expansion funds calculations are based. Unlike the start-up funds limitation, this 50-home limit does not include homes already operated by the sponsoring organization

requesting the funds. We are extending the 50-home limitation to expansion funds because we believe that payments in that amount give sponsoring organizations a significant level of funding with which to expand into low-income or rural areas, as well as an amount which provides support for a manageable level of expansion.

Section 17(f)(3)(C) of the NSLA (42 U.S.C. 1766(f)(3)(C)), as amended by section 105(b)(1) of Pub. L. 101–147, limits the amount of expansion funds that may be paid to a sponsoring organization to ''not less than the institution's anticipated reimbursement for administrative expenses under the program for one month and not more than the institution's anticipated reimbursement for administrative expenses under the program for two months.''

The current maximum per-home administrative reimbursement rate for the first 50 homes is $75 (62 FR 37702, July 14, 1997). Therefore, using these rates, sponsoring organizations applying for expansion funds are eligible for an amount not less than: one month times the number of expansion homes (up to 50) times $75 per home; and not more than two months times 50 homes times $75 per home (i.e., $7,500). As with start-up funds, the amount of expansion funds ultimately received by a sponsoring organization may not exceed the amount actually expended by it. Also, the State agency must consider the anticipated amount of expansion funding to be paid and alternate sources of funds available to the sponsoring organization for such purposes when evaluating the sponsor's plans for expansion. Finally, the Department wishes to emphasize that State agencies should carefully review a sponsoring organization's expansion plans to ensure that the activities described in the plan support the amount requested.

Accordingly, this interim rulemaking amends section 226.12(b) by establishing limits on expansion funds to not less than one and not more than two months of administrative payments for up to 50 homes at the maximum current per home/per month payment.

The Department anticipates that most sponsoring organizations will be approved for expansion payments only once. However, if a sponsoring organization has satisfactorily expanded into the area(s) for which expansion fund applications were originally made, it may apply for a second round of expansion payments for expansion into other low-income and rural areas. This application must justify the need for further expansion and must be approved by the State agency. A sponsoring organization is not eligible to apply for a second round of expansion funds until at least 12 months after the sponsoring organization has satisfied all obligations under its initial or prior agreement.

Accordingly, this interim rulemaking amends section 226.12(b) to allow sponsoring organizations to receive expansion payments once, unless 12 months have elapsed and the sponsor reapplies and can justify the receipt of further funds for expansion into other areas.

Definitions of Low-Income or Rural Area

As discussed above, section 105(b)(1)(A) of Pub. L. 101–147 requires that expansion funds be used to help reach homes in low-income or rural areas. The statute is silent, however, with regard to how ''low-income'' and ''rural'' are to be defined. In the absence of any specific statutory direction, the Department has been guided in this interim rulemaking by the corresponding definitions established in 7 CFR part 225 for the Summer Food Service Program (SFSP) and, more recently, in the definition of tier I homes promulgated in section 17(f)(3)(A)(ii) of the NSLA as amended by section 708(e)(1) of Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and section 226.2 of the CACFP regulations.

The SFSP regulations (7 CFR 225.2) define *rural* as: ''(a) any area in a county which is not a part of a Metropolitan Statistical Area or (b) any 'pocket' within a Metropolitan Statistical Area which, at the option of the State agency and with FCSRO concurrence, is determined to be geographically isolated from urban areas.'' This definition was promulgated in part 225 in response to a provision in section 13(b)(4) of the NSLA (42 U.S.C. 1761(b)(4)) which directed the Department to study the administrative costs associated with operating the SFSP and, thereafter, to establish administrative reimbursement rates which reflect the variable costs incurred by different types of sponsors. This study indicated that sponsors which prepare their own meals and those which operate in rural areas incur costs higher than those of other sponsors (44 FR 36365, January 2, 1979). Therefore, a higher reimbursement rate was established for sponsors meeting the aforementioned definition of ''rural''. Given the fact that expansion funds were provided under Pub. L. 101–147 in order to help defray the costs associated with moving into rural areas, and the fact that the definition of ''rural'' in part 225 has been successfully used to distinguish between urban and rural sponsors in the SFSP for more than 15 years, the Department believes it appropriate to incorporate the same definition of ''rural'' for the CACFP. The Department periodically updates the list of Metropolitan Statistical Areas, as defined by the Census Bureau, and State administrators of the CACFP will be notified when future updates are made.

Accordingly, this interim rulemaking amends section 226.2 by adding a definition of ''rural area'' as described above to be used by State agencies when determining the eligibility of sponsoring organizations for expansion funds.

With regard to ''low-income'' areas, SFSP regulations reflect the definition found in section 13(a)(1)(C) of the NSLA (42 U.S.C. 1761(a)(1)(C)) for ''areas in which poor economic conditions exist.'' The statute defines such areas as those ''in which at least 50 percent of the children are eligible for free or reduced price school meals, as determined by information provided from departments of welfare, zoning commissions, census tracts, by the numbers of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the area of program food service sites, or from other appropriate sources * * *.'' Similarly, section 17(f)(3)(A)(ii) of the NSLA as amended by section 708(e)(1) of Pub. L. 104–193 defines low-income areas in which tier I homes are located as areas in which at least 50 percent of the children are eligible for free or reduced priced meals, as defined by elementary school or census data.

The Department sees considerable similarity between the intended application of these statutory definitions and their potential application for determining eligibility for expansion funds in the CACFP. Because the SFSP is intended to provide free meals to children in low-income areas, the statute defines ways in which local sponsors can document the socioeconomic status of areas, not households or individuals. Similarly, the statute governing CACFP intends to target Program benefits to low-income areas through an eligibility definition based primarily on geographic areas. The Department also believes that sponsoring organizations wishing to obtain expansion funds to move into low-income areas should only be expected to demonstrate the need of the area in broad terms. Using the precedent already set in SFSP and CACFP, the Department believes it appropriate and reasonable to apply similar criteria to the CACFP expansion funds provisions. Specifically, the Department will utilize

the area-based definition of low-income eligibility established in paragraphs (b) and (c) of the definition of ''tier I day care home'' in section 226.2, as promulgated in the recently published rule concerning the two-tier reimbursement system for family day care homes (62 FR 889, January 7, 1997).

The Department does *not* believe that it would be appropriate to permit sponsoring organizations to target individual day care home providers outside of low-income areas with expansion funding. The statutory language which makes expansion funds available speaks of using these funds to target providers in low-income or rural *areas,* not low-income providers located outside of such areas. Although the two-tiered reimbursement system for day care homes does permit low-income providers outside of low-income areas to receive tier I rates, use of expansion funds to reach these providers will not necessarily promote the targeting of Program benefits to low-income children. For these reasons, this interim rule prohibits sponsors from using expansion funds to target individual day care homes that are not located in low-income areas; only homes in rural areas or in low-income areas, as defined in paragraphs (b) and (c) of the definition of tier I day care home in section 226.2, may be targeted for use of expansion funds.

Over time in the SFSP, it has been found that there are two primary sources of data that may be used to determine whether an area is one in which poor economic conditions exist-school data and census data. Of these, school data should always be consulted first since it is collected annually and is, therefore, generally more current and accurate than census data. Census data should be used when school data is unavailable or does not accurately represent the economic status of the area in question.

To establish an area's eligibility for expansion funding using school data, 50 percent or more of the children in the local area into which the sponsor wishes to expand must be eligible for free or reduced price school meals under the National School Lunch and School Breakfast Programs. In accordance with procedures established in the interim rule concerning the two-tier reimbursement system, sponsors will annually receive from their State agency a list of all elementary schools in the State in which at least 50 percent of the enrolled children are eligible for free or reduced price meals. As required by section 226.6(f)(9), the first such list will be available to sponsors no later than April 1, 1997, while subsequent lists will be provided by February 15 of each year. In many cases, this information alone will enable sponsors to target their expansion efforts to the neighborhoods served by these elementary schools. The State agency would then determine whether the areas targeted for expansion by the sponsor were areas served by a school with 50 percent or greater free or reduced price enrollment.

As discussed above, experience with the SFSP has shown school data to be the best indicator of low-income areas. However, sponsors may also choose to document the area's eligibility for expansion by using census data. The Department expects that census data should be used only when school data is unavailable or does not accurately represent an area's economic status. Circumstances which might warrant the use of census data instead of school data include: (1) the area targeted for expansion is part of a rural area, where geographically large elementary school attendance areas may obscure localized pockets of poverty which can be identified through the use of census data; (2) school data show a target area to be close to the 50 percent threshold, and census data may reveal specific portions of the school's attendance area which meet the 50 percent criterion; or (3) mandatory bussing has affected the percentage of free or reduced price eligibles in neighborhood schools, and the school is unable to ''factor out'' the pupils bussed in from other areas and provide the sponsor with data on the percentage of free and reduced price eligibles in the area targeted for expansion. In any of these circumstances, use of census data may help a sponsor or State agency to more precisely ascertain a neighborhood's true current income poverty status.

State CACFP administering agencies which also administer the SFSP are aware that the Department recently contracted with the Bureau of the Census for a ''special tabulation'' (or computerized list) of the number and percentage of children eligible for free or reduced price meals in every census ''block group'' in America. Census block groups are sub-units of census tracts. Census tracts vary in size from 2,500 to 8,000 persons, with an average of approximately 4,000 persons per tract. Census block groups, on the other hand, are defined by housing units, numbering between 250 and 550 units, with an average of 400 units (or roughly 900 persons) per block group.

Because block groups generally include a relatively limited number of children, we believe that the information contained in the special tabulation will be an excellent tool for determining whether a target area is eligible for expansion funding. This may be especially true in rural areas, where pockets of poverty may be harder to identify in school attendance areas and census tracts which are geographically much larger than in urban areas. In order to facilitate implementation of the two-tier reimbursement system, State agencies are already required at section 226.6(f)(9) to provide sponsors with relevant census data.

Accordingly, this interim rulemaking amends section 226.2 by adding a definition of ''low-income area'' which is based on paragraphs (b) and (c), definition of tier I day care home, in section 226.2.

2. Automatic Eligibility of Federally Funded Income Eligible Head Start Participants

Section 109(b) of Pub. L. 103–448 amended section 17(c)(5) of the NSLA (42 U.S.C. 1766 (c)(5)) to make children who are enrolled in the Head Start Program automatically eligible for free meal benefits in the CACFP without further application or eligibility determination on the basis of Head Start's low-income criteria. Specifically, amended section 17(c)(5) of the NSLA states that a child shall be considered automatically eligible for benefits under the CACFP without further application or eligibility determination, if the child is ''enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 *et seq.*), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).''

The Head Start Program, administered by the U.S. Department of Health and Human Services, is a national grant program providing comprehensive child development services to low-income children and their families. The number of children (slots) which the Head Start grantee is to serve, as indicated on the grant award, is termed the ''funded enrollment.'' Although many States fund additional Head Start slots in order to expand program access, these slots are not part of the Head Start Program authorized under the Head Start Act. Therefore, children in such State-funded slots are not covered by the above-mentioned provision of Pub. L. 103–448 and are not automatically eligible for free meals in the CACFP.

Head Start Program regulations (45 CFR 1305.4) require that at least 90 percent of the children who are enrolled in each Head Start Program must be from low-income families. That means

up to 10 percent of the children enrolled may be from families that exceed the low-income guidelines. A low-income family is defined in 45 CFR 1305.2 as ''a family whose total annual income before taxes is equal to, or less than, the income guidelines. For the purposes of eligibility, a child from a family that is receiving public assistance or a child in foster care is eligible even if the family income exceeds the income guidelines.'' The term ''income guidelines,'' also defined in 45 CFR 1305.2, means 100 percent of the Federal poverty guidelines, which are adjusted for family size and to reflect annual changes in the Consumer Price Index.

During the initial enrollment, applicant families must submit an application which provides income information. For income-eligible applicants, a Head Start employee signs a statement identifying the documents examined and stating that the child is income eligible to participate in the Program. If a child has been found income eligible and is participating in a Head Start Program, he or she remains income eligible through that enrollment year and the immediately succeeding enrollment year. Generally, each child enrolled in a Head Start program must be allowed to remain in Head Start until the child has entered kindergarten or first grade. However, 45 CFR 1305.7 does allow a Head Start Program to choose not to enroll a child where there are compelling reasons for the child not to remain in Head Start, such as when there is a change in the child's family income and there is a child with a greater need for Head Start services.

The statutory language implementing this provision in the CACFP sets forth two conditions regarding automatic eligibility for free meals for Head Start participants. First, the child must be enrolled as a participant in the Head Start Program under the Head Start Act (i.e., the children must be in a Federally-funded slot as part of Head Start's ''funded enrollment''). Under Head Start Program regulations (45 CFR 1305.2), ''enrollment'' means the official acceptance of a family by a Head Start Program and the completion of all procedures necessary for a child and family to begin receiving services.

Second, the child must be determined to be a member of a family that meets the low-income criteria prescribed under the Head Start Act. Such a determination is made by the Head Start grantee based on the low-income criteria specified in 45 CFR 1305.2 of the Head Start Program regulations (i.e., the household must be at or below 100 percent of the Federal poverty guidelines or must be eligible due to receipt of public assistance or foster care). Children who participate in Head Start but who are not determined to be income eligible, or children who participate in a State-funded Head Start program, must submit a free and reduced price application and be determined eligible in order to receive free or reduced price CACFP meals.

In order to minimize the paperwork burden associated with the automatic eligibility process, the Department has decided that the Head Start statement of income eligibility completed upon initial enrollment in the Head Start Program constitutes sufficient documentation of automatic eligibility for free CACFP meals for the period of time the child is enrolled as an income-eligible Head Start participant. If this documentation is readily available to the official(s) designated by the institution to determine eligibility for free CACFP meals, no further action is necessary.

In those cases where the statement is not readily available, (e.g., ''wrap around'' programs where the food service and the Head Start Program are administered by separate entities), the CACFP determining official must obtain documentation of the Head Start participants' income eligibility in order to confer automatic eligibility for free meals. Such documentation may simply consist of a list of the children's names and a statement certifying that those children are currently enrolled as participants in the Head Start Program based on a determination that they are from families that meet the low-income criteria prescribed under the Head Start Act. The documentation must also include the date and the signature of a Head Start employee authorized to provide the certification on behalf of the Head Start office. At the beginning of each year, the CACFP determining official must establish whether each child meets or continues to meet the conditions for automatic eligibility. Finally, the Head Start statement of income eligibility or, if applicable, the list of eligibles, are subject to the same record retention requirements as other CACFP records.

Accordingly, this interim rulemaking amends section 226.2 by adding a new definition of ''Head Start participant'' and revising the definitions of ''documentation,'' ''free meal,'' and ''verification'' to grant Federally-funded income eligible Head Start participants automatic eligibility for free CACFP meals without further application or eligibility determination. To reflect the addition of these new definitions, this rulemaking also amends relevant parts of sections 226.23(d) and 226.23(e)(1).

3. Administrative Funds for Licensing

As previously discussed in this preamble, section 105(b)(1) of Pub. L. 101–147 amended section 17(f)(3)(C) of the NSLA (42 U.S.C. 1766(f)(3)(C)) by providing expansion funds to family or group day care home sponsoring organizations to reimburse such institutions for administrative expenses related to expansion into low-income or rural areas. Section 116(c) of Pub. L. 103–448 further amended section 17(f)(3)(C) of the NSLA by allowing funds for administrative expenses to be used by family or group day care home sponsoring organizations ''to conduct outreach and recruitment to unlicensed family or group day care homes so that the day care homes may become licensed.'' (Note: Pub. L. 104–193 clarified the intent of this provision by deleting the words ''outreach and recruitment'', but left intact the authority for sponsors to use administrative funds to assist family day care homes in becoming licensed.) This amendment to the NSLA was designed to ensure that family and group day care homes desiring to participate in the CACFP are not denied access to the Program strictly because they lack the funds to comply with licensing standards.

In the past, the Department has always viewed outreach and recruitment expenses as allowable administrative costs for the sponsoring organization; however, the costs of meeting licensing standards or of obtaining a license were viewed as an expense to the day care home. Section 17(f)(3)(C) now allows sponsoring organizations to use administrative, start-up, or expansion funds to assist family and group day care providers who cannot get licensed simply because they lack the funding to comply with licensing standards. For example, a sponsoring organization may wish to assist family day care homes which cannot be licensed or approved because they lack the funds to purchase smoke detectors. As with all proposed administrative costs, under this new provision, the sponsoring organization may request, in its administrative budget, line item approval for the cost of the smoke detectors or other items necessary for licensing, thereby assisting day care homes in becoming licensed and eligible to participate in the CACFP. Further guidance on this subject will be provided in an upcoming revision to FNS Instruction 796–2, ''Financial Management—Child and Adult Care Food Program.''

Because Pub. L. 103–448 does not mandate that administrative funds be

limited to use by sponsoring organizations of family and group day care homes that are physically located in low-income or rural areas, regular administrative or start-up funds may be used for licensing-related expenses, regardless of where the home is located. However, section 17(f)(3)(C)(i) of the NSLA specifically limits the use of expansion funds to administrative expenses in support of homes located in low-income or rural areas. This would include the use of expansion funds for licensing-related expenses. The Department wants to stress that this amendment to the NSLA does not increase the sponsor's potential maximum total reimbursement levels; rather it authorizes a new allowable expense category for the use of administrative funds (i.e., regular administrative, start-up, and expansion funds).

Although the law does not specifically mandate that administrative fund requests for licensing-related expenses be limited to use by family and group day care homes that are physically located in low-income or rural areas, the Department believes that the law intended for these funds to be made available only to those providers who are financially in need. Therefore, we are requiring that providers applying to participate in the CACFP also complete a free and reduced price meal application when requesting administrative funds to cover license-related expenses in order to verify their eligibility for free or reduced price meals.

Requiring that providers meet the income eligibility requirements for free and reduced price meals will ensure that public funds are targeted to providers most in need of financial assistance in meeting licensing standards and are not provided to individuals who have the financial means to comply with licensing requirements on their own. In addition, it will add very little burden for providers or sponsors, since providers must already demonstrate free or reduced price eligibility in order to receive reimbursement for meals served to their own children.

The law itself places no dollar limit on the amount of administrative funds which may be spent on license-related expenses. However, the Department believes that it would be prudent to set a cap, or ceiling, on such expenses. Given the lack of assurance that a home-based provider will remain in the child care business for a given length of time, the Department is establishing a $300 total limit per home on license-related expenses so that payments can be controlled.

Examples of administrative expenses that the Department feels are reasonable under this provision and which could readily be purchased for less than $300, might include: (1) small items/equipment such as smoke detectors, fire extinguishers, etc.; (2) licensing fees and related expenses such as fingerprinting costs, the cost of health and fire inspections, etc.; or (3) minor repairs such as the installation of railings on a staircase to a basement where the day care operation is being conducted. The Department is particularly interested in receiving comments on whether this dollar limit (which is based on the Low-Income Family Day Care Home Demonstration Project Final Report, USDA, FNS, March 1993, which was designed to test various strategies intended to increase low-income day care home participation in the Program) will adequately protect against potential misuse of Federal funds. The sponsor must have documented receipts to support these administrative claims. Reimbursement may only be claimed for the actual cost incurred. In addition, consistent with normal Program practice, all claims under this provision must be submitted to the State agency for the fiscal year in which the expense is incurred.

This new provision does not require day care home providers receiving administrative funds from a sponsoring organization to stay with the CACFP for any given period of time after receiving the funds. However, CACFP sponsoring organizations will have some assurance that day care home providers requesting these funds will join CACFP and their sponsorship since providers will be required to complete both a Program application through their sponsorship, and a free or reduced price application before receiving any funding support. In addition, in order to deter unnecessary requests, day care home providers must provide to the sponsoring organization evidence of their application for licensing and official documentation of the defects that are impeding their licensing approval. These documents will be kept on file in the sponsors office for later review by State Program staff and need not accompany the sponsor's administrative budget or request for budget adjustment. Finally, the Department wishes to emphasize that these funds may only be used to assist a provider to comply with licensing requirements. They may not be used for general remodeling or renovation.

Accordingly, this interim rulemaking amends section 226.2 by revising the definitions of ''Administrative costs'' and ''Start-up payments'', and by adding a second sentence to the new definition of ''Expansion payments'', to allow sponsoring organizations of family or group day care homes to use these funds for outreach and recruitment of unlicensed day care homes as specified above. This interim rulemaking also amends section 226.18(a) and adds a new section 226.16(k) to establish requirements for day care homes requesting administrative funds to cover license-related expenses.

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs—health, infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR chapter II and part 226 are amended as follows:

Chapter II-Food and Nutrition Service, Department of Agriculture

1. The heading of 7 CFR chapter II is revised to read as set forth above.

Chapter II—[Amended]

2. In 7 CFR chapter II (consisting of parts 210 through 299) all references to ''Food and Consumer Service'' are revised to read ''Food and Nutrition Service'' and all references to ''FCS'' are revised to read ''FNS''.

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

3. The authority citation for Part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

4. In section 226.2:

a. New definitions of *Expansion payments, Head Start participant, Low-income area,* and *Rural area* are added in alphabetical order.

b. The definitions of *Administrative costs* and *Start-up payments* are amended by adding a new sentence to the end of each paragraph.

c. The definition of *Documentation* is amended by removing the period at the end of paragraph (d)(2), adding the word '';or'', and adding new paragraph (e).

d. The definition of *Free meal* is amended by revising the first sentence.

e. The definition of *Program payments* is amended by adding the words ''expansion payments,'' between the words ''payments,'' and ''advance''.

f. The definition of *Verification* is amended by revising all text after the third sentence.

The additions and revisions specified above read as follows:

§ 226.2 Definitions.

* * * * *

Administrative costs * * * These administrative costs may include administrative expenses associated with outreach and recruitment of unlicensed family or group day care homes and the allowable licensing-related expenses of such homes.

* * * * *

Documentation * * *

(e) For a child who is a Head Start participant, the Head Start statement of income eligibility issued upon initial enrollment in the Head Start Program or, if such statement is unavailable, other documentation from Head Start officials that the child's family meets the Head Start Program's low-income criteria.

* * * * *

Expansion payments means financial assistance made available to a sponsoring organization for its administrative expenses associated with expanding a food service program to day care homes located in low-income or rural areas. These expansion payments may include administrative expenses associated with outreach and recruitment of unlicensed family or group day care homes and the allowable licensing-related expenses of such homes.

* * * * *

Free meal means a meal served under the Program to a participant from a family which meets the income standards for free school meals; or to a child who is automatically eligible for free meals by virtue of food stamp, FDPIR, or AFDC recipiency; or to a child who is a Head Start participant; or to an adult participant who is automatically eligible for free meals by virtue of food stamp or FDPIR recipiency or is a SSI or Medicaid participant. * * *

* * * * *

Head Start participant means a child currently receiving assistance under a Federally-funded Head Start Program who is categorically eligible for free meals in the CACFP by virtue of meeting Head Start's low-income criteria.

* * * * *

Low-income area means a geographical area in which at least 50 percent of the children are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined in accordance with paragraphs (b) and (c), definition of tier I day care home.

* * * * *

Rural area means any geographical area in a county which is not a part of a Metropolitan Statistical Area or any ''pocket'' within a Metropolitan Statistical Area which, at the option of the State agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

* * * * *

Start-up payments * * * These start-up payments may include administrative expenses associated with outreach and recruitment of unlicensed family or group day care homes and the allowable licensing-related expenses of such homes.

* * * * *

Verification * * * However, if a food stamp, FDPIR or AFDC case number is provided for a child, verification for such child shall include only confirmation that the child is included in a currently certified food stamp or FDPIR household or AFDC assistance unit. If a Head Start statement of income eligibility is provided for a child, verification for such child shall include only confirmation that the child is a Head Start participant. For an adult participant, if a food stamp or FDPIR case number or SSI or Medicaid assistance identification number is provided, verification for such participant shall include only confirmation that the participant is included in a currently certified food stamp or FDPIR household or is a current SSI or Medicaid participant.

* * * * *

5. In section 226.4:

a. Paragraph (e) is amended by adding the words ''and expansion'' after the word ''start-up'' in the paragraph heading and each time it appears in the text.

b. Paragraph (f) is amended by adding the word '', expansion'' between the words ''start-up'' and ''and''.

6. In section 226.6:

a. Paragraph (c)(3) is amended by adding the words ''or expansion'' between the words ''start-up'' and ''payments''.

b. Introductory text of (k) is amended by adding the words ''or expansion'' between the words ''start-up'' and ''payments'' in the first sentence.

7. In section 226.7:

a. Paragraph (h) is amended by adding the words ''and expansion'' after the word ''start-up'' in the paragraph heading and text.

b. Paragraph (j) is amended by adding the word '', expansion'' between the words ''start-up'' and ''and''.

8. In section 226.12:

a. Paragraph (a) is amended by adding the heading ''*General*.'' before the first sentence.

b. Paragraphs (b) through (e) are removed and a new paragraph (b) is added to read as follows:

§ 226.12 Administrative payments to sponsoring organizations for day care homes.

* * * * *

(b) *Start-up and expansion payments*. (1) Prospective sponsoring organizations of day care homes, participating sponsoring organizations of child care centers or outside-school-hours care centers, independent centers, and participating sponsoring organizations of less than 50 homes which meet the criteria in paragraph (b)(2) of this section shall be entitled to receive start-up payments to develop or expand successful Program operations in day care homes. Participating sponsoring organizations of day care homes which meet the criteria in paragraph (b)(2) of this section shall be entitled to receive expansion payments to initiate or expand Program operations in day care homes in low-income or rural areas. The State agency shall approve start-up payments only once for any eligible sponsoring organization, but may approve expansion payments for any eligible sponsoring organization more than once, provided that: the request must be for expansion into an area(s) other than that specified in their initial or prior request; and 12 months has elapsed since the sponsoring organization has satisfied all obligations under its initial or prior expansion agreement. Eligible sponsoring organizations which have received start-up payments shall be eligible to apply for expansion payments at a date no earlier than 12 months after it has satisfied all its obligations under its start-up agreement with the State agency.

(2) Sponsoring organizations which apply for start-up or expansion payments shall evidence:

(i) Public or tax-exempt status, or moving toward compliance with the requirements for IRS tax-exempt status, in accordance with § 226.15(a);

(ii) An organizational history of managing funds and ongoing activities (i.e., administering public or private programs);

(iii) An acceptable and realistic plan for recruiting day care homes to participate in the Program (such as the method of contacting providers), which may be based on estimates of the number of day care homes to be recruited and information supporting their existence, and in the case of

sponsoring organizations applying for expansion payments, documentation that the day care homes to be recruited are located in low-income or rural areas; and

(iv) An acceptable preliminary sponsoring organization management plan including, but not limited to, plans for preoperational visits and training.

(3) The State agency shall deny start-up and expansion payments to applicant sponsoring organizations which fail to meet the criteria of paragraph (b)(2) of this section or which have not been financially responsible in the operation of other programs funded by Federal, State, or local governments. The State agency shall notify the sponsoring organization of the reasons for denial and allow the sponsoring organization full opportunity to submit evidence on appeal as provided for in § 226.6(k). Any sponsoring organization applying for start-up or expansion funds shall be notified of approval or disapproval by the State agency in writing within 30 calendar days of filing a complete and correct application. If a sponsoring organization submits an incomplete application, the State agency shall notify the sponsoring organization within 15 calendar days of receipt of the application and shall provide technical assistance, if necessary, to the sponsoring organization for the purpose of completing its application.

(4) Sponsoring organizations which apply for and meet the criteria for start-up or expansion payments shall enter into an agreement with the State agency. The agreement shall specify:

(i) Activities which the sponsoring organization will undertake to initiate or expand Program operations in day care homes;

(ii) The amount of start-up or expansion payments to be issued to the sponsoring organization, together with an administrative budget detailing the costs which the sponsoring organization shall incur, document, and claim;

(iii) The time allotted to the sponsoring organization for the initiation or expansion of Program operations in family day care homes;

(iv) The responsibility of the applicant sponsoring organization to repay, upon demand by the State agency, start-up or expansion payments not expended in accordance with the agreement.

(5) Upon execution of the agreement, the State agency shall issue a start-up or expansion payment to the sponsoring organization in an amount equal to not less than one, but not more than two month's anticipated administrative reimbursement to the sponsoring organization as determined by the State agency. However, no sponsoring organization may receive start-up or expansion payments for more than 50 day care homes. Eligible sponsoring organizations with fewer than 50 homes under their jurisdiction at the time of application for start-up payments may receive such payments for up to 50 homes, less the number of homes under their jurisdiction. Eligible sponsoring organizations applying for expansion funds may receive at a maximum such payments for up to 50 homes at the currently assigned administrative payment for the first 50 homes. In determining the amount of start-up or expansion payments to be made to a sponsoring organization, the State agency shall consider the anticipated level of start-up or expansion costs to be incurred by the sponsoring organization and alternate sources of funds available to the sponsoring organization.

(6) Upon expiration of the time allotted to the sponsoring organization for initiating or expanding Program operations in day care homes, the State agency shall obtain and review documentation of activities performed and costs incurred by the sponsoring organization under the terms of the start-up or expansion agreement. If the sponsoring organization has not made every reasonable effort to carry out the activities specified in the agreement, the State agency shall demand repayment of all or part of the payment. The sponsoring organization may retain start-up or expansion payments for all day care homes which initiate Program operations. However, no sponsoring organization may retain any start-up or expansion payments in excess of its actual costs for the expenditures specified in the agreement.

9. In section 226.16, a new paragraph (k) is added to read as follows:

§ 226.16 Sponsoring organization provisions.

* * * * *

(k) Before sponsoring organizations expend administrative funds to assist family day care homes in becoming licensed, they shall obtain the following information from each such home: a completed free and reduced price application which documents that the provider meets the Program's income standards; evidence of its application for licensing and official documentation of the defects that are impeding its licensing approval; and a completed CACFP application. These funding requests are limited to $300 per home and are only available to each home once.

10. In section 226.17, paragraph (b)(7) is amended by adding a new sentence at the end of the paragraph to read as follows:

§ 226.17 Child care center provisions.

* * * * *

(b) * * *

(7) * * * In addition, Head Start participants need only have a Head Start statement of income eligibility, or a statement of Head Start enrollment from an authorized Head Start representative, to be eligible for free meal benefits under the CACFP.

* * * * *

11. In section 226.18, the introductory text of paragraph (a) is revised to read as follows:

§ 226.18 Day care home provisions.

(a) Day care homes shall have current Federal, State or local licensing or approval to provide day care services to children. Day care homes which cannot obtain their license because they lack the funding to comply with licensing standards may request a total limit per home of $300 in administrative funds from a sponsoring organization to assist them in obtaining their license. Day care homes that, at the option of their sponsoring organization, receive administrative funds for licensing-related expenses must complete documentation requested by their sponsor as described in § 226.16(k) prior to receiving any funds. Day care homes which are complying with applicable procedures to renew licensing or approval may participate in the Program during the renewal process, unless the State agency has information which indicates that renewal will be denied. If licensing or approval is not available, a day care home may participate in the Program if:

* * * * *

12. In Section 226.23:

a. Paragraph (d) is amended by revising the fifth sentence.

b. Paragraph (e)(1)(i) is amended by adding a new sentence to the end of the paragraph.

c. Paragraph (e)(1)(ii)(F) is amended by revising the first and fifth sentences.

The addition and revisions specified above read as follows:

§ 226.23 Free and reduced price meals.

* * * * *

(d) * * * The release issued by child care institutions shall also announce that children who are members of AFDC assistance units, food stamp or FDPIR households, or are Head Start participants are automatically eligible to receive free meal benefits. * * *

(e)(1) * * *

(i) * * * Furthermore, such forms and materials distributed by child care

institutions shall state that if a child is a Head Start participant, the child is automatically eligible to receive free Program meal benefits, subject to submission by Head Start officials of a Head Start statement of income eligibility or income eligibility documentation.

(ii) * * *

(F) A statement which includes substantially the following information: ''Section 9 of the National School Lunch Act requires that, unless you provide a food stamp, FDPIR or AFDC case number for your child, or unless a Head Start statement of income eligibility or income eligibility verification is provided for your child, you must provide the social security numbers of all adult members of your household in order for your child to be eligible for free or reduced price meals.'' * * * These verification efforts may be carried out through program reviews, audits, and investigations and may include contacting employers to determine income, contacting a food stamp, Indian tribal organization, welfare, or Head Start office to determine current certification for receipt of food stamps, FDPIR or AFDC benefits, or participation in Head Start, contacting the State employment security office to determine the amount of benefits received, and checking the documentation produced by household members to prove the amount of income received. * * *

* * * * *

Dated: February 13, 1998.

Shirley R. Watkins,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 98–4949 Filed 2–25–98; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–44–AD; Amendment 39–10326; AD 98–04–14]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pratt & Whitney PW4164, PW4168, and PW4168A series turbofan engines. This action requires initial and repetitive inspections for loose or broken front pylon mount bolts, replacement, if necessary, with new bolts, and establishment of a new cyclic life limit. This amendment is prompted by new flight test data that indicate higher than predicted loads. The actions specified in this AD are intended to prevent front pylon mount bolt failure, which could result in engine separation from the aircraft.

DATES: Effective March 13, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 13, 1998.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–ANE–44–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7130, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received data from flight testing of Pratt & Whitney PW4164 and PW4168 series turbofan engines installed on Airbus Industrie A330 series aircraft. The flight testing revealed higher than predicted loads for front pylon mount bolts, resulting in decreased service life. At this time, there are no U.S. operators of this aircraft/engine combination. This condition, if not corrected, could result in front pylon mount bolt failure, which could result in engine separation from the aircraft.

The FAA has reviewed and approved the technical contents of Pratt & Whitney Service Bulletin (SB) No. PW4G–100–A71–9, Revision 1, dated November 24, 1997, that describes procedures for initial and repetitive inspections for loose or broken front pylon mount bolts, replacement, if necessary, with new bolts, and removal of bolts from service upon reaching a prescribed service life limit.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent front pylon mount bolt failure. This AD requires initial and repetitive inspections for loose or broken front pylon mount bolts, replacement, if necessary, with new bolts, and establishment of a new cyclic life limit of 11,000 cycles in service (CIS). When parts accumulate 6,000 and 8,000 cycles since new (CSN), this AD requires different inspection procedures to be followed, but the manufacturer has informed the FAA that they are developing new material front pylon mount bolts that may be ready and certified for installation prior to any parts currently in service accumulating 6,000 CSN. When the new material parts are available, future rulemaking may be forthcoming that may constitute terminating action to the repetitive inspections required by this AD. The actions would be required to be accomplished in accordance with the SB described previously.

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

Comments Invited

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

action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 9–ANE–44–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–04–14 Pratt & Whitney: Amendment 39–10326. Docket 97–ANE–44–AD.

Applicability: Pratt & Whitney PW4164, PW4168, and PW4168A series turbofan engines, with front pylon mount bolts, Part Number (P/N) 54T670, installed. These engines are installed on but not limited to Airbus Industrie A330 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent front pylon mount bolt failure, which could result in engine separation from the aircraft, accomplish the following:

(a) Perform initial and repetitive torque checks of front pylon mount bolts, and replace, if necessary, with new bolts, in accordance with the Accomplishment Instructions of Pratt & Whitney Service Bulletin (SB) No. PW4G–100–A71–9, Revision 1, dated November 24, 1997, as follows:

(1) For front pylon mount bolts with more than 1,000 cycles since new (CSN) but less than 5,750 CSN on the effective date of this AD, accomplish the following in accordance with Part (A) of the Accomplishment Instructions of the SB:

(i) Perform an initial torque check within 250 cycles in service (CIS) after the effective date of this AD, or prior to the next engine removal for any cause, whichever occurs first.

(ii) Thereafter, perform torque checks at intervals not less than 750 or greater than 1,250 CIS since last torque check, not to exceed 11,000 CSN.

(2) For front pylon mount bolts with 5,750 or more CSN but less than 8,000 CSN on the effective date of this AD, accomplish the following in accordance with Part (B) of the Accomplishment Instructions of the SB:

(i) Perform an initial torque check within 250 CIS after the effective date of this AD, or prior to the next engine removal for any cause, whichever occurs first.

(ii) Thereafter, perform torque checks at intervals not less than 750 or greater than 1,250 CIS since last torque check, not to exceed 11,000 CSN.

(3) For front pylon mount bolts with 8,000 or more CSN but less than 11,000 CSN on the effective date of this AD, perform an inspection in accordance with the schedule and procedures of the Appendix to the SB.

(4) Prior to further flight, replace all four bolts in accordance with Part (A), Paragraph 1(D) of the Accomplishment Instructions of the SB, if any are found loose or broken.

(b) This AD establishes a new life limit of 11,000 CSN for front pylon mount bolts, P/N 54T670. Except as provided in paragraph (c) of this AD, no front pylon mount bolts may exceed this new life limit after the effective date of this AD.

(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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

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

(e) The actions required by this AD shall be done in accordance with the following PW SB:

Document No.	Pages	Revision	Date
PW4G–100–A71–9	1	1	November 24, 1997.
	2	Original	July 31, 1997.
	3	1	November 24, 1997.
	4–7	Original	July 31, 1997.
	8, 9	1	November 24, 1997.
	10, 11	Original	July 31, 1997.

Total pages: 11.

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 Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 13, 1998.

Issued in Burlington, Massachusetts, on February 6, 1998.

James C. Jones,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–3799 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–13; Amendment 39–10327; AD 98–04–15]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal Inc. TPE331 Series Turboprop and TSE331 Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal Inc., (formerly Garrett Engine Division, Garrett Turbine Engine Company and AiResearch Manufacturing Company of Arizona) TPE331 series turboprop and TSE331 turboshaft engines, that requires replacement or radiographic inspection, and replacement, if necessary, of certain third stage turbine stators with serviceable parts. This amendment is prompted by a report of an outer band weld that cracked subsequent to a radiographic inspection required by a previous AD. The actions specified by this AD are intended to prevent third stage turbine wheel separation due to thermal fatigue cracking and shifting of the third stage turbine stator, which could contact the third stage turbine wheel and result in an uncontained engine failure and damage to the aircraft.

DATES: Effective April 27, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 27, 1998.

ADDRESSES: The service information on AlliedSignal Alert Service Bulletin No. TPE331–A72–0861, Revision 2, dated April 23, 1997, referenced in this rule may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. The service information on National Flight Services Alert Service Bulletin No. NF–TPE331–A72–10961, dated April 28, 1997, referenced in this rule may be obtained from either National Flight Services, Inc. 10971 E. Airport Services Road, Toledo Express Airport, Swanton, OH 43558; telephone (419) 865–2311, fax (419) 867–4224, or http://www.natfs.com, or National Flight Services of Arizona, Inc., 5170 W. Bethany Home Road, Glendale, AZ 85301; telephone (602) 931–1143, fax (602) 931–7264. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5246; 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 AlliedSignal Inc., (formerly Garrett Engine Division, Garrett Turbine Engine Company and AiResearch Manufacturing Company of Arizona) TPE331 series turboprop and TSE331 turboshaft engines was published in the **Federal Register** on July 31, 1997 (62 FR 40985). That action proposed to require replacement of certain third stage turbine stators or radiographic inspection, and replacement, if necessary, with serviceable parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 1,000 engines of the affected design in the worldwide fleet. The FAA estimates that 700 engines installed on aircraft of U.S. registry will be affected by this AD. The FAA estimates that 210 engines will require unscheduled replacement, that it will take approximately 40 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $6,500 per engine. Approximately 350 engines will require replacement during hot section inspection, which will take approximately 2 work hours per engine, with a parts cost of $6,500. Approximately 14 engines will require unscheduled inspection, which will take approximately 50 work hours to accomplish, with a parts cost of $1,500. Approximately 21 engines will require inspection during hot section inspection, which will take approximately 10 work hours to accomplish, with zero parts cost. Approximately 35 engines will require unscheduled inspection and replacement, which will take approximately 50 work hours to accomplish, with a $6,500 parts cost. Approximately 70 engines will require inspection and replacement during hot section inspection, which will take approximately 10 work hours to accomplish, with a $5,000 parts cost. The FAA has been informed by AlliedSignal Inc. that they will provide a redesigned third stage turbine stator assembly at a special program price and will pay for the labor to install this assembly. Based on these figures, without the special price program from the manufacturer, the total cost impact of the AD on U.S. operators is estimated to be $4,986,100.

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:

98–04–15 AlliedSignal Inc.: Amendment 39–10327. Docket 97–ANE–13.

Applicability: AlliedSignal Inc., (formerly Garrett Engine Division, Garrett Turbine Engine Company and AiResearch Manufacturing Company of Arizona) Model TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, and –6A turboprop and TSE331–3U turboshaft engines with third stage turbine stators, Part Number (P/N) 868379–3, except those engines with turbine stators listed by Serial Number (S/N) in Table 1 of the National Flight Services Alert Service Bulletin (ASB) No. NF–TPE331–A72–10961, dated April 28, 1997. These engines are installed on but not limited to: Mitsubishi MU–2B series (MU–2 series); Construcciones Aeronauticas, S.A. (CASA) C–212 series; Fairchild SA226 series (Swearingen Merlin and Metro series); Prop-Jets, Inc. Model 400; Twin Commander 680 and 690 (Jetprop Commander); Rockwell Commander S–2R; Shorts Brothers and Harland, Ltd. SC7 (Skyvan); Dornier 228 series; Beech 18 and 45 series and Models JRB–6, 3N, 3NM, 3TM, and B100; Pilatus PC–6 series (Fairchild Porter and Peacemaker); De Havilland DH 104 series 7AXC (Dove); Ayres S–2R series; Grumman American G–164 series; and Schweizer G–164 series airplanes; and Sikorsky S–55 series (Helitec Corp. S55T) helicopters.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) 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 third stage turbine wheel separation due to fatigue cracking and shifting of the third stage turbine stator, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) For engines with third stage turbine stators with S/Ns listed in Table 1 of National Flight Services ASB No. NF–TPE331–A72–10961, dated April 28, 1997, no action is required.

(b) For engines with third stage turbine stators with S/Ns not listed in Table 1 of National Flight Services ASB No. NF–TPE331–A72–10961, dated April 28, 1997, remove the unserviceable third stage turbine stator assembly in accordance with the applicable engine maintenance manual and the following schedule:

Third stage turbine stator cycles in service (CIS) since radiographic inspection in accordance with AD 87–19–02 paragraph (b) or AD 93–05–09 paragraph (h)	Removal schedule
Unknown CIS since inspection	Remove within 600 CIS after the effective date of this AD, at next access, or prior to March 31, 2002, whichever occurs first.
2200 or more CIS since inspection	Remove within 600 CIS after the effective date of this AD, at next access, or prior to March 31, 2002, whichever occurs first.
Less than 2200 CIS since inspection	Remove prior to accumulating 2,800 CIS, at next access, or prior to March 31, 2002, whichever occurs first.

(c) For the purpose of this AD, the next access to the third stage stator assembly is defined as disassembly of the turbine beyond the removal of the third stage rotor.

Note 2: This AD does not supersede AD 93–05–09. The removal schedule in paragraph (b) of this AD does not affect the requirements of AD 93–05–09.

(d) For the purpose of determining third stage turbine stator removal under paragraph (b) of this AD, third stage turbine stator hours time in service (TIS) may be converted to CIS since inspection by multiplying by 1.5 the number of hours since radiographic inspection in accordance with paragraph (b) of AD 87–19–02 or paragraph (h) of AD 93–05–09.

(e) For third stage turbine stator assemblies removed in accordance with paragraph (b) of this AD, accomplish either a radiographic inspection for inadequate weld penetration and fatigue cracking, and, if necessary, replace with a serviceable assembly in accordance with the Accomplishment Instructions of National Flight Services ASB No. NF–TPE331–A72–10961, dated April 28, 1997; or replace with a serviceable assembly in accordance with the Accomplishment Instructions of AlliedSignal Inc. ASB No. TPE331–A72–0861, Revision 2, dated April 23, 1997. Accomplishing the radiographic inspection required by this paragraph constitutes compliance with the radiographic inspection requirement of paragraph (h) of AD 93–05–09.

(f) 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. 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 Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(g) 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.

(h) The actions required by this AD shall be done in accordance with the following ASBs:

Document No.	Pages	Revision	Date
National Flight Services ASB No. NF–TPE331–A72–10961	1–11	Original	Apr. 28, 1997.
Total Pages:	11.		
AlliedSignal Inc. ASB No. TPE331–A72–0861	1	2	Apr. 23, 1997.
	2	1	Oct. 25, 1996.

Document No.	Pages	Revision	Date
	3–5	2	Apr. 23, 1997.
	6	1	Oct. 25, 1996.
	7	2	Apr. 23, 1997.
	8	1	Oct. 24, 1996.
Total Pages:	8.		

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 of AlliedSignal Alert Service Bulletin No. TPE331–A72–0861, Revision 2, dated April 23, 1997, may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies of National Flight Services ASB No. NF–TPE331–A72–10961, dated April 28, 1997, may be obtained from either National Flight Services, Inc. 10971 E. Airport Services Road, Toledo Express Airport, Swanton, OH 43558; telephone (419) 865–2311, fax (419) 867–4224, or http://www.natfs.com, or National Flight Services of Arizona, Inc., 5170 W. Bethany Home Road, Glendale, AZ 85301; telephone (602) 931–1143, fax (602) 931–7264. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(i) This amendment becomes effective on April 27, 1998.

Issued in Burlington, Massachusetts, on February 6, 1998.

James C. Jones,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–3798 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–131–AD; Amendment 39–10342; AD 98–04–30]

RIN 2120–AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–500M Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Glaser-Dirks Flugzeugbau GmbH (DG Flugzeugbau) Model DG–500M gliders. This AD requires repetitively inspecting the propeller mounting plate for cracks, replacing any cracked propeller mounting plate, and modifying the bolt connections of the propeller mounting plate. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to prevent the propeller mounting plate from separating from the glider, which could result in propeller separation and possible loss of control of the glider.

DATES: Effective May 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 15, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–131–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from DG Flugzeugbau GmbH, P.O. Box 4120, 76625 Bruchsal, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–131–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. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on all DG Flugzeugbau Model DG–500M airplanes. The LBA reports that, during an inspection, cracks were found on the lower end of the propeller mounting plate near the bolt connections on one of the affected gliders.

This condition, if not corrected in a timely manner, could result in separation of the propeller mounting plate from the glider, which could result in propeller separation and possible loss of control of the glider.

Relevant Service Information

DG Flugzeugbau has issued Technical Note TN 843/8, dated April 10, 1997, which specifies procedures for inspecting the propeller mounting plate for cracks, replacing any cracked propeller mounting plate, and modifying the bolt connections of the propeller mounting plate.

The LBA classified this technical note as mandatory and issued German AD 97–224, dated July 31, 1997, in order to assure the continued airworthiness of these airplanes in Germany.

The FAA's Determination

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

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

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other DG Flugzeugbau Model DG–500M gliders of the same type design registered in the United States, the FAA is issuing an AD. This AD requires inspecting the propeller mounting plate for cracks, replacing any cracked propeller mounting plate, and modifying the bolt connections of the propeller mounting plate.

Accomplishment of the actions of this AD would be required in accordance with the previously referenced technical note.

Cost Impact

The FAA estimates that 5 gliders in the U.S. registry will be affected by this AD, that it will take approximately 5 workhours per glider to accomplish the initial inspection required by this AD, and that the average labor rate is approximately $60 per work hour. Parts cost approximately $120 per glider. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $2,100, or $420 per airplane. These figures are only based on the cost of the initial inspection and do not take into account the cost of repetitive inspections. The FAA has no way of determining the number of repetitive inspections each owner/operator of the affected gliders will incur.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. The requirements of this direct final rule address an unsafe condition identified by a foreign civil airworthiness authority and do not impose a significant burden on affected operators. In accordance with section 11.17 of the Federal Aviation Regulations (14 CFR 11.17), unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment, is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, a written adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–131–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For reasons discussed in the preamble, I certify that this regulation (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under 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 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 a new airworthiness directive (AD) to read as follows:

98–04–30 Glaser-Dirks Flugzeugbau GmbH: Amendment 39–10342; Docket No. 97–CE–131–AD.

Applicability: Model DG–500M gliders, all serial numbers, certificated in any category.

Note 1: This AD applies to each glider 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 gliders 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 in the body of this AD, unless already accomplished.

To prevent the propeller mounting plate from separating from the glider, which could result in propeller separation and possible loss of control of the glider, accomplish the following:

(a) Within the next 5 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 25 hours TIS, inspect the propeller mounting plate for cracks in accordance with the Instructions section of DG Flugzeugbau Technical Note TN 843/8, dated April 10, 1997.

(b) If any cracked propeller mounting plate is found during any inspection required by paragraph (a) of this AD, prior to further flight, replace any cracked propeller mounting plate with a new propeller mounting plate or FAA-approved propeller mounting plate in accordance with the above-referenced technical note.

(c) Within the next 5 hours TIS after the effective date of this AD, modify the bolt connections of the propeller mounting plate by inserting an aluminum plate between the

propeller mounting plate and the washers of the bolt connections. Accomplish this modification in accordance with DG Flugzeugbau Technical Note TN 843/8, dated April 10, 1997.

(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 glider to a location where the requirements of this AD can be accomplished.

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

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

(f) Questions or technical information related to DG Flugzeugbau Technical Note TN 843/8 dated April 10, 1997, should be directed to DG Flugzeugbau GmbH, P.O. Box 4120, 76625 Bruchsal, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City.

(g) The inspections and replacements required by this AD shall be done in accordance with DG Flugzeugbau Technical Note TN 843/8 dated April 10, 1997. 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 DG Flugzeugbau GmbH, P.O. Box 4120, 76625 Bruchsal, Germany. 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.

Note 3: The subject of this AD is addressed in German AD 97–224, dated July 31, 1997.

(h) This amendment (39–10342) becomes effective on May 15, 1998.

Issued in Kansas City, Missouri, on February 6, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–3795 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 250

[Release No. 35–26826, File No. S7–11–95]

RIN 3235–AG45

Exemption of Issuance and Sale of Securities by Public Utility and Nonutility Subsidiary Companies of Registered Public Utility Holding Companies; Rescission of Statements of Policy

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending rule 52 under the Public Utility Holding Company Act of 1935 (''Act'') to exempt from the requirement of prior Commission approval under the Act the issue and sale of any security by a subsidiary company in a registered holding company system, where the conditions of the rule are otherwise met. The Commission is also amending rule 45 under the Act to conform the exemption from section 12(b) of the Act, which is provided by rule 45, to the exemption from section 6(a), which is provided by rule 52. These amendments are intended to eliminate unnecessary regulatory and paperwork burdens associated with seeking Commission approval for routine financings by companies in registered holding company systems.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Catherine A. Fisher, Assistant Director, or Martha Cathey Baker, Senior Special Counsel, at (202) 942–0545, Office of Public Utility Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Subject to stated terms and conditions, rule 52 (17 CFR 250.52) under the Act exempts from the requirement of prior Commission approval under section 6(a) of the Act the issuance and sale of certain specified types of securities by a subsidiary of a registered holding company. Rule 52 also exempts from the requirement of prior Commission authorization under section 9(a) of the Act the acquisition by a company in a registered holding company system of the securities issued by an associate company under the rule. The Commission is amending rule 52 to exempt all types of securities issued and sold by subsidiary companies, subject to the satisfaction of the other conditions of the rule. Additionally, the Commission is adopting a conforming change to rule 45 to exempt from the requirement of prior Commission approval under section 12(b) any guaranty by a subsidiary company of debt securities issued by any other subsidiary company, so long as the issuance of the guaranty and the underlying obligation are exempt under rule 52. The Commission is also rescinding the statements of policy with respect to first mortgage bonds and preferred stock (''Statements of Policy'').[1] The Commission proposed these amendments and rescission of the Statements of Policy by release issued on June 20, 1995.[2]

Discussion

Rule 52 exempts from the requirement of prior Commission authorization under section 6(a) the issue and sale of certain types of securities by subsidiary companies of registered holding companies.[3] The rule also exempts from the requirement of prior Commission authorization under section 9(a)(1) the acquisition by a company in a registered system of any securities issued by an associate company under the rule.[4]

[1] The Statements of Policy were adopted by the Commission on February 16, 1956 (Holding Co. Act Release Nos. 13105 and 13106) and amended on May 8, 1969 and June 22, 1970 (Holding Co. Act Release Nos. 16369 and 16758, respectively).

[2] Holding Co. Act Release No. 26312 (June 20, 1995), 60 FR 33640 (June 28, 1995) (''Proposing Release'').

[3] Section 6(a) requires Commission approval under the standards of section 7 for the issue and sale of any security of a registered holding company or its subsidiary company. Section 6(b) authorizes the Commission to exempt from the requirements of section 6(a):

The issue or sale of any security by any subsidiary company of a registered holding company, if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State commission of the State in which such subsidiary company is organized and doing business, or if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company when such subsidiary company is not a holding company, a public utility company, an investment company or a fiscal or financing agency of a holding company, a public utility company or an investment company.

Congress intended ''to exempt the issue of securities by subsidiary companies in cases where holding company abuses are unlikely to exist.'' H.R. Conf. Rep. No. 1903, 74th Cong., 1st Sess. 66–67 (1935). *See generally* Holding Co. Act Release No. 25058 (Mar. 19, 1990), 55 FR 11362 (Mar. 28, 1990) (adopting rule 52); Holding Co. Act Release No. 25573 (July 7, 1992), 57 FR 31120 (July 14, 1992) (amending rule 52); and Holding Co. Act Release No. 26311 (June 20, 1995), 60 FR 33634 (June 28, 1995) (further amending rule 52).

[4] Section 9(a)(1) in pertinent part requires prior Commission approval under the standards of section 10 of the Act for an acquisition of securities by a registered holding company or its subsidiary company. Section 9(c)(3) provides a limited exception from this requirement for the acquisition of:

At present, the rule provides a conditional exemption from the requirement of prior Commission approval only with respect to the issue and sale by public utility and certain nonutility subsidiaries of a registered holding company of any common stock, preferred stock, bond, note or other form of indebtedness. The issue and sale of the securities must be solely for the purpose of financing the business of the issuing subsidiary and, if the issuer is a public utility subsidiary, must be expressly authorized by the relevant state commission. If the issuing subsidiary is an ''energy-related company'' as defined in rule 58 under the Act, it is subject to additional limitations on the amount of securities it may issue to associate companies without Commission approval.[5] Additionally, the interest rate and maturity date of any debt security issued to an associate company must be designed to parallel the effective cost of capital of that associate company. By its terms, rule 52 currently excludes ''any guaranty and other form of assumption of liability on the obligations of another'' from the exemption provided by the rule.

Rule 45 prohibits registered holding companies and their subsidiaries from extending credit to or indemnifying a company in the same holding company system, without filing a declaration and obtaining a Commission order.[6] Rule 45(b) provides limited exceptions from the general provision.

In the Proposing Release, the Commission proposed amendments that would (a) expand the exemption provided by rule 52 to cover all types of securities that may be issued by registered holding company subsidiaries, including guaranties; and (b) conform rule 45 to the proposed amendments to rule 52 so as conditionally to exempt from the requirement of prior Commission approval under section 12(b) any guaranty by a subsidiary company of securities issued by any other subsidiary company. The Commission also requested comment on the following issues: (a) Whether interest rate swap agreements and related instruments should be covered by rule 52; (b) whether compliance with rule 52(b)(2)[7] should be required where a nonutility subsidiary of a registered holding company issues a security to an associate nonutility company; (c) whether exemption of nonutility financing should be subject to other limitations based on, for example, capitalization ratios, financial condition, or past losses incurred in connection with nonutility ventures; (d) whether notice of financing transactions by nonutility companies should be required to be submitted to interested state commissions; and (e) whether the Statements of Policy should be rescinded.

The Commission received comments submitted by seven registered holding companies,[8] Wisconsin Energy Corporation (''WEC''),[9] the American Gas Association (''AGA'' and, together with the registered holding companies and WEC, ''Industry Commenters''), and the Council of the City of New Orleans (''New Orleans''). The Industry Commenters generally support adoption of the proposed amendments, which they state would: (a) Reduce unnecessary delays and burdensome administrative costs;[10] (b) provide necessary flexibility to respond to rapidly changing market opportunities and unforeseen events;[11] and (c) improve registered holding companies' competitive position relative to non-registered holding companies.[12]

New Orleans opposes adoption of the proposed amendments. New Orleans states that the proposed amendments would permit system companies to proceed ''in an unregulated environment,'' since ''state commissions may have limits on their authority to act.''[13] New Orleans further states that the amendments, together with then-proposed rule 58, are ''unlawful,'' and goes on to state that the amendments ''do not possess the strong factual basis necessary to support the conclusion that no abuses will occur if [they] are implemented.''[14] New Orleans asks that the Commission either abandon the proposed amendments, reissue them for further comments, or modify them to reflect the Congressional intent that the Commission be responsible for the protection of consumers through review of registered holding company system financings.

A discussion follows of the principal features of the proposed amendments, the specific issues on which the Commission requested comment in the Proposing Release, and other issues raised by commenters.

1. Expansion of Types of Securities Exempt Under Rule 52

As originally adopted, rule 52 exempted the issue and sale of common stock, preferred stock, first mortgage bonds, and general and refunding mortgage bonds by public utility subsidiaries of registered holding companies, subject to various conditions.[15] In 1992, the rule was amended to cover all types of mortgage bonds and notes.[16] Further amendments to rule 52 in 1995 (''1995 Amendments'')[17] broadened the types of securities that may be issued by public utility subsidiaries to include all

Such commercial paper and other securities, within such limitations, as the Commission may by rules and regulations or order prescribe as appropriate in the ordinary course of business of a registered holding company or subsidiary company thereof and as not detrimental to the public interest or the interest of investors or consumers.

The exemption under rule 52 does not apply to the issuance of securities to form a new subsidiary of a registered holding company. *See* rule 52(d).

[5] Rule 58, 17 CFR 150.58(a)(1), was proposed concurrently with the proposed amendments to rule 52 and rule 45 that are adopted today. Rule 58 provides that the acquisition by a company in a registered holding company system of securities of an energy-related company, as defined in the rule, does not require prior approval of the Commission, subject to certain conditions and subject to an aggregate investment limitation of the greater of $50 million or 15% of the consolidated capitalization of the registered holding company. When rule 58 was adopted, rules 52 and 45 were amended to conform the exemption for intrasystem financing by nonutility energy-related companies afforded by those rules to the investment limitations in rule 58. *See* Holding Co. Act Release No. 26667 (Feb. 14, 1997), 62 FR 7900 (Feb. 20, 1997) (''Rule 58 Release'').

[6] Rule 45 was adopted under section 12(b), which provides that:

It shall be unlawful for any registered holding company or subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly, to lend or in any manner extend its credit to or indemnify any company in the same holding-company system in contravention of such rules and regulations or orders as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

[7] Rule 52(b)(2) requires that the interest rate and maturity date of a debt security issued by a nonutility company to an associate company be designed to parallel the effective cost of capital of the associate company.

[8] The registered holding companies submitting comments were American Electric Power Company, Inc. (''AEP''), Allegheny Power System, Inc. (''Allegheny''), Consolidated Natural Gas Company (''Consolidated''), The Columbia Gas System, Inc. (now Columbia Energy Group) (''Columbia''), General Public Utilities Corporation (now GPU, Inc.) (''GPU''), Northeast Utilities (''Northeast'') and The Southern Company (''Southern'').

[9] WEC is an exempt holding company under section 3(a)(1) of the Act.

[10] Comments of Allegheny, AGA, AEP, Columbia and Southern.

[11] Comments of AEP, AGA, GPU, Northeast and WEC.

[12] Comments of AEP, AGA, GPU, Northeast and WEC.

[13] Comments of New Orleans.

[14] *Id.*

[15] Holding Co. Act Release No. 25058 (Mar. 19, 1990), 55 FR 11362 (Mar. 28, 1990).

[16] Holding Co. Act Release No. 25573 (July 7, 1992), 57 FR 31120 (July 14, 1992).

[17] Holding Co. Act Release No. 26311 (June 20, 1995), 60 FR 33634 (June 28, 1995).

debt securities [18] and expanded the exemption to allow nonutility subsidiaries to issue the securities under the rule. In the Proposing Release, the Commission requested comment on further expansion of rule 52 to include within its exemption all types of securities issued by subsidiaries of registered holding companies, subject to satisfaction of the other conditions of the rule.

The Industry Commenters support expanding the types of securities covered by the exemption, because the expansion gives companies in registered holding company systems the flexibility to raise capital at the lowest possible cost, regardless of the form of security being issued, just as their competitors do.[19] In addition to its more general objections to the proposed amendments, New Orleans is concerned that the amendments will ''facilitate more complex forms of financings of nonutility businesses,'' without any state or federal review of the attendant risks.

In adopting the 1995 Amendments and expanding the exemption under rule 52 to all debt securities, the Commission noted that rule 52, in its then-current form, was of limited use.[20] The Commission stated that permitting utility subsidiaries to issue all types of debt securities under the rule was ''appropriate in view of the continuing requirement of express approval by the [relevant] state commission * * *.'' [21] With respect to the issuance by nonutility subsidiaries of securities, the Commission stated that requiring prior Commission approval was ''no longer necessary'' in view of the extensive reporting requirements required by the Act and other federal securities laws and the level of scrutiny applied to issuances by investors and the financial community.[22]

For similar reasons, the Commission believes it is appropriate to expand the exemption provided by rule 52 to include all types of securities.[23] In the case of public utility subsidiaries, the exemption will continue to be available only if the appropriate state commission has expressly approved the issue and sale and, in this case, any further review by the Commission would only duplicate efforts and unnecessarily delay financing activities. In the case of both public utility and other subsidiaries, the exemption will be available only if the proceeds are used in connection with an existing business. Thus, absent another available exemption, the Commission will continue to review any financing the proceeds of which are used to enter into a new business endeavor, to determine if the standards of the Act have been satisfied. In addition, the Commission will retain jurisdiction over the financing activities of the registered holding company, including any guaranty of obligations of its subsidiaries.

2. Guaranties

Rule 52, in its current form, does not extend to guaranties. The Commission sought comment in 1992 on whether guaranties should be afforded an exemption under the rule, but declined to modify the rule in this respect in the 1995 Amendments.[24] The Proposing Release again requested comment on whether guaranties should be afforded an exemption under the rule.

A guaranty of debt securities issued by another subsidiary company is itself a security under the Act,[25] the issuance and sale of which are subject to the declaration requirement of section 6(a), unless exempted under section 6(b). In addition, the guaranty by a subsidiary company of any obligation of another subsidiary company is subject to section 12(b) and rule 45(a).[26] An agreement to assume joint liability, as co-maker or otherwise, with respect to the indebtedness of another company is the functional equivalent of a guaranty, and is also subject to both sections 6(a) and 12(b).

The Industry Commenters support the proposal to include guaranties and other assumptions of liability in rule 52's exemption.[27] New Orleans opposes extending the exemption in this respect, stating that the proposed rule changes ''will make it difficult to determine the level of corporate financial exposure and the degree of risk associated with nonutility ventures.'' [28] As New Orleans itself notes, however, the rule would preclude utility subsidiaries from assuming liability without state commission authorization.[29] Also, as AEP notes, the risks of nonutility subsidiary activities are imposed on utility associates through the holding company, and the Commission retains its jurisdiction over the exposure of the holding company to these activities.[30]

The reasons stated above for extending rule 52 to all types of securities apply equally to extending the rule's coverage to guaranties. Under the conditions provided in rule 52, the Commission believes it appropriate to exempt guaranties and other assumptions of liabilities from the prior approval requirements of section 6(a).

Rule 45(a), with exceptions not relevant here, also prohibits the issuance of guaranties and similar undertakings by a subsidiary company without the filing of a declaration.[31] A guaranty may be both a security under section 6(a) and an extension of credit under section 12(b). The Commission's view is that any guaranty or similar undertaking should be exempt under rule 45, if the guaranty is itself exempt under rule 52 and it is issued with respect to the security of another subsidiary company that is likewise exempt under rule 52. Otherwise, rule 52 would not effectively exempt the issuance of the guaranty from the requirement of prior Commission approval. Accordingly, the Commission is adopting the proposed amendment to rule 45(b), in substantially the form proposed,[32] to conform the related exemptions.

3. Interest Rate Swaps and Similar Arrangements

In the Proposing Release, the Commission noted that it has exercised jurisdiction under sections 6(a) and 7 of the Act over interest rate swap

[18] The 1995 Amendments specifically excluded guaranties from the scope of rule 52, and the issue of whether guaranties should be exempt was reproposed for consideration and comment in the broader context of extending the rule to cover all securities. The subject of guaranties is discussed below.

[19] *See, e.g.,* comments of Consolidated, GPU and WEC.

[20] 60 FR at 33635. For example, the issuance by public utility subsidiary of a registered holding company of a debt instrument other than a mortgage bond or note required prior Commission approval, whether or not such issuance had been explicitly approved by a state commission.

[21] 60 FR at 33635.

[22] 60 FR at 33636.

[23] As amended, rule 52 will exempt the issue of guaranties and certain interest rate swap agreements (*see* the separate discussions of guaranties and derivative instruments below). GPU specifically suggests that partnership and other similar types of interests are a common vehicle for nonutility subsidiary financing and should be exempt under the rule. The Commission's view is that such interests are similar to the types of instruments covered by the definition of a security in section 2(a)(16) of the Act and therefore should be included in the coverage of the rule.

[24] 60 FR at 33635, n.10.

[25] Section 2(a)(16) of the Act (definition of security).

[26] Section 12(a) of the Act prohibits the guaranty by subsidiary companies of debt issued by a registered holding company.

[27] Comments of Allegheny, Northeast and WEC.

[28] Comments of New Orleans.

[29] *Id.*

[30] Comments of AEP.

[31] At present, rule 45(b)(6) exempts certain guaranties ''in the ordinary course of business.'' The rule by its terms does not apply to a guaranty of a subsidiary's indebtedness for borrowed money.

[32] Minor revisions have been made in the rule as adopted, to clarify that the assumption of liability must be exempt under rule 52 in order for it to be exempt under rule 45(b)(7).

agreements[33] and related instruments,[34] and requested comment on the extent, if any, to which these transactions should be exempt from prior Commission approval under rule 52. All commenters that addressed this issue support exempting swaps under rule 52.[35] Also, Northeast requested that the Commission clarify the basis of its jurisdiction over these transactions and Southern requested that registered holding companies ''be given a fuller opportunity to address the legal basis'' on which jurisdiction rests.

The types of derivative transactions over which the Commission has taken jurisdiction under sections 6(a) and 7 of the Act are swaps that are tied to the interest or dividend rate on a bond, share of preferred stock, or other security issued by a company in a registered holding company system. These types of derivative transactions are typically entered into as a means of reducing the company's capital costs, by trading the interest or dividend rate on an outstanding security for an interest or dividend rate based on current or expected market changes. In entering into the swap transaction, the company accomplishes the same result as it would by issuing a new security bearing the current interest or dividend rate and using the proceeds to refund the outstanding one, without incurring the accompanying issuance costs.

In these limited circumstances, entry into a derivative transaction is the functional equivalent of issuing a new security. As a result, it is consistent with the underlying principles of the Act and the provisions of section 6(b) to exempt these limited types of swaps from the requirement of prior Commission review.[36] Provided that the other conditions of the rule are satisfied,[37] the types of derivative transactions entered into by registered system companies to manage the capital costs associated with their own obligations will be afforded the exemption of rule 52.

Entry by a company in a registered holding company system into derivative transactions not related to outstanding obligations of the company are not intended to be exempted by rule 52. Further, the fact that the limited types of derivative transactions described above are afforded the exemption of the rule is not intended to indicate any position on the issue of whether swaps and other types of derivative instruments would be deemed to be securities for other purposes under the Act, or under the other federal securities laws.[38]

4. Additional Conditions to Exemption

In the Proposing Release, the Commission noted concerns that public utility subsidiaries of registered holding companies and their customers may need protection from the financial effects of financing transactions, particularly in connection with nonutility financing that is not subject to state oversight. Comment was sought on whether additional conditions to exemption should be imposed, in the form of limitations based on capitalization ratios, financial condition, past losses in connection with nonutility ventures, or any other basis.[39]

The Industry Commenters uniformly state that no additional conditions are needed.[40] However, New Orleans states that, if the proposed amendments to rules 52 and 45 are not rejected, additional conditions are necessary to facilitate an accurate determination of the capital structure of public utility subsidiaries and, in turn, the cost of capital of those subsidiaries. Specifically, New Orleans asks the Commission (a) to assure that both the FERC and state commissions have access to the books and records of all registered holding company affiliates and audit authority sufficient to preclude cross-subsidization; and (b) to establish cost allocation rules.[41] Additionally, New Orleans requests that these conditions should include an ''affirmative evaluation of the effects of additional affiliate investments on a utility's cost of capital, capital structure, cost of debt, and debt ratings.''[42]

With respect to the suggestions of New Orleans concerning access to information, the Commission notes that it maintains an ongoing effort to assure that the FERC and relevant state commissions are afforded the opportunity to review relevant information provided to the Commission on various transactions subject to its jurisdiction. Also, as discussed below, the Commission is adopting a requirement that registered holding companies provide notice of certain nonutility financings to state commissions having jurisdiction over the rates charged by the utility associates of the subsidiaries.[43]

Regarding the request by New Orleans for cost allocation rules, the Commission notes that the exemption afforded by rule 52 with respect to intrasystem financings is conditioned on the use of terms that parallel the effective cost of capital of the associate company lender. This provision should serve to avoid any material cross-subsidization of nonutility companies at the expense of public utility subsidiaries and their ratepayers.

The Commission appreciates the need of state commissions to evaluate the effects of investments by a registered holding company in nonutility associates on the cost of capital of a jurisdictional utility associate. However, the Commission believes that the reporting requirements of rule 52, as currently in effect and as amended today, will assist state commissions in guarding against improper increases in the cost of capital as a result of any nonutility financing transactions that directly affect their utility constituents. The Commission agrees with the arguments advanced by the Industry

[33] *See, e.g., South West Electric Power Co.,* Holding Co. Act Release No. 25755 (March 5, 1993); *Consolidated Natural Gas Co.,* Holding Co. Act Release No. 25651 (Oct. 8, 1992); *General Public Utilities Corp.,* Holding Co. Act Release No. 25625 (Sept. 10, 1992); *New England Power Co.,* Holding Co. Act Release No. 25592 (July 30, 1992); *New England Energy Inc.,* Holding Co. Act Release No. 25378 (Sept. 19, 1991); *Northeast Utilities,* Holding Co. Act Release No. 25221 (Dec. 21, 1990); and *Georgia Power Co.,* Holding Co. Act Release No. 25197 (Nov. 30, 1990).

[34] These related instruments include products referred to as interest rate caps, floors and collars.

[35] Comments of AGA, Columbia, GPU, Northeast and Southern.

[36] Alternatively, this type of derivative transaction can be viewed as a change in the terms of an existing security.

[37] In the case of public utility subsidiaries of registered holding companies, state commission approval of entry into the derivative will be required in order to qualify for exemption under rule 52(a).

[38] In general, whether a derivative instrument will be determined to be a security under the federal securities laws depends on a number of factors, including the terms of the instrument and the manner in which it is marketed and sold. *See In re BT Securities Corp.,* Securities Exchange Act Release No. 35136 (Dec. 22, 1994).

[39] 60 FR at 33641.

[40] *See, e.g.,* comments of AEP, AGA, Allegheny, Columbia, Consolidated, GPU, Northeast and Southern. These commenters, in support of this view, cite protections provided by: continuing Commission review of holding company financings; state commission review of utility financings; powers of the Federal Energy Regulatory Commission (''FERC'') and state commissions to protect ratepayers in the context of ratemaking; safeguards inherent in the financial markets, including those provided by ratings agencies and securities exchanges; protection of investors through the other securities laws; the routine nature of the transactions that would be exempted; and the limitation on intrasystem ''energy-related'' subsidiary financings in rule 58.

[41] Comments of New Orleans.

[42] *Id.*

[43] In addition, as provided in the Rule 58 Release, each registered holding company is required to provide on Form U–9C–3 extensive financial information to the Commission on investments in nonutility ventures that are exempted from prior Commission approval under rule 58. A copy of that information is required to be filed with each state commission having jurisdiction over the rates charged by the public utility subsidiaries of the registered holding company in question.

Commenters in this regard, and concludes that it is unnecessary to impose additional conditions on the use of the exemption as proposed.

5. Need for ''Mirror Image'' Requirement in Nonutility Financing Transactions

In the Proposing Release, the Commission requested comment on the question of whether compliance with rule 52(b)(2)[44] should be required in situations where a nonutility subsidiary of a registered holding company issues a security that is acquired by another nonutility subsidiary in the same holding company system. All Industry Commenters addressing this issue support an exception from the ''mirror image'' requirement of subsection (b)(2) for this type of transaction, taking the position that financings solely between nonutility associates of a registered holding company pose no risk of cross-subsidization or other issues of protection of ratepayers.[45] The Commission agrees that, absent a guaranty or other involvement by the holding company or its public utility subsidiaries, the costs of these transactions are unlikely to have a direct effect on ratepayers. There is some concern, however, that public utility subsidiaries that have transactional relationships with these nonutility associates may be burdened with financing costs indirectly, and thus adversely affected by the terms of the transactions.[46] Accordingly, the Commission has determined to defer action on the issue and study it further.

6. Notice of Nonutility Financings to State Commissions

The Commission recognizes the need of state commissions, in connection with carrying out their regulatory functions, for information concerning financing transactions involving public utility companies subject to their jurisdiction and other companies (particularly nonutility companies) in the same holding company system. As a result, the Commission also sought comment in the Proposing Release on whether the rules should incorporate any requirements of notice to interested state commissions of the consummation of financing by nonutility subsidiaries of registered holding companies.

New Orleans supports additional disclosure of nonutility financings, stating that information on associate company financing would be appropriate ''to ascertain any at risk companies.'' All Industry Commenters who responded on this issue oppose notifying state commissions of nonutility financings. According to these parties, notices would be unnecessary because state commissions (a) can protect ratepayers through ratemaking proceedings and review of affiliate transactions[47] and (b) already receive ''sufficient information on the financial health of their jurisdictional utilities.''[48] Additionally, two of the Industry Commenters assert that public disclosure could harm legitimate competitive and commercial interests.[49] These commenters recommend that, if any disclosure is required, it be (a) limited to information on sales of securities to affiliates and (b) provided on the Form U–9C–3 that is required in connection with rule 58.[50]

The Commission has previously noted that the ability of state commissions to obtain information about registered holding company activities varies greatly from state to state.[51] The need of state commissions having retail rate jurisdiction over public utility companies for information regarding financing activities of nonutility associate companies of those utility companies, and their potential inability to obtain this information, must be carefully considered.

The Commission believes that delivery to interested state commissions of only the financing information that will have a direct bearing on their jurisdictional public utility companies should be required. Rule 52, as amended today, includes a requirement that copies of each Form U–6B–2 that is filed with the Commission to report an issue of securities by a nonutility company, and the related acquisition by an associate public utility company, must be submitted to each state commission having jurisdiction over the retail rates of the public utility company.[52]

7. Statements of Policy

In the Proposing Release, the Commission noted that the Statements of Policy, promulgated nearly forty years ago to specify the terms to be included in new issues of first mortgage bonds and preferred stock, have not kept pace with changes in the securities markets and hinder the ability of registered companies to raise capital.[53] The proposal to rescind the Statements of Policy met with no opposition from any of the parties submitting comments. For the reasons outlined above and in the Proposing Release, the Commission is rescinding the Statements of Policy.

8. Other Comments

Some Industry Commenters note that rule 42 requires prior Commission approval for intrasystem redemption of securities, notwithstanding that the issuance of these securities could be exempt from prior Commission review under proposed rule 52.[54] These registered holding companies request that rule 42 be amended so that security acquisitions, retirements and redemptions will be exempt from review to the extent the issuance of those securities was exempt under rule 52. While this type of transaction among associate companies raises cross-subsidization issues, the suggestion regarding rule 42 warrants further consideration, particularly in connection with transactions among nonutilities. The Commission anticipates addressing this issue at a later date.

Conclusion

The Commission has carefully reviewed the proposed amendments to rules 52 and 45 in light of the comments received, and has concluded that the proposed amendments are lawful. As amended, rule 52 retains the

[44] Rule 52(b)(2) requires that the interest rate and maturity date of a debt security issued by a nonutility company to an associate company be designed to parallel the effective cost of capital of the associate company.

[45] Comments of Consolidated, GPU, Southern and WEC.

[46] *See also* comments of Consolidated (suggesting that consumer interests may be implicated where the financing involves funds ''directly traceable back to the holding company financings'').

[47] Comments of Consolidated and Columbia.

[48] Comments of Columbia.

[49] Comments of Allegheny and Southern.

[50] *See* the Rule 58 Release. The Commission notes that there is some duplication of information between Form U–6B–2 and Form U–9C–3 with respect to reporting financing transactions for energy-related and gas-related companies. Form U–9C–3, however, includes only information relating to these types of companies, not all nonutility subsidiaries of registered holding companies. As a result, it is not an appropriate mechanism for reporting many transactions that are exempt under rule 52.

[51] *See The Regulation of Public-Utility Holding Companies,* Report of the Division of Investment Management, Securities and Exchange Commission (June 1995) (''Report''), at 134–36.

[52] The information on financing transactions contained in Form U–6B–2 is necessarily narrow and relates only to the financing activities of nonutility associate companies. The Commission notes, however, that extensive information on investments in nonutility companies under rule 58 is required to be delivered to interested state commissions. Also, information concerning registered holding company investments in exempt wholesale generators and foreign utility companies is required to be submitted to state commissions pursuant to rule 53. The Commission believes that the aggregation of this information should assist state commissions in the performance of their regulatory duties, and directs the Commission staff to coordinate with state commissions to assure that the information provided to them is sufficient for this purpose.

[53] *See* Report at 51.

[54] Comments of Allegheny, Northeast, and Southern.

requirement that security issuances by utility subsidiaries (including guaranties of obligations of associate companies) be explicitly approved by the state commission having authority over the rates of that utility.[55] Further, the Commission will continue to have jurisdiction to review entry into new nonutility businesses under sections 9(a) and 10 and any related financing of these businesses.[56] In the course of the reviews, interested parties may express their views on the impact of the investments on consumers. As a further protection, both utility and nonutility financing activities remain subject to the ongoing reporting and auditing provisions of the Act. In light of these factors, and considering the need for companies in registered holding company systems to respond to market opportunities in a rapidly changing competitive environment,[57] the Commission finds that a case-by-case review of the issuance of any type of security by subsidiaries of registered holding companies is no longer necessary in the public interest or for the protection of investors or consumers.

The Commission believes that subsidiaries of registered holding companies should be able to engage in routine financings without the regulatory burden of prior Commission authorization where possible without jeopardizing the interests the Act is designed to protect. The rule amendments adopted today are consistent with this objective.

These amended rules are not ''major rules'' within the meaning of 5 U.S.C. 801 *et seq.* They are substantive rules that grant an exemption or relieve restrictions, within the meaning of 5 U.S.C. 553(d)(1), and therefore may become effective immediately.

[55] Columbia requests that the Commission consider not requiring express approval of a security issuance by the relevant state commission where state law exempts the issuance from the need for approval. As stated in the release adopting the 1995 Amendments, it appears that section 6(b) does not offer a basis for this action. 60 FR at 33635.

[56] Entry into many of these new businesses will require case-by-case review and separate Commission authorization. As noted above, however, the Commission recently adopted rule 58, which exempts investment in some new business activities from the requirement of prior Commission review. The Commission has determined, as discussed in the Rule 58 Release, that the activities covered by rule 58 are so closely related to the utility business, that case-by-case review of these investments is no longer required in order to find that the standards of the Act are met.

[57] Noting that certain securities, such as partnership interests, are ''commonplace in the financing of non-utility * * * projects,'' GPU states that having the same ability as non-registered holding company associates to engage in such financings is ''crucial'' to the ability of registered holding company systems to remain competitive. Comments of GPU.

Regulatory Flexibility Act Certification

Under section 605(b) of the Regulatory Flexibility Act, the Chairman of the Commission has certified as follows:

I, Arthur Levitt, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed amendments to rules 45 and 52 under the Public Utility Holding Company Act of 1935, as amended [15 U.S.C. 79 *et seq.*], together concerning the sale of securities by a subsidiary of a registered holding company, without a filing requirement, will not have a significant impact on a substantial number of small businesses. The reason for this certification is that it does not appear that any small businesses would be affected by the proposed rule amendments.

Dated: June 19, 1995.

Arthur Levitt,

Chairman.

The Commission did not receive any comments with respect to the Chairman's certification.

Costs and Benefits

Amended rule 52 will substantially decrease regulatory compliance costs for the registered holding companies. There were 150 applications filed in calendar year 1996 by companies in registered holding company systems; in approximately 35 of these applications, specific requests for financing authorization would not have been filed, had the proposed amended rule 52 been in place. Estimated savings per application would have been approximately $20,000 per application, and related legal, accounting, and management costs. Thus, for 35 applications filed in calendar year 1996, the aggregate savings would have been approximately $700,000. Moreover, the reduction in Commission staff hours associated with reviewing and analyzing these applications would have been approximately 1,250 hours per year (approximately ½ staff year). The only cost to the registered holding companies in complying with the amended rule will be the cost of completing a Form U–6B–2 after the issue or sale of any security under the rule. It is estimated that approximately one hour will be required to complete each form at an estimated cost of $100 per hour. Assuming 35 financing applications per year, the cost of compliance reporting would approximate $3,500 per year.

Paperwork Reduction Act

These rules are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been submitted to the Office of Management and Budget for approval to use them through September 30, 1998.

Statutory Authority

The Commission is amending rules 45 and 52 under sections 6, 9, 12 and 20 of the Public Utility Holding Company Act of 1935.

List of Subjects in 17 CFR Part 250

Electric utilities, Holding companies, Natural gas, Reporting and recordkeeping requirements, Securities.

Text of Final Rules

For the reasons set forth in the preamble, part 250 of chapter II, title 17, of the *Code of Federal Regulations* is amended as follows:

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. The authority citation for part 250 continues to read as follows:

Authority: 15 U.S.C. 79c, 79f(b), 79i(c)(3), 79t, unless otherwise noted.

2. Section 250.45 is amended by adding paragraph (b)(7) to read as follows:

§ 250.45 Loans, extensions of credit, donations and capital contributions to associate companies.

* * * * *

(b) *Exceptions.* * * *

(7) An agreement by any subsidiary company of a registered holding company to assume liability (as guarantor, co-maker, indemnitor, or otherwise) with respect to any security issued by any other subsidiary company in the same holding company system, provided that the issuance and sale of such security is exempt, and such assumption of liability constitutes the issuance of a security that is exempt, from the declaration requirements of section 6(a) of the Act (15 U.S.C. 79f(a)) under § 250.52.

* * * * *

3. Section 250.52 is amended by revising paragraphs (a) and (b), and by adding paragraph (e), to read as follows:

§ 250.52 Exemption of issue and sale of certain securities.

(a) Any registered holding-company subsidiary which is itself a public-utility company shall be exempt from section 6(a) of the Act (15 U.S.C. 79f(a)) and rules thereunder with respect to the issue and sale of any security, of which it is the issuer if:

(1) The issue and sale of the security are solely for the purpose of financing the business of the public-utility subsidiary company;

(2) The issue and sale of the security have been expressly authorized by the state commission of the state in which the subsidiary company is organized and doing business; and

(3) The interest rates and maturity dates of any debt security issued to an associate company are designed to parallel the effective cost of capital of that associate company.

(b) Any subsidiary of a registered holding company which is not a holding company, a public-utility company, an investment company, or a fiscal or financing agency of a holding company, a public-utility company or an investment company shall be exempt from section 6(a) of the Act (15 U.S.C. 79f(a)) and related rules with respect to the issue and sale of any security of which it is the issuer if:

(1) The issue and sale of the security are solely for the purpose of financing the existing business of the subsidiary company; and

(2) The interest rates and maturity dates of any debt security issued to an associate company are designed to parallel the effective cost of capital of that associate company; *Provided*, That any security issued to an associate company by any energy-related company subsidiary, as defined in § 250.58, shall not be exempt under these provisions unless, after giving effect to the issue of the security, the aggregate investment by a registered holding company or its subsidiary in the energy-related company subsidiary and all other energy-related company subsidiaries does not exceed the limitation in § 250.58(a)(1).

* * * * *

(e) A copy of any Certificate of Notification on Form U–6B–2 (§ 259.206) that is filed with this Commission under this section with respect to any security issued by a subsidiary of a registered holding company under paragraph (b) of this section and acquired by a public-utility company that is an associate company of the issuer, shall be submitted concurrently to each state commission having jurisdiction over the retail rates of the public-utility company.

Dated: February 20, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4855 Filed 2–25–98; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 30 and 202

[Docket No. FR–4106–F–02]

RIN 2502–AG78

Approval of Lending Institutions and Mortgagees Streamlining; Correction

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule; correction.

SUMMARY: On April 24, 1997, HUD issued a final rule that streamlined 24 CFR part 202 and made related changes to other parts of title 24. This document corrects technical errors that appeared in that final rule.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Lynn S. Herbert, Director, Lender Approval and Recertification Division, Room B–133–P3214, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 708–3976. (This is not a toll free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: As published on April 24, 1997, the final rule contains some technical errors that are in need of correction. In the April 24, 1997 final rule, an amendment was made to § 30.320(k) was in error. The amendment should have been made to current § 30.35(a)(4). In the second sentence of § 202.5(i), a reference was made to ''the mortgagee'' instead of ''the Secretary''. In the third sentence of § 202.7(a), a reference was made to a ''supervised'' lender or mortgagee instead of to a ''nonsupervised'' lender or mortgagee, and a reference to insured loans was inadvertently omitted. In § 202.9(a), a reference to an investing lender was inadvertently omitted

Accordingly, FR Doc. 97–10282, a final rule that amended 24 CFR parts 30 and 202, among other parts, is corrected as follows:

§ 30.320 [Corrected]

1. On page 20081, in the third column, the rule is corrected by removing the amendment to § 30.320, and in lieu of the amendment to § 30.320 revising § 30.35(a)(4) to read:

§ 30.35 Mortgages and lenders.

(a) * * *

(4) Makes a payment that is prohibited under § 202.5(l).

* * * * *

§ 202.5 [Corrected]

2. On page 20084, in the third column, the rule is corrected by removing ''mortgagee'' from the second sentence of § 202.5(i), and adding in its place, ''Secretary''.

3. On page 20085, in the third column, the third sentence of § 202.7(a) is corrected to read:

§ 202.7 Nonsupervised lenders and mortgagees.

(a) * * * A nonsupervised lender or mortgagee may originate, purchase, hold, service or sell insured mortgages, respectively.

* * * * *

4. On page 20086, third column, the third sentence of § 202.9(a) is corrected to read as follows:

§ 202.9 Investing lenders and mortgagees.

(a) * * * An investing lender or mortgagee may not service Title I loans or Title II mortgages without prior approval of the Secretary.

* * * * *

Dated: February 20, 1998.

Camille E. Acevedo,

Assistant General Counsel, Regulations.

[FR Doc. 98–4867 Filed 2–25–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS BONHOMME RICHARD (LHD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 8, 1998.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate, General, Navy Department,

200 Stovall Street, Alexandria, Virginia, 22332–2400, Telephone Number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS BONHOMME RICHARD (LHD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship; Annex I, section 2(g), pertaining to the distance of the sidelights above the hull; Annex I, section 3(a), petaining to the location of the foreward masthead light in the forward quarter of the ship; and the horizontal distance between the forward and after masthead lights; and Annex I, section 3(b), pertaining to the positioning of the sidelights in relationship to the forward masthead light, without interfering with its special functions as an amphibious assault ship. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Table Two of § 706.2 is amended by adding, in numerical order, the following entry for USS BONHOMME RICHARD:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE TWO

Vessel	Number	Masthead lights, distance to stbd of keel in meters; rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), annex I	Forward anchor light, number of; rule 30 (a)(i)	AFT anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii)	AFT anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight dk in meters; 2(g), annex I	Side light, distance forward of forward masthead light in meters; § 2(b), annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), annex I
*	*	*	*	*	*	*	*	*	*
USS BONHOMME RICHARD	LHD 6	9.0					2.9	89.6	
*	*	*	*	*	*	*	*	*	*

* * * * *

3. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS BONHOMME RICHARD:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Fordward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
*	*	*	*	*	*
USS BONHOMME RICHARD	LHD 6		X	X	39.8
*	*	*	*	*	*

Dated: January 8, 1998.

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 98–4933 Filed 2–25–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS DENVER (LPD 9) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: November 21, 1997.

FOR FURTHER INFORMATION CONTACT: Captain R. R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332–2400, Telephone Number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1065, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS DENVER (LPD 9) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special functions as a naval ship: Annex I, section 2(a)(i), pertaining to the height of the forward masthead light; Annex I, section 2 (g), pertaining to the distance of the sidelights above the hull; and, Annex I, section 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Table One of § 706.2 is amended by adding, in numerical order, the following entry for the USS DENVER:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), annex I
* * * * * * *		
USS DENVER	LPD 9	4.4
* * * * * * *		

* * * * *

3. Table Four, Paragraph 19 of § 706.2 is amended by adding, in numerical order, the following entry for the USS DENVER:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Distance in meters of sidelights above maximum allowed height
* * * * * * *		
USS DENVER	LPD 9	4.9
* * * * * * *		

* * * * *

4. Table Five of § 706.2 is amended by revising the entry for the USS DENVER to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *		*	*		*
USS DENVER	LPD 9	N/A	N/A	X	54.7
* * * *		*	*		*

Dated: November 21, 1997.

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 98–4932 Filed 2–25–98; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296–7296–01; I.D. 022098A]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the proposed first seasonal allowance of pollock apportioned to vessels harvesting pollock for processing by the offshore component in the BS.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 20, 1998, until 1200 hrs, A.l.t., April 15, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. processors is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(2)(ii), the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI was established as 280,946 metric tons (mt) by the Interim 1998 Harvest Specifications of Groundfish for the BSAI (62 FR 65626, December 15, 1998).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 253,946 mt, and is setting aside the remaining 27,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea of the BSAI.

This closure is effective from February 20, 1998, through 1200 hrs, A.l.t., April 15, 1998. Under § 679.20(a)(5)(i), the second seasonal allowance of pollock TAC will become available for directed fishing at 1200 hrs, A.l.t., September 1, 1998. Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient pollock as bycatch to support other anticipated groundfish fisheries. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 20, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–4847 Filed 2–20–98; 3:51 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 38
Thursday, February 26, 1998

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

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR–030–FOR]

Arkansas 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 Arkansas regulatory program (hereinafter the ''Arkansas program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and/or additions of regulations pertaining to definitions; reclamation plans; disposal of excess spoil; steep slope mining; permits incorporating variances from approximate original contour restoration requirements for steep slope mining; prime farmlands; performance standards for coal exploration and prime farmland; signs and markers; topsoil and subsoil; hydrologic balance; backfilling and grading; procedures for assessment conference; and request for adjudicatory public hearing. The amendment is intended to revise the Arkansas program to be consistent with the corresponding Federal regulations and to enhance enforcement of the State program.

This document sets forth the times and locations that the Arkansas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.s.t., March 30, 1998. If requested, a public hearing on the proposed amendment will be held on March 23, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on March 13, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

Copies of the Arkansas program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430.

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72219–8913, Telephone (501) 682–0744.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Arkansas program. Background information on the Arkansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the November 21, 1980, **Federal Register** (45 FR 77003). Arkansas amended its program by submitting provisions that satisfied all of the conditions of the Secretary's approval of November 21, 1980. Effective January 22, 1982, OSM removed the conditions of the approval of the Arkansas permanent regulatory program. Information on the removal of the conditions can be found in the January 22, 1982, **Federal Register** (47 FR 3108). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 904.12, 904.15, and 904.16.

II. Description of the Proposed Amendment

By letter dated February 6, 1998 (Administrative Record No. AR–561), Arkansas submitted a proposed amendment to its program pursuant to SMCRA. Arkansas submitted the proposed amendment in response to a June 17, 1997, letter (Administrative Record No. AR–559) that OSM sent to Arkansas in accordance with 30 CFR 732.17(c), and at its own initiative. Arkansas proposes to amend the Arkansas Surface Coal Mining and Reclamation Code (ASCMRC). The full text of the proposed program amendment submitted by Arkansas is available for public inspection at the locations listed above under **ADDRESSES.** A brief discussion of the proposed amendment is presented below.

1. Editorial and Reference Changes

Arkansas proposes to make editorial and reference changes in the following sections of the ASCMRC: 780.18(b)(7), Reclamation plan: general requirements; 785.15(b) and (c), Steep slope mining; 785.16(a), (c)(6), and (d)(1), Permits incorporating variances from approximate original contour restoration requirements for steep slope mining; 815.15(k), Performance standards for coal exploration; 816.11(g), Signs and markers; 816.43(e) and (f)(5), Hydrologic balance: diversions and conveyance of overland flow, shallow groundwater flow, (and ephemeral streams); 816.44(c), Hydrologic balance: stream channel diversions; 816.48(b), Hydrologic balance: acid-forming and toxic-forming spoil; and 816.107, Backfilling and grading previously mined areas.

2. Section 761.5, Definitions

Arkansas proposes to delete the word ''no'' from the term ''No significant recreational, timber, economic or other values incompatible with surface coal mining operations'' so that it reads ''Significant recreational, timber, economic or other values incompatible with surface coal mining operations.''

3. Section 780.25(a)(3)(i), Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams and Embankments

Arkansas proposes to amend this section by deleting all language following ''qualified registered professional engineer.''

4. Section 780.35, Disposal of Excess Spoil

At paragraph (b), Arkansas proposes to amend the introductory text by adding the phrase ''Except for the disposal of excess spoil on preexisting benches,'' to the beginning sentence.

5. Section 785.17, Prime Farmlands

Arkansas proposes to add new paragraph (d)(5) to read as follows:

(5) The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation operations must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the Director and the consent of all affected property owners within the permit area must be obtained.

6. Sections 816.21, Topsoil: General Requirements; 816.22, Topsoil: Removal; 816.23, Topsoil: Storage; 816.24, Topsoil: Redistribution; and 816.25, Topsoil: Nutrients and Soil Amendments

Arkansas proposes to revise section 816.22, Topsoil: removal, by deleting the existing language, adding new language, and changing the section name to Topsoil and subsoil. The revised section pertains to topsoil removal, substitution, storage, and redistribution, and subsoil segregation. Arkansas also proposes to remove existing sections 816.21, 816.23, 816.24, and 816.25 and to combine their provisions into revised section 816.22.

7. Section 816.56, Hydrologic Balance: Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities

Arkansas proposes to amend this section to read as follows:

Before abandoning the permit area or seeking bond release, the person who conducts the (surface mining activities) [underground mining activities] shall ensure that all temporary structures are removed and reclaimed, and renovate, if necessary, all permanent sedimentation ponds, diversions, impoundments, and treatment facilities to meet criteria specified in the detailed design plan for the permanent structures and impoundments, and the requirements of this Chapter.

8. Section 816.74, Disposal of Excess Spoil: Pre-Existing Benches

a. Arkansas proposes to revise paragraphs (a) through (d), redesignate existing paragraph (e) as paragraph (h), and add new paragraphs (e), (f), and (g).

b. Revised paragraph (a) will allow the Department to approve the disposal of excess spoil through placement on a pre-existing bench if the affected portion of the pre-existing bench is permitted and the standards in sections 816.102(c), (e) through (h), and (i) and the requirements of this section are met.

c. Revised paragraph (b) will require that all vegetation and organic materials be removed from the affected portion of the pre-existing bench before the placement of the excess spoil. Also, any available topsoil on the bench shall be removed, stored and redistributed in accordance with section 816.22. Substitute or supplemental materials may be used in accordance with section 816.22(b).

d. Revised paragraph (c) will require that fill be designed and constructed using current, prudent engineering practices and that the design be certified by a registered professional engineer. Paragraph (c) also specifies how the spoil shall be handled.

e. Arkansas proposes new paragraphs (e) through (g) to read as follows:

(e) All disturbed areas, including diversion channels that are not riprapped or otherwise protected, shall be revegetated upon completion of construction.

(f) Permanent impoundments may not be constructed on preexisting benches backfilled with excess spoil under this regulation.

(g) Final configuration of the backfill must be compatible with the natural drainage patterns and the surrounding areas, and support the approved postmining land use.

9. Sections 816.102, Backfilling and Grading: General Grading Requirements and 816.103, Backfilling and Grading: Covering Coal and Acid and Toxic Forming Materials

Arkansas proposes to delete all existing language in this section and replace it with new language pertaining to general backfilling and grading requirements that are applicable to surface and underground coal mining operations. The parts of this section that apply strictly to surface coal mining operations are enclosed in parentheses. The parts that apply strictly to underground coal mining operations are italicized and are enclosed in brackets. Arkansas also proposes to remove existing section 816.103 and to incorporate its content into revised section 816.102(f).

10. Section 816.104–S, Backfilling and Grading: Thin Overburden

Arkansas proposes to delete all existing language in this section and replace it with new language that provides a definition for ''thin overburden'' and performance standards for backfilling and grading where thin overburden occurs.

11. Section 816.105–S, Backfilling and Grading: Thick Overburden

Arkansas proposes to delete all existing language in this section and replace it with new language that provides a definition for ''thick overburden'' and performance standards for backfilling and grading where thick overburden occurs.

12. Section 816.106, Backfilling and Grading: Steep Slopes and Part 826, Special State Program Performance Standards—Operations on Steep Slopes

Arkansas proposes to add new section 816.106 regarding backfilling and grading and performance standards for surface coal mining activities on steep slopes. Arkansas also proposes to remove existing part 826 and to incorporate its provisions into new section 816.106.

13. Section 816.107, Backfilling and Grading Previously Mined Areas

Arkansas proposes to revise this section by deleting paragraph (b) regarding the backfilling and grading of pre-existing highwalls at remaining operations.

14. Part 823, Special State Program Performance Standards—Operations on Prime Farmland

Arkansas proposes to delete the existing language in this part and to replace it with new language. The new language pertains to special environmental protection performance, reclamation, and design standards for surface coal mining and reclamation operations on prime farmland.

15. Section 845.18, Procedures for Assessment Conference

At paragraph (b), Arkansas proposes to revise the start of the 60-day period in which an assessment conference must be held. Currently the assessment conference is to be held within 60 days from the date of issuance of the proposed assessment. Arkansas proposes that the assessment conference

be held within 60 days from the date the conference request is received.

16. Section 845.19, Request for Adjudicatory Public Hearing

At paragraph (a), Arkansas proposes to revise the amount of time in which a person charged with a violation may contest the proposed penalty or the fact of the violation from the date of service of the conference officer's action. Currently the person charged with a violation has 15 days, from the date of service of the conference officer's action, to contest the proposed penalty or the fact of the violation. Arkansas proposes to increase the time to 30 days.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Arkansas program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on March 13, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. 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**. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of 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 allow OSM officials 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.

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 subsection (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. 1291(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(3)(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

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

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 19, 1998.

Russell W. Frum,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–4862 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51, 53, and 64

[CC Docket No. 95–20, FCC 98–8]

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review—Review of Computer III and ONA Safeguards and Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is issuing this Notice of Proposed Rulemaking seeking comment on the remand from the United States Court of Appeals for the Ninth Circuit relating to the replacement of structural separation requirements for Bell Operating (BOC) provision of enhanced services with nonstructural safeguards, as well as the effectiveness of the Commission's *Computer III* and ONA nonstructural rules in general. The Commission believes it is necessary not only to respond to the issues remanded by the Ninth Circuit, but also to reexamine the Commission's nonstructural safeguards regime governing the provision of information services by the BOCs in light of the Telecommunications Act of 1996 and ensuing changes in telecommunications technologies and markets.

DATES: Comments are due on or before March 27, 1998 and Reply Comments are due on or before April 23, 1998. Written comments by the public on the proposed information collections are due March 27, 1998. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before April 27, 1998.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th St., N.W., Washington, D.C. 20036. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Lisa Sockett, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580. For additional information concerning the information collections contained in this NPRM contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking adopted January 29, 1998 and released January 30, 1998 (FCC 98–8). This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the OMB for review under the PRA. The OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding. The full text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc988.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Paperwork Reduction Act

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due April 27, 1998. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: None.

Title: Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review—Review of *Computer III* and ONA Safeguards and Requirements.

Form No.: N/A.

Type of Review: New collection.

Information collection	No. of respondents (approx.)	Estimated time per response	Total annual burden
Consolidation of generic information in semi-annual reports	5	4 hours (2 hours twice a year)	20 hours.

Respondents: Bell Operating Companies.

Estimated costs per respondent: $0.

Needs and Uses: The NPRM seeks comment on a number of issues, the result of which could lead to the imposition of information collections.

Synopsis of Notice of Proposed Rulemaking

I. Introduction

1. In the Commission's *Computer III* and *Open Network Architecture* (ONA) proceedings, the Commission sought to establish appropriate safeguards for the provision by the Bell Operating Companies (BOCs) of ''enhanced'' services.[1] Examples of enhanced services include, among other things, voice mail, electronic mail, electronic store-and-forward, fax store-and-forward, data processing, and gateways to online databases. Underlying this effort, as well as our reexamination of the *Computer III* and ONA rules in this Further Notice of Proposed Rulemaking (Further Notice), are three complementary goals. First, we seek to enable consumers and communities across the country to take advantage of innovative ''enhanced'' or ''information'' services[2] offered by both

[1] Basic services, such as ''plain old telephone service'' (POTS), are regulated as tariffed services under Title II of the Communications Act. Enhanced services use the existing telephone network to deliver services that provide more than a basic transmission offering. *Bell Operating Companies' Joint Petition for Waiver of Computer II Rules*, Memorandum Opinion & Order, 10 FCC Rcd 1724 n.3 (1995) (*Interim Waiver Order*); 47 CFR 64.702(a). The terms ''enhanced service'' and ''basic service'' are defined and discussed more fully *infra* at ¶ 38.

[2] The terms ''enhanced services'' and ''information services'' are used interchangeably in this Further Notice.

the BOCs and other information service providers (ISPs). Second, we seek to ensure the continued competitiveness of the already robust information services market. Finally, we seek to establish safeguards for BOC provision of enhanced or information services that make common sense in light of current technological, market, and legal conditions.

2. Under *Computer III* and ONA, the BOCs are permitted to provide enhanced services on an ''integrated'' basis (*i.e.*, through the regulated telephone company), subject to certain ''nonstructural safeguards,'' as described more fully below. These rules replaced those previously established in *Computer II*, which required AT&T (and subsequently the BOCs) to offer enhanced services through structurally separate subsidiaries. On February 21, 1995, the Commission released a Notice of Proposed Rulemaking (*Computer III Further Remand Notice*) following a remand from the United States Court of Appeals for the Ninth Circuit (*California III*). The *Computer III Further Remand Notice* sought comment on both the remand issue in *California III* relating to the replacement of structural separation requirements for BOC provision of enhanced services with nonstructural safeguards, as well as the effectiveness of the Commission's *Computer III* and ONA nonstructural rules in general.

3. Since the adoption of the *Computer III Further Remand Notice*, significant changes have occurred in the telecommunications industry that affect our analysis of the issues raised in this proceeding. Most importantly, on February 8, 1996, Congress passed the Telecommunications Act of 1996 (1996 Act) to establish ''a pro-competitive, de-regulatory national policy framework'' in order to make available to all Americans ''advanced telecommunications and information technologies and services by opening all telecommunications markets to competition.'' As the Supreme Court recently noted, the 1996 Act ''was an unusually important legislative enactment'' that changed the landscape of telecommunications regulation.

4. The 1996 Act significantly alters the legal and regulatory framework governing the local exchange marketplace. Among other things, the 1996 Act opens local exchange markets to competition by imposing new interconnection, unbundling, and resale obligations on all incumbent local exchange carriers (LECs), including the BOCs. In addition, the 1996 Act allows the BOCs, under certain conditions, to enter markets from which they previously were restricted, including the interLATA telecommunications and interLATA information services markets. In some cases, the 1996 Act requires a BOC to offer services in these markets through a separate affiliate.[3] In addition, the 1996 Act incorporates new terminology and definitions that differ from those the Commission had been using.

5. In light of the 1996 Act and ensuing changes in telecommunications technologies and markets, we believe it is necessary not only to respond to the issues remanded by the Ninth Circuit, but also to reexamine the Commission's nonstructural safeguards regime governing the provision of information services by the BOCs. Congress recognized, in passing the 1996 Act, that competition will not immediately supplant monopolies and therefore imposed a series of safeguards to prevent the BOCs from using their existing market power to engage in improper cost allocation and discrimination in their provision of interLATA information services, among other things. These statutory safeguards seek to address many of the same anticompetitive concerns as, but do not explicitly displace, the safeguards established by the Commission in the *Computer II*, , and ONA proceedings. We therefore issue this Further Notice to address issues raised by the interplay between the safeguards and terminology established in the 1996 Act and the regime. These 1996 Act-related issues were not raised in the *Computer III Further Remand Notice*. We therefore ask interested parties to respond to the issues raised in this Further Notice and, to the extent that parties want any arguments made in response to the *Computer III Further Remand Notice* to be made a part of the record for this Further Notice, we ask them to restate those arguments in their comments.

6. We note, in addition, that Congress required the Commission to conduct a biennial review of regulations that apply to operations or activities of any provider of telecommunications service and to repeal or modify any regulation it determines to be ''no longer necessary in the public interest.'' Accordingly, the Commission has begun a comprehensive 1998 biennial review of telecommunications and other regulations to promote ''meaningful deregulation and streamlining where competition or other considerations warrant such action.'' In this Further Notice, therefore, we seek comment on whether certain of the Commission's current and ONA rules are ''no longer necessary in the public interest.'' To the extent parties identify additional *Computer III* and ONA rules they believe warrant review under the Act, we invite those comments as well.

7. Consistent with the 1996 Act, in this Further Notice we seek to strike a reasonable balance between our goal of reducing and eliminating regulatory requirements when appropriate as competition supplants the need for such requirements to protect consumers and competition, and our recognition that, until full competition is realized, certain safeguards may still be necessary. We want to encourage the BOCs to provide new technologies and innovative information services that will benefit the public, as well as ensure that the BOCs will make their networks available for the use of competitive providers of such services. We therefore seek comment in this Further Notice on, among other things, the following tentative conclusions:

—Notwithstanding the 1996 Act's adoption of separate affiliate requirements for BOC provision of certain information services (most notably, interLATA information services), the Act's overall pro-competitive, de-regulatory framework, as well as our public interest analysis, support the continued application of the Commission's nonstructural safeguards regime to BOC provision of intraLATA information services [paragraphs 43–59];

—Given the protections established by the 1996 Act and our ONA rules, we should eliminate the requirement that BOCs file Comparably Efficient Interconnection (CEI) plans and obtain Common Carrier Bureau (Bureau) approval for those plans prior to providing new intraLATA information services [paragraphs 60–65];

—At a minimum, we should eliminate the CEI-plan requirement for BOC intraLATA information services provided through an Act-mandated affiliate under section 272 or 274 [paragraphs 66–72]; and

—The Commission's network information disclosure rules established pursuant to section 251(c)(5) should supersede certain,

[3] We note that on December 31, 1997, the United States District Court for the Northern District of Texas held that sections 271–275 of the Act are a bill of attainder and thus are unconstitutional as to SBC Corporation and U S WEST. *SBC Communications, Inc.* v. *Federal Communications Comm'n*, No. 7:97–CV–163–X, 1997 WL 800662 (N.D. Tex. Dec. 31, 1997) (*SBC* v. *FCC*) (ruling subsequently extended to Bell Atlantic), *request for stay pending*. In general, the analysis in this Further Notice assumes the continued applicability of these provisions to the Bell companies. At appropriate places in this Further Notice, however, we ask commenters to assess the impact of *SBC* v. *FCC* on our analysis.

but not all, of the Commission's previous network information disclosure rules established in *Computer II* and *Computer III* [paragraph 122].

We also generally seek comment on, among other things, the following issues:

—Whether enactment and implementation of the 1996 Act, as well as other developments, should alleviate the Ninth Circuit's concern about the level of unbundling mandated by ONA [paragraphs 29–36];

—Whether the Commission's definition of the term ''basic service'' and the 1996 Act's definition of ''telecommunications service'' should be interpreted to extend to the same functions [paragraphs 38–42];

—Whether the Commission's current ONA requirements have been effective in providing ISPs with access to the basic services that ISPs need to provide their own information service offerings [paragraphs 85–90];

—Whether the Commission, under its general rulemaking authority, should extend to ISPs some or all section 251-type unbundling rights, which the Commission previously concluded was not required by section 251 of the Act [paragraphs 94–96]; and

—How the Commission's current ONA reporting requirements should be streamlined and modified [paragraphs 99–116].

8. As set forth in the 1998 appropriations legislation for the Departments of Commerce, Justice, and State, the Commission is required to undertake a review of its implementation of the provisions of the 1996 Act relating to universal service, and to submit its review to Congress no later than April 10, 1998. The Commission must review, among other things, the Commission's interpretations of the definitions of ''information service'' and ''telecommunications service'' in the 1996 Act, and the impact of those interpretations on the current and future provision of universal service to consumers, including consumers in high cost and rural areas. We recognize that there is a some overlap between the inquiry in this Further Notice about the relationship between the Commission's definition of the term ''basic service'' and the 1996 Act's definition of ''telecommunications service,'' and the issues to be addressed in the Commission's report to Congress. Furthermore, we recognize that other aspects of this Further Notice also may be affected by the analysis in the Universal Service Report. We note that the inquiry in this Further Notice is primarily focused on the rules and terminology the Commission should be using in the context of its *Computer II* and *Computer III* requirements. We also note that the order in this proceeding will be issued after the Universal Service Report is submitted to Congress, and will thus take into account any conclusions made in that report.

II. Background

A. Overview of Computer III/ONA and Related Court Decisions

9. We discussed in detail the factual history of *Computer III*/ONA in the *Computer III Further Remand Notice.* One of the Commission's main objectives in the *Computer III* and ONA proceedings has been to permit the BOCs to compete in unregulated enhanced services markets while preventing the BOCs from using their local exchange market power to engage in improper cost allocation and unlawful discrimination against ESPs. The concern has been that BOCs may have an incentive to use their existing market power in local exchange services to obtain an anticompetitive advantage in these other markets by improperly allocating to their regulated core businesses costs that would be properly attributable to their competitive ventures, and by discriminating against rival, unaffiliated ESPs in the provision of basic network services in favor of their own enhanced services operations. In *Computer II,* the Commission addressed these concerns by requiring the then-integrated Bell System to establish fully structurally separate affiliates in order to provide enhanced services. Following the divestiture of AT&T in 1984, the Commission extended the structural separation requirements of *Computer II* to the BOCs.

10. In *Computer III,* after reexamining the telecommunications marketplace and the effects of structural separation during the six years since *Computer II,* the Commission determined that the benefits of structural separation were outweighed by the costs, and that nonstructural safeguards could protect competing ESPs from improper cost allocation and discrimination by the BOCs while avoiding the inefficiencies associated with structural separation. The Commission concluded that the advent of more flexible, competition-oriented regulation would permit the BOCs to provide enhanced services integrated with their basic network facilities. Towards this end, the Commission adopted a two-phase system of nonstructural safeguards that permitted the BOCs to provide enhanced services on an integrated basis. The first phase required the BOCs to obtain Commission approval of a service-specific CEI plan in order to offer a new enhanced service. In these plans, the BOCs were required to explain how they would offer to ESPs all the underlying basic services the BOCs used to provide their own enhanced service offerings, subject to a series of ''equal access'' parameters. Thus, the CEI phase of nonstructural safeguards imposed obligations on the BOCs only to the extent they offered specific enhanced services. The Commission indicated that such a CEI requirement could promote the efficiencies of competition in enhanced services markets by permitting the BOCs to participate in such markets provided they open their networks to competitors.

11. During the second phase of implementing *Computer III,* the Commission required the BOCs to develop and implement ONA plans. The ONA phase was intended to broaden a BOC's unbundling obligations beyond those required in the first phase. ONA plans explain how a BOC will unbundle and make available to unaffiliated ESPs network services in addition to those the BOC uses to provide its own enhanced services offerings. These ONA plans were required to comply with a defined set of criteria in order for the BOC to obtain structural relief on a going-forward basis. This means that a BOC would not need to obtain approval of CEI plans prior to offering specific enhanced services on an integrated basis. The Commission also required the BOCs to comply with various other nonstructural safeguards in the form of rules related to network disclosure, customer proprietary network information (CPNI), and quality, installation, and maintenance reporting. All of these nonstructural safeguards were designed to promote the efficiency of the telecommunications network, in part by permitting the technical integration of basic and enhanced services and in part by preserving competition in the enhanced services market through the control of potential anticompetitive behavior by the BOCs.

12. In 1990, the Court of Appeals for the Ninth Circuit vacated three orders in the *Computer III* proceeding, finding that the Commission had not adequately justified the decision to rely on (nonstructural) cost accounting safeguards as protection against cross-subsidization of enhanced services by the BOCs. In response to this remand, the Commission adopted the *BOC Safeguards Order,* which strengthened

the cost accounting safeguards, and reaffirmed the Commission's conclusion that nonstructural safeguards should govern BOC participation in the enhanced services industry, rather than structural separation requirements.

13. During the period from 1988 to 1992, the Commission approved the BOCs' ONA plans, which described the basic services that the BOCs would provide to unaffiliated and affiliated ESPs and the terms on which these services would be provided. During the two-year period from 1992 to 1993, the Bureau approved the lifting of structural separation for individual BOCs upon their showing that their initial ONA plans complied with the requirements of the *BOC Safeguards Order,* and these decisions were later affirmed by the Commission.

14. After *California I* and the Commission's response in the *BOC Safeguards Order,* the Ninth Circuit in *California II* upheld the Commission's orders approving BOC ONA plans. In *California II,* the court concluded that the Commission had scaled back its vision of ONA since *Computer III* by approving BOC ONA plans before ''fundamental unbundling'' had been achieved. The court also concluded that the issue of whether implementation of ONA plans justified the lifting of structural separation, as the Commission had determined, was not properly before it.

15. In *California III,* the Court of Appeals for the Ninth Circuit partially vacated the Commission's *BOC Safeguards Order.* The *California III* court found that, in granting full structural relief based on the BOC ONA plans, the Commission had not adequately explained its apparent ''retreat'' from requiring ''fundamental unbundling'' of BOC networks as a component of ONA and a condition for lifting structural separation. The court was therefore concerned that ONA unbundling, as implemented, failed to prevent the BOCs from engaging in discrimination against competing ESPs in providing access to basic services. The court did find, however, that the Commission had adequately responded to its concerns regarding cost-misallocation by strengthening its cost accounting rules and introducing a system of ''price cap'' regulation; the court indicated its belief that these strengthened safeguards would significantly reduce the BOCs' incentive and ability to misallocate costs. The court also upheld the scope of federal preemption adopted in the *BOC Safeguards Order.*

16. In response to *California III,* the Bureau issued the *Interim Waiver Order,* which reinstated the requirement that BOCs must file CEI plans, and obtain Commission approval of those plans, to continue to provide specific enhanced services on an integrated basis. Also in response, the Commission issued the *Computer III Further Remand Notice,* 60 FR 12529, March 7, 1995, which sought comment on the *California III* court's remand question regarding the sufficiency of ONA unbundling as a condition of lifting structural separation, and on the general issue of whether relying on nonstructural safeguards serves the public interest.

B. Overview of the 1996 Act

17. Since the *California III* remand and the Commission's release of the *Computer III Further Remand Notice,* the 1996 Act became law and the Commission has conducted a number of proceedings to implement its provisions. These developments give us a fresh perspective from which to evaluate the Commission's current regulatory framework for the provision of information services. In this section, we describe some of the major provisions of the 1996 Act, and in later sections we examine how those provisions may affect our current rules.

1. Opening the Local Exchange Market

18. Various provisions of the 1996 Act are intended to open local exchange markets to competition. Section 251(c) of the Act requires, among other things, incumbent LECs, including the BOCs and GTE, to provide to requesting telecommunications carriers interconnection and access to unbundled network elements at rates, terms, and conditions that are just, reasonable, and nondiscriminatory, and to offer telecommunications services for resale. Section 253(a) bars state and local governments from imposing certain legal requirements that prohibit or have the effect of prohibiting the ability of any entity to provide any telecommunications service, and section 253(d) authorizes the Commission to preempt such legal requirements to the extent necessary to correct inconsistency with the Act. As a result, telecommunications carriers may now enter the local exchange market, and compete with the incumbent LEC, through access to unbundled network elements, resale, or through construction of network facilities.

19. In implementing section 251 of the Act, the Commission prescribed certain minimum points of interconnection necessary to permit competing carriers to choose the most efficient points at which to interconnect with the incumbent LEC's network. The Commission also adopted a minimum list of unbundled network elements (UNEs) that incumbent LECs must make available to new entrants, upon request. In Parts III and IV below, we discuss and seek comment on the potential impact of these unbundling requirements in more detail, both with respect to the issue in *California III* regarding the Commission's justification of ONA unbundling as a condition of lifting structural separation, as well as our overall reexamination of the Commission's current nonstructural safeguards framework.

2. BOC Provision of Information Services

20. The 1996 Act conditions the BOCs' entry into the market for many in-region interLATA services, among other things, on their compliance with the separate affiliate, accounting, and nondiscrimination requirements set forth in section 272. In the *Non-Accounting Safeguards Order,* 62 FR 2927, January 21, 1997, we noted that these safeguards are designed to prohibit anticompetitive discrimination and improper cost allocation while still permitting the BOCs to enter markets for certain interLATA telecommunications and information services, in the absence of full competition in the local exchange marketplace. We also concluded in the *Non-Accounting Safeguards Order* that the Commission's *Computer II, Computer III,* and ONA requirements are consistent with section 272 of the Act, and continue to govern the BOCs' provision of intraLATA information services, since section 272 only addresses BOC provision of interLATA services.

21. Sections 260, 274, and 275 of the Act set forth specific requirements governing the provision of telemessaging, electronic publishing, and alarm monitoring services, respectively, by the BOCs and, in certain cases, by incumbent LECs. Section 260 delineates the conditions under which incumbent LECs, including the BOCs, may offer telemessaging services. We affirmed our conclusion in the *Non-Accounting Safeguards Order* that, since telemessaging service is an ''information service,'' BOCs that offer interLATA telemessaging services are subject to the separation requirements of section 272. We further concluded that the *Computer III*/ONA requirements are consistent with the requirements of section 260(a)(2), and, therefore, BOCs may offer intraLATA telemessaging services on an integrated basis subject to both *Computer III*/ONA and the requirements in section 260.

22. Section 274 permits the BOCs to provide electronic publishing services, whether interLATA or intraLATA, only through a ''separated affiliate'' or an ''electronic publishing joint venture'' that meets certain separation, nondiscrimination, and joint marketing requirements in that section. The Commission found that there was no inconsistency between the nondiscrimination requirements of *Computer III*/ONA and section 274(d). We therefore found that the *Computer III*/ONA requirements continue to govern the BOCs' provision of intraLATA electronic publishing. We also noted that the nondiscrimination requirements of section 274(d) apply to the BOCs' provision of both intraLATA and interLATA electronic publishing.

23. Section 275 of the Act prohibits the BOCs from providing alarm monitoring services until February 8, 2001, although BOCs that were providing alarm monitoring services as of November 30, 1995 are grandfathered. Section 275 of the Act does not impose any separation requirements on the provision of alarm monitoring services. We concluded in the *Alarm Monitoring Order,* 62 FR 16093, April 4, 1997 that the *Computer III*/ONA requirements are consistent with the requirements of section 275(b)(1), and therefore continue to govern the BOCs' provision of alarm monitoring service. We discuss the potential impact of the Act's new requirements for BOC provision of certain information services on our cost-benefit analysis of structural versus nonstructural safeguards in more detail in Part IV.B.

III. California III Remand

A. Background

24. In *California III,* the Ninth Circuit reviewed the *BOC Safeguards Order,* in which the Commission reaffirmed its earlier determination to remove structural separation requirements imposed on a BOC's provision of enhanced services, based on a BOC's compliance with ONA requirements and other nonstructural safeguards. The court found that, in the *BOC Safeguards Order,* and in the orders implementing ONA, the Commission had ''changed its requirements for, or definition of, ONA so that ONA no longer contemplates fundamental unbundling.'' Because, in the Ninth Circuit's view, the Commission had not adequately explained why this perceived shift did not undermine its decision to rely on the ONA safeguards to grant full structural relief, the court remanded the proceeding to the Commission.

25. In the *Computer III Phase I Order,* (51 FR 24350 (July 3, 1986)) the Commission declined to adopt any specific network architecture proposals or specific unbundling requirements, but instead set forth general standards for ONA. BOCs were required to file initial ONA plans presenting a set of ''unbundled basic service functions that could be commonly used in the provision of enhanced services to the extent technologically feasible.'' The Commission stated that, by adopting general requirements rather than mandating a particular architecture for implementing ONA, it wished to encourage development of efficient interconnection arrangements. The Commission also noted that inefficiencies might result from ''unnecessarily unbundled or splintered services.''

26. The *Computer III Phase I Order* required the BOCs to meet a defined set of unbundling criteria in order for structural separation to be lifted. In the *BOC ONA Order,* (54 FR 3435 (January 24, 1989)) the Commission generally approved the ''common ONA model'' proposed by the BOCs. The common ONA model was based on the existing architecture of the BOC local exchange networks, and consisted of unbundled services categorized as basic service arrangements (BSAs), basic service elements (BSEs), complementary network services (CNSs), and ancillary network services (ANSs).

27. In the *BOC ONA* proceeding, certain commenters criticized the common ONA model. The commenters argued that the BOCs had avoided the *Computer III Phase I Order* unbundling requirements by failing to ''disaggregate communications facilities and services on an element-by-element basis.'' They urged the Commission to adopt a more ''fundamental'' concept of unbundling in the ONA context, by requiring the BOCs to unbundle facilities such as loops, as well as switching functions, inter-office transmission, and signalling. Specifically, they claimed that BSAs could be further unbundled; *e.g.,* trunks could be unbundled from the circuit-switched, trunk-side BSA, so that ESPs could connect their own trunks to BOC switches.

28. In the *BOC ONA Order,* the Commission rejected arguments that ONA, as set forth in the *Computer III Phase I Order,* required unbundling more ''fundamental'' than that set forth in the ''common ONA model'' proposed by the BOCs. The Commission indicated that the *Computer III Phase I Order* anticipated that the BOCs would unbundle network services, not facilities, and determined that the ONA services developed by the BOCs under the common ONA model were consistent with the examples of service unbundling set forth in the *Computer III Phase I Order.* The Ninth Circuit, however, agreed with the view that the Commission's approval of the BOC ONA plans, and subsequent lifting of structural separation, was a retreat from a ''requirement'' of ''fundamental unbundling.''

B. Subsequent Events May Have Alleviated the Ninth Circuit's California III Concerns

29. In this section, we seek comment on whether the enactment and implementation of the 1996 Act, as well as other developments, should alleviate the Ninth Circuit's underlying concern about the level of unbundling mandated by ONA. Section 251 of the Act requires incumbent LECs, including the BOCs and GTE, to provide to requesting telecommunications carriers interconnection and access to unbundled network elements at rates, terms, and conditions that are just, reasonable, and nondiscriminatory, and to offer telecommunications services for resale. Section 251 also requires incumbent LECs to provide for physical collocation at the LEC's premises of equipment necessary for interconnection or access to unbundled network elements, under certain conditions.

30. In its regulations implementing these statutory provisions, the Commission identified a minimum list of network elements that incumbent LECs are required to unbundle, including local loops, network interface devices (NIDs), local and tandem switching capabilities, interoffice transmission facilities (often referred to as trunks), signalling networks and call-related databases, operations support systems (OSS) facilities, and operator services and directory assistance. Additional unbundling requirements may be specified during voluntary negotiations between carriers, by state commissions during arbitration proceedings, or by the Commission as long as such requirements are consistent with the 1996 Act and the Commission's regulations. We note that the 1996 Act creates particular incentives for the BOCs to unbundle and make available the elements of their local exchange networks. For example, section 271 provides that a BOC may gain entry into the interLATA market in a particular state by demonstrating, *inter alia,* that it has entered into access and interconnection agreements with competing telephone exchange service providers that satisfy the ''competitive

checklist'' set forth in section 271(c)(2)(B).

31. In our view, the unbundling requirements imposed by section 251 and our implementing regulations (hereinafter referred to as ''section 251 unbundling'') are essentially equivalent to the ''fundamental unbundling'' requirements proposed by certain commenters, and rejected by the Commission as premature, in the *BOC ONA Order.* These commenters asked the Commission to require the BOCs to unbundle network elements such as loops, switching functions, inter-office transmission, and signalling. Section 251(c)(3) and the Commission's implementing regulations require those elements, and others, to be unbundled by the BOCs, and by other incumbent LECs that are subject to the requirements of section 251(c). In addition, the type and level of unbundling under section 251 is different and more extensive than that required under ONA. This may be because one of Congress's primary goals in enacting section 251—to bring competition to the largely monopolistic local exchange market—is more far-reaching than the Commission's goal for ONA, which has been to preserve competition and promote network efficiency in the developing, but highly competitive, information services market.

32. We recognize that, according to the terms of section 251, only ''requesting telecommunications carriers'' are directly accorded rights to interconnect and to obtain access to unbundled network elements.[4] In that regard, the section 251 unbundling requirements do not provide access and interconnection rights to the identical class of entities as does the ONA regime, since these rights do not extend to entities that provide solely information services (''pure ISPs''). We also recognize that the development of competition in the local exchange market has not occurred as rapidly as some expected since the enactment of the 1996 Act.

33. We believe, however, that section 251 is intended to bring about competition in the local exchange market that, ultimately, will result in increased variety in service offerings and lower service prices, to the benefit of all end-users, including ISPs. Moreover, because local telecommunications services are important inputs to the information services ISPs provide, ISPs are uniquely positioned to benefit from an increasingly competitive local exchange market. There is evidence, for example, that carriers that have direct rights under section 251 will compete with the incumbent LECs to provide pure ISPs with the basic network services that ISPs need to create their own information service offerings, either by obtaining unbundled network elements for the provision of telecommunications services or through the resale of such services. As a result, incumbent LECs have an incentive to provide an increased variety of telecommunications services to pure ISPs at lower prices in response to the market presence of such competitors. Pure ISPs also could enter into partnering or teaming arrangements with carriers that have direct rights under section 251. In addition, ISPs can obtain certification as telecommunications service providers in order to receive direct benefits under section 251. We also note that many ISPs that currently provide both telecommunications services and information services will have the benefit of both section 251 unbundling as well as ONA.

34. For all these reasons, the fact that section 251's access and interconnection rights apply by their terms only to a ''requesting telecommunications carrier'' does not, in our view, change our conviction that the 1996 Act, as well as other factors, should alleviate the court's underlying concern in *California III* that the level of unbundling required under ONA does not provide sufficient protection against access discrimination. We seek comment on this analysis. In light of several recent court decisions bearing on these issues, we also ask commenters to address how the opinions of the Eighth Circuit Court of Appeals, including the decision regarding the recombination of unbundled network elements, as well as the decision of the United States District Court for the Northern District of Texas concerning the constitutionality of sections 271 through 275 of the Act, affect our analysis.

35. In addition to the changes engendered by the 1996 Act, there have been other regulatory and market-based developments that, we believe, also should alleviate the court's underlying concern about whether the level of unbundling mandated by ONA provides sufficient protection against access discrimination. For example, the Commission's *Expanded Interconnection* proceeding requires Class A LECs, including the BOCs and GTE, to allow all interested parties to provide competitive interstate special access, transport, and tandem switched transport by interconnecting their transmission facilities with the LECs' networks. Competing ISPs that utilize transmission facilities thus may provide certain transport functions as part of their enhanced services independent of the *Computer III* framework. These additional interconnection requirements, together with section 251 unbundling and the Commission's current ONA requirements, further help to protect ISPs against access discrimination by the BOCs. We seek comment on this analysis.

36. In addition, the level of competition within the information services market, which the Commission termed ''truly competitive'' as early as 1980, has continued to increase markedly as new competitive ISPs have entered the market. The phenomenal growth of the Internet over the past several years illustrates how robustly competitive one sector of the information services market has become. Recent surveys suggest that there are some 3,000 Internet access providers in the United States; these providers range from small start-up operations, to large providers such as IBM and AT&T, to consumer online services such as America Online. We believe that other sectors of the information services market have also continued to grow, as we observed in the *Computer III Further Remand Notice.* The presence of well-established participants in the information services market, such as EDS, MCI, AT&T, Viacom, Times-Mirror, General Electric, and IBM, may make it more difficult for BOCs to engage in access discrimination. For example, the *California I* court indicated that ''the emergence of powerful competitors such as IBM, which have the resources and expertise to monitor the quality of access to the network, reduces the BOCs' ability to discriminate in providing access to their competitors.'' We seek comment on whether the sustained growth of competition within the information services market,

[4] *See* 47 U.S.C. 251(c)(2), (c)(3). The Commission determined that entities that provide both telecommunications services and information services are classified as telecommunications carriers for the purposes of section 251, and are subject to the general interconnection obligations of section 251(a), to the extent that they are acting as telecommunications carriers. *Local Competition Order,* 61 FR 45476, August 29, 1996. The Commission further concluded that telecommunications carriers that have obtained interconnection or access to unbundled network elements under section 251 in order to provide telecommunications services, may offer information services through the same arrangement, so long as they are offering telecommunications services through the same arrangement as well. *Id. See infra* paragraphs 92–96 for a more complete discussion of section 251 unbundling vis-a-vis ONA. *See also* paragraph 8 for a discussion of the Universal Service Report.

including the continued participation of large information service competitors, serves to diminish further the threat of access discrimination and, consequently, the court's concern about whether the level of unbundling mandated by ONA is sufficient.

IV. Effect of the 1996 Act

37. As detailed in the background section, the Commission issued the *Computer III Phase I Order* more than ten years ago, shortly after divestiture, and before the BOCs had obtained authorization from the MFJ court to begin to provide information services. Similarly, the implementation of ONA primarily took place between 1988 and 1992. Our objective is now, as it was then, to promote efficiency and increased service offerings while controlling anticompetitive behavior by the BOCs. We therefore reevaluate below the continuing need for these safeguards, in light of the 1996 Act and the significant technological and market changes that have taken place since the *Computer III* nonstructural safeguards were first proposed. This reevaluation is also part of the Commission's 1998 biennial review of regulations as required by the 1996 Act.

A. Basic/Enhanced Distinction

38. In the *Computer II* proceeding, the Commission adopted a regulatory scheme that distinguished between the common carrier offering of basic transmission services and the offering of enhanced services. The Commission defined a ''basic transmission service'' as the common carrier offering of ''pure transmission capability'' for the movement of information ''over a communications path that is virtually transparent in terms of its interaction with customer-supplied information.'' The Commission further stated that a basic transmission service should be limited to the offering of transmission capacity between two or more points suitable for a user's transmission needs. The common carrier offering of basic services is regulated under Title II of the Communications Act. In contrast, the Commission defined enhanced services as:

> services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information.

Enhanced services are not regulated under Title II of the Communications Act.

39. The 1996 Act does not utilize the Commission's basic/enhanced terminology, but instead refers to ''telecommunications services'' and ''information services.'' The 1996 Act defines *telecommunications* as:

> the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications service is defined as:

> the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of facilities used.

The 1996 Act defines *information service* as:

> the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

40. We concluded in the *Non-Accounting Safeguards Order* that, although the text of the Commission's definition of ''enhanced services'' differs from the 1996 Act's definition of ''information services,'' the two terms should be interpreted to extend to the same functions. We found no basis to conclude that, by using the term ''information services,'' Congress intended a significant departure from the Commission's usage of ''enhanced services.'' We further explained that interpreting ''information services'' to include all ''enhanced services'' provides a measure of regulatory stability for telecommunications carriers and ISPs by preserving the definitional scheme under which the Commission exempted certain services from traditional common carriage regulation.

41. Consistent with our conclusion in the *Non-Accounting Safeguards Order* that ''enhanced services'' fall within the statutory definition of ''information services,'' we seek comment in this Further Notice on whether the Commission's definition of ''basic service'' and the 1996 Act's definition of ''telecommunications service'' should be interpreted to extend to the same functions, even though the two definitions differ. We ask parties to address whether there is any basis to conclude that, by using the term ''telecommunications services,'' Congress intended a significant departure from the Commission's usage of ''basic services.'' As noted in the *Non-Accounting Safeguards Order,* we believe the public interest is served by maintaining the regulatory stability of the definitional scheme under which the Commission exempted certain services from traditional common carriage regulation. To the extent parties believe that ''telecommunications services'' differ from ''basic services'' in any regard, they should identify the distinctions that should be drawn between the two categories, describe any overlap between the two categories, and delineate the particular services that would come within one category and not the other.

42. In light of our conclusion in the *Non-Accounting Safeguards Order* that the statutory term ''information services'' includes all services the Commission has previously considered to be ''enhanced,'' and our decision in this proceeding to seek comment on whether the statutory term ''telecommunications services'' includes all services the Commission has previously considered to be ''basic services,'' we seek comment on whether the Commission hereafter should conform its terminology to that used in the 1996 Act. We ask commenters to discuss whether the Commission's rules, which previously distinguished between basic and enhanced services, should now distinguish between telecommunications and information services. For example, we ask whether the Commission's *Computer II* decision should now be interpreted to require facilities-based common carriers that provide information services to unbundle their telecommunications services and offer such services to other ISPs under the same tariffed terms and conditions under which they provide such services to their own information services operations.

B. Cost-Benefit Analysis of Structural Safeguards

1. Background

43. The Commission's goals in addressing BOC provision of information services have been both to promote innovation in the provision of information services and to prevent access discrimination and improper cost allocation. Because the BOCs control the local exchange network and the provision of basic services, in the absence of regulatory safeguards they may have the incentive and ability to engage in anticompetitive behavior against ISPs that must obtain basic network services from the BOCs in order

to provide their information service offerings. For example, BOCs may discriminate against competing ISPs by denying them access to services and facilities or by providing ISPs with access to services and facilities that is inferior to that provided to the BOCs' own information services operations. BOCs also may allocate costs improperly by shifting costs they incur in providing information services, which are not regulated under Title II of the Act, to their basic services.

44. Under rate-of-return regulation, which allows carriers to set rates based on the cost of providing a service, the BOCs may have had an incentive to shift costs incurred in providing information services to their basic service customers. In 1990, the Commission replaced rate-of-return regulation with price cap regulation of the BOCs and certain other LECs to discourage improper cost allocation, among other things. Recently, the Commission revised its price caps regime to eliminate the sharing mechanism, which required price cap carriers to ''share'' with their access customers half or all their earnings above certain levels in the form of lower rates. This revision substantially reduces the BOCs' incentive to misallocate costs.

45. Since the adoption of *Computer I* in 1971, the Commission has employed various regulatory tools, including structural separation, to prevent access discrimination and cost misallocation, first by AT&T and then, after divestiture, by the BOCs, in providing information services. In *Computer I,* we imposed a ''maximum separation policy'' on the provision of ''data processing'' services by common carriers other than AT&T and its Bell System subsidiaries. We continued to impose structural separation on the provision of enhanced services by AT&T and its Bell System subsidiaries in *Computer II,* until we replaced structural separation with a system of nonstructural safeguards in 1986, in *Computer III.*

46. The Commission has long recognized both the benefits as well as the costs of structural separation as a regulatory tool. The Commission noted in *Computer II* that a structural separation requirement reduces firms' ability to engage in anticompetitive activity without detection because the extent of joint and common costs between affiliated firms is reduced, transactions must take place across corporate boundaries, and the rates, terms, and conditions on which services will be available to all potential purchasers must be made publicly available. Structural separation thus is useful as an enforcement tool and as a deterrent, because firms are less likely to engage in anticompetitive activity the more easily it can be detected. As for costs, the Commission recognized that structural separation increases firms' transaction and production costs, but did not agree with arguments presented at the time that structural separation reduces innovation.

47. The Commission similarly weighed the benefits and costs of structural separation in *Computer III* when, with the passage of time and the accumulation of experience, it replaced the *Computer II* structural separation requirements with a system of nonstructural safeguards. The Commission concluded in Computer III that the benefits of structural separation are not significantly greater than the benefits of nonstructural safeguards in preventing anticompetitive practices by the BOCs, and that structural separation imposes greater costs on the public and the BOCs than nonstructural safeguards. The Commission also found that the benefits of structural separation had decreased since the adoption of the *BOC Separation Order,* 49 FR 1190, January 10, 1984 due to technological and market developments that diminished the BOCs' ability to misallocate costs and engage in access discrimination. Further, the Commission found, based on its experience, that the introduction of new information services by the BOCs was slowed or prevented altogether by structural separation, thus denying the public the benefits of innovation. The Commission also found that structural separation imposed direct costs on the BOCs resulting from duplication of facilities and personnel, limitations on joint marketing, and deprivation of economies of scope. The Ninth Circuit upheld the Commission's analysis of the costs of structural separation in *California I* and *California III.*

2. Effect of the 1996 Act and Other Factors

48. In the *Computer III Further Remand Notice,* the Commission sought comment on how various factors, including reports of anticompetitive behavior by the BOCs and the increase in the number of BOC information service offerings since the elimination of structural separation, affected the Commission's cost-benefit analysis of structural separation in *Computer III.* The 1996 Act was enacted after the Commission issued the *Computer III Further Remand Notice,* and raises additional issues that may affect this cost-benefit analysis. As discussed in more detail below, we tentatively conclude that the Act's overall pro-competitive, de-regulatory framework, as well as our public interest analysis, support the continued application of the Commission's nonstructural safeguards regime to the provision by the BOCs of intraLATA information services. We also tentatively conclude that allowing the BOCs to offer intraLATA information services subject to nonstructural safeguards serves as an appropriate balance of the need to provide incentives to the BOCs for the continued development of innovative new technologies and information services that will benefit the public with the need to protect competing ISPs against the potential for anticompetitive behavior by the BOCs. We thus propose to allow the BOCs to continue to provide intraLATA information services on an integrated basis, subject to the Commission's *Computer III* and ONA requirements as modified or amended by this proceeding, or on a structurally separate basis. If a BOC chooses to provide intraLATA information services on a structurally separate basis, we seek comment on whether we should permit the BOC to choose between a *Computer II* and an Act-mandated affiliate under section 272 or section 274, or whether we should mandate one of these types of affiliates.

a. Section 251 and Local Competition

49. Competition in the local exchange and exchange access markets is the best safeguard against anticompetitive behavior. BOCs are unable to engage successfully in discrimination and cost misallocation to the extent that competing ISPs have alternate sources of access to basic services. Stated differently, when other telecommunications carriers, such as interexchange carriers (IXCs) or cable service providers, compete with the BOCs in providing basic services to ISPs, the BOCs are less able to engage successfully in discrimination and cost misallocation because they risk losing business from their ISP customers for basic services to these competing telecommunications carriers.

50. As discussed above, the 1996 Act affirmatively promotes local competition. Sections 251 and 253, among other sections, are intended to eliminate entry barriers and foster competition in the local exchange and exchange access markets. Indeed, the market for local exchange and exchange access services has begun to respond to some degree to the pro-competitive mandates of the 1996 Act. Some ISPs, for example, currently are obtaining basic services that underlie their information services from competing

providers of telecommunications services that have entered into interconnection agreements with the BOCs pursuant to section 251.

51. We recognize that the BOCs remain the dominant providers of local exchange and exchange access services in their in-region states, and thus continue to have the ability and incentive to engage in anticompetitive behavior against competing ISPs. On the other hand, the movement toward local exchange and exchange access competition should, over time, decrease and eventually eliminate the need for regulation of the BOCs to ensure that they do not engage in access discrimination or cost misallocation of their basic service offerings. The Commission has previously concluded that the nonstructural safeguards established in *Computer III* could combat such anticompetitive behavior as effectively as structural separation requirements, but in a less costly way. We thus tentatively conclude that the de-regulatory, pro-competitive provisions of the 1996 Act, and the framework the 1996 Act set up for promoting local competition, are consistent with, and provide additional support for, the continued application of the Commission's current nonstructural safeguards regime for BOC provision of intraLATA information services. We seek comment on this tentative conclusion.

b. Structural Separation and the 1996 Act

52. In the *Computer III Further Remand Notice,* we sought comment on the issue of whether some form of structural separation should be reimposed for the provision of information services by the BOCs, and we discussed briefly the costs and benefits that the Commission previously identified in granting structural relief to the BOCs. In this section, we seek comment on the extent to which the Act-mandated separation requirements may affect this cost-benefit analysis.

53. The 1996 Act permits the BOCs to enter markets from which they were previously restricted, allowing the BOCs to develop and market innovative new technologies and information services. In doing so, Congress in certain cases imposed structural separation requirements on the BOCs. Section 272, for example, allows the BOCs to provide certain interLATA information services as well as in-region, interLATA telecommunications services, and to engage in manufacturing activities, only through a structurally separate affiliate. Section 274 imposes structural separation requirements on BOC provision of intraLATA and interLATA electronic publishing services. Congress did not, however, mandate separation requirements for BOC provision of other information services.

54. In the *Non-Accounting Safeguards Order* we recognized that section 272 on its face does not require the BOCs to offer intraLATA information services through a separate affiliate, and deferred to this proceeding the question of whether the Commission should exercise its general rulemaking authority to do so. We find it significant that Congress limited the separate affiliate requirement in section 272 to BOC provision of most interLATA information services, interLATA telecommunications services, and manufacturing, and in section 274 to BOC provision of electronic publishing services. We therefore tentatively conclude that Congress' decision to impose structural separation requirements in sections 272 and 274, while relevant to our cost-benefit analysis, does not in itself warrant a return to structural separation for BOC provision of intraLATA information services not subject to those sections. We seek comment on this tentative conclusion.

55. Congress's decision to mandate structural separation only for certain information services does not necessarily foreclose the Commission from mandating or allowing structural separation for other information services. We recognize that, for example, the statutory separate affiliate requirements may reduce the cost of returning to a structural separation regime for BOC provision of intraLATA information services, given that the BOCs already are required to establish at least one structurally separate affiliate in order to provide the services covered by sections 272 and 274. Some BOCs may find it more efficient to provide all of their information services through a statutorily-mandated affiliate. In addition, it may be in the public interest for the Commission to prescribe a uniform set of regulations for BOC provision of both intraLATA and interLATA information services, by requiring, for example, that BOCs provide all information services through an affiliate that complies with the statute. This approach would eliminate the need to distinguish between intraLATA and interLATA information services for purposes of regulation and, consequently, lower compliance and enforcement costs.

56. On the other hand, mandatory structural separation would entail increased transaction and production costs for the BOCs, as discussed above. In addition, in the *Computer III Further Remand Notice* we noted that all of the BOCs currently are offering some information services on an integrated basis pursuant to CEI plans approved by the Commission. Thus, our cost-benefit analysis should take into account the costs today of returning to structural separation. These would include the personnel, operational, and other changes the BOCs would have to undergo in order to reinstate a regime of structural separation, and the service disruptions, lower service quality, reduced innovation, and higher user rates that may result. We must also consider the effect on the public of the potential delay in the development of new technologies and information services by the BOCs that may result. In addition, once the separation requirements under sections 272 and 274 sunset, structural separation for intraLATA information services based on the existence of the statutorily-mandated affiliates would have to be reexamined.

57. We also recognize the benefits of a flexible, regulatory framework that would allow the BOCs, consistent with the public interest, to structure their operations as they see fit in order to maximize efficiencies and thus provide greater benefits to consumers. We note that, under our current rules, a BOC may provide an intraLATA information service either on an integrated basis pursuant to an approved CEI plan or on a structurally separated basis pursuant to the Commission's *Computer II* rules. SBC has argued that the BOCs continue to need this type of flexibility to provide intraLATA information services either on an integrated basis, subject to appropriate safeguards, or through a separate affiliate, because the most appropriate form of regulation varies service-by-service, depending on the relative significance of cost considerations and other factors. Although the Commission may need to devote more resources to administer and enforce multiple regulatory regimes, this approach would allow the BOCs to structure their intraLATA information service offerings more in accordance with their business needs. In addition, such an approach may minimize the risk of service disruptions, since the BOCs would not have to change the manner in which they are providing their current intraLATA information service offerings.

58. In addition to the factors cited by the Commission in the *Computer III Phase I Order,* more recent events may affect the analysis of the relative costs and benefits of structural and nonstructural safeguards. In particular,

we earlier discussed how our *Price Caps Fourth Report and Order*, 62 FR 31939, June 11, 1997 eliminates the sharing mechanism from the price caps regime, thereby reducing the BOCs' incentive to misallocate costs. We also described previously how the local competition provisions of the 1996 Act provide for alternate sources of access to basic services, thereby diminishing the BOCs' ability to engage in anticompetitive behavior against competing ISPs.

59. In light of this analysis, we continue to believe it is preferable, as a matter of public interest, to continue with the Commission's nonstructural safeguards regime rather than to reimpose structural separation, notwithstanding the affiliate requirements of sections 272 and 274 of the Act. We thus tentatively conclude that the BOCs should continue to be able to choose whether to provide intraLATA information services either on an integrated basis, subject to the Commission's *Computer III* and ONA requirements as modified or amended by this proceeding, or pursuant to a separate affiliate. We seek comment on this tentative conclusion. In addition, if a BOC chooses to provide intraLATA information services through a separate affiliate, we seek comment on whether we should permit the BOC to choose between a *Computer II* and an Act-mandated affiliate, or whether we should mandate one of these types of affiliates. Finally, we seek comment on how the recent *SBC* v. *FCC* decision in the United States District Court for the Northern District of Texas affects this analysis.

C. Comparably Efficient Interconnection (CEI) Plans

1. Proposed Elimination of Current Requirements

60. In the *Interim Waiver Order* adopted in response to the *California III* decision, the Bureau allowed the BOCs to continue to provide existing enhanced services on an integrated basis, provided that they filed CEI plans for those services. In addition, the Bureau required the BOCs to file CEI plans for new enhanced services they propose to offer, and to obtain the Bureau's approval for these plans before beginning to provide service. We concluded that the partial vacation of the *BOC Safeguards Order* in *California III* reinstated the service-specific CEI plan regime, augmented by implementation of ONA, until the Commission concluded its remand proceedings. BOCs were also required to comply with the requirements established in their approved ONA plans, because we had previously determined that ONA requirements are independent of the removal of structural separation requirements.

61. In this Further Notice, we tentatively conclude that we should eliminate the requirement that BOCs file CEI plans and obtain Bureau approval for those plans prior to providing new information services. We note that CEI plans were always intended to be an interim measure, designed to bridge the gap between the Commission's decision to lift structural separation in the *Computer III Phase I Order* and the implementation of ONA. While CEI plans have been effective as interim safeguards, we tentatively conclude that they are not necessary to protect against access discrimination once the BOCs are providing information services pursuant to approved ONA plans, which they have been for several years. ONA provides ISPs an even greater level of protection against access discrimination than CEI. Under ONA, not only must the BOCs offer network services to competing ISPs in compliance with the nine CEI ''equal access'' parameters, but the BOCs must also unbundle and tariff key network service elements beyond those they use to provide their own enhanced services offerings. BOCs are also subject to ONA amendment requirements that constitute an additional safeguard against access discrimination following the lifting of structural separation.

62. Further, under the 1996 Act, the BOCs are now subject to additional statutory requirements that will help prevent access discrimination, including the section 251 unbundling requirements and the network information disclosure requirements of section 251(c)(5). These statutory requirements all serve as further protections against access discrimination, both by requiring the BOCs to open the local exchange market to competition, and by ensuring that the BOCs publicly disclose on a timely basis information about changes in their basic network services.

63. Given the protections afforded by ONA and the 1996 Act, we believe that the substantial administrative costs associated with BOC preparation, and agency review, of CEI plans outweigh their utility as an additional safeguard against access discrimination. Moreover, the time and effort involved in the preparation and review of the CEI plans may delay the introduction of new information services by the BOCs, without commensurate regulatory benefits. Such a result is contrary to one of the Commission's original purposes in adopting a nonstructural safeguards regime, which was to promote and speed introduction of new information services, benefiting the public by giving them access to innovative new technologies.

64. For the reasons outlined above, we tentatively conclude that we should eliminate the requirement that BOCs file CEI plans and obtain Bureau approval for those plans prior to providing new information services. We believe the significant burden imposed by these requirements on the BOCs and the Commission outweighs their possible incremental benefit as additional safeguards against access discrimination. In this light, we tentatively conclude that lifting the CEI plan requirement will further our statutory obligation to review and eliminate regulations that are ''no longer necessary in the public interest.'' We seek comment on this tentative conclusion and our supporting analysis.

Parties who disagree with this tentative conclusion should address whether there are more streamlined procedures that could be adopted as an alternative to the current CEI filing requirements.

65. We recognize that, as part of our effort to reexamine our nonstructural safeguards regime, we seek comment in this Further Notice on whether we should modify or amend certain ONA requirements. Because we base our tentative conclusion that we should eliminate the CEI-plan filing requirement in part on the adequacy of ONA, we ask that parties comment on how any of the modifications the Commission proposes in Part IV.D., or proposed by commenters in response to our questions, may affect this tentative conclusion. We also seek comment on whether the requirements that the 1996 Act imposes on the BOCs, such as those relating to section 251 unbundling and network information disclosure, are sufficient in themselves to provide a basis for eliminating CEI plans.

2. Treatment of Services Provided Through 272/274 Affiliates

a. Section 272

66. In the *Non-Accounting Safeguards Order*, we noted that section 272 of the Act imposes specific separate affiliate and nondiscrimination requirements on BOC provision of ''interLATA information services,'' but does not address BOC provision of intraLATA information services. We concluded that, pending the conclusion of the *Computer III Further Remand* proceeding, BOCs may continue to provide intraLATA information services on an integrated basis, in compliance

with the Commission's nonstructural safeguards established in *Computer III* and ONA.

67. *The Non-Accounting Safeguards Order* also raised the related issue of whether a BOC that provides all information services (both intraLATA and interLATA) through a section 272 separate affiliate satisfies the Commission's *Computer II* separate subsidiary requirements, and therefore does not have to file a CEI plan for those services. We noted that the record in the *Non-Accounting Safeguards Order* was insufficient to make this determination, and that we would examine this issue in the *Computer III Further Remand* proceeding.

68. If we do not adopt our tentative conclusion in this proceeding to eliminate the CEI plan filing requirement for the BOCs, we tentatively conclude that the BOCs should not have to file CEI plans for information services that are offered through section 272 separate affiliates, notwithstanding that section 272's requirements are not identical to the Commission's *Computer II* requirements (all other applicable *Computer III* and ONA safeguards, however, as amended or modified by this proceeding, would continue to apply). We note that, to the extent certain or all BOCs no longer have to provide interLATA services through a section 272 affiliate as a result of the *SBC* v. *FCC* decision by the United States District Court for the Northern District of Texas, then this tentative conclusion would not apply.

69. We reach our tentative conclusion for several reasons. First, we believe that the concerns underlying the Commission's *Computer II* requirements regarding access discrimination and cost misallocation are sufficiently addressed by the accounting and non-accounting requirements set forth in section 272 and the Commission's orders implementing this section. Second, after a BOC receives authority under section 271 to provide interLATA services through a section 272 affiliate, the BOC in many cases may want to provide a seamless information service to customers that would combine both the inter-and intraLATA components of such service. For the Commission to require that the BOC also receive approval under a CEI plan for the intraLATA component of such service is, in our view, unnecessary, and likely to delay the provision of integrated services that would be beneficial to consumers. We seek comment on this tentative conclusion and supporting analysis.

70. We also noted in the *Non-Accounting Safeguards Order* that other issues raised regarding the interplay between the 1996 Act and the Commission's *Computer III/ONA* regime would be addressed in the *Computer III Further Remand* proceeding. These included whether: (1) the Commission should harmonize its regulatory treatment of intraLATA information services provided by the BOCs with the section 272 requirements imposed by Congress on interLATA information services; (2) the 1996 Act's CPNI, network disclosure, nondiscrimination, and accounting provisions supersede various of the Commission's *Computer III* nonstructural safeguards; and (3) section 251's interconnection and unbundling requirements render the Commission's *Computer III* and *ONA* requirements unnecessary. These issues are either being addressed in this Further Notice or have been covered in other proceedings.

b. Section 274

71. In the *Telemessaging and Electronic Publishing Order,* 62 FR 7690, February 20, 1997 we concluded that the Commission's *Computer II, Computer III,* and ONA requirements continue to govern the BOCs' provision of intraLATA electronic publishing services. We found, however, that the record was insufficient to determine whether BOC provision of electronic publishing through a section 274 affiliate satisfied all the relevant requirements of *Computer II,* such that the BOC would not have to file a CEI plan for that service. We noted that we would consider that issue, as well as other issues raised regarding the revision or elimination of the *Computer III/ONA* requirements, in the *Computer III Further Remand* proceeding.

72. If we do not adopt our tentative conclusion in this proceeding to eliminate the CEI plan filing requirement for the BOCs, we tentatively conclude, as we do above for information services that are provided through a section 272 affiliate, that BOCs should not have to file CEI plans for electronic publishing services or other information services provided through their section 274 affiliate (as noted above, however, all other applicable *Computer III* and ONA safeguards, as amended or modified by this proceeding, would continue to apply). As noted above, to the extent certain or all BOCs no longer are subject to section 274 for their provision of electronic publishing as a result of the *SBC* v. *FCC* decision by the United States District Court for the Northern District of Texas, then this tentative conclusion would not apply.

73. Again, we reach our tentative conclusion for several reasons. First, we believe the section 274 separation and nondiscrimination requirements, and the Commission's rules implementing those requirements, are sufficient to address concerns regarding access discrimination and misallocation of costs in general. Second, given that Congress set forth detailed rules in section 274 for the specific provision of electronic publishing services, we do not believe the Commission should continue to require the BOCs to file, and the Commission to approve, CEI plans before the BOCs may provide such services. We seek comment on this tentative conclusion and supporting analysis.

3. Treatment of Telemessaging and Alarm Monitoring Services

74. In the *Telemessaging and Electronic Publishing Order* and the *Alarm Monitoring Order,* respectively, we concluded that the Commission's *Computer II, Computer III,* and ONA requirements continue to govern the BOCs' provision of intraLATA telemessaging services and alarm monitoring services. Because neither section 260 nor section 275 imposes separation requirements for the provision of intraLATA telemessaging services or alarm monitoring services, respectively, BOCs may provide those services, subject both to other restrictions in those sections, as applicable, as well as the Commission's current nonstructural safeguards regime, as modified by the proposals that we may adopt in this proceeding.

4. Related Issues

75. If we adopt our tentative conclusion to eliminate the CEI plan filing requirement for the BOCs, we seek comment on whether we should dismiss all CEI matters pending at that time (including pending CEI plans, pending CEI plan amendments, and requests for CEI waivers), on the condition that the BOCs must comply with any new or modified rules that may be established as a result of this Further Notice. We also seek comment on whether we should require a BOC with CEI approval to continue to offer service under the CEI requirements. To the extent that parties involved in pending CEI matters raise issues other than those directly related to the CEI requirements (*e.g.,* whether the service for which the BOC is seeking CEI-plan approval is a true information service, as opposed to a telecommunications service that should be offered under tariff), we seek comment on how and in what forum those issues should be addressed.

76. We note that section 276 directs the Commission to prescribe a set of nonstructural safeguards for BOC provision of payphone service, which must include, at a minimum, the ''nonstructural safeguards equal to those adopted in'' the *Computer III* proceeding. In implementing section 276, the Commission required the BOCs, among other things, to file CEI plans describing how they would comply with various nonstructural safeguards. The Bureau approved the BOCs' CEI plans to provide payphone service on April 15, 1997.

77. We seek comment on whether the changes that may be made to the Commission's *Computer III* and ONA rules as a result of this Further Notice should also apply to the nonstructural safeguards regime established in the *Payphone Order* proceeding for BOC provision of payphone service. For example, to the extent that we adopt our tentative conclusion to eliminate the CEI plan filing requirement, should we also relieve the BOCs from the requirement of filing amendments to their CEI plans for payphone service? How does this comport with the statutory requirement in section 276? We seek comment on these issues.

D. ONA and Other Nonstructural Safeguards

1. ONA Unbundling Requirements

a. Introduction

78. The Commission's ONA unbundling requirements serve both to safeguard against access discrimination and to promote competition and market efficiency in the information services industry. As described above, the Commission conditioned the permanent elimination of the *Computer II* structural separation requirements imposed on the BOCs upon the evolutionary implementation of ONA and other nonstructural safeguards. The ONA requirements, however, have a significance independent of whether they provide the basis for lifting structural separation. In 1990, during the course of the remand proceedings in response to *California I,* the Commission required the BOCs to implement ONA regardless of whether ONA provided the basis for elimination of structural separation. As discussed below, the Commission stated that ''[a] major goal of ONA is to increase opportunities for ESPs to use the BOCs'' regulated networks in highly efficient ways, enabling ESPs to expand their markets for their present services and develop new offerings as well, all to the benefit of consumers.'' It was for this reason that the Commission applied the ONA requirements to GTE in 1994.

79. ONA is the overall design of a carrier's basic network services to permit all users of the basic network, including the information services operations of the carrier and its competitors, to interconnect to specific basic network functions and interfaces on an unbundled and ''equal access'' basis. The BOCs and GTE through ONA must unbundle key components of their basic services and make them available under tariff, regardless of whether their information services operations utilize the unbundled components. Such unbundling ensures that competitors of the carrier's information services operations can develop information services that utilize the carrier's network on an economical and efficient basis.

b. ONA Unbundling Requirements

80. In the *Computer III Phase I Order* we declined to adopt any specific network architecture proposals for ONA and instead specified certain standards that carriers' ONA plans must meet. The unbundling standard for the BOCs required that: (1) the BOCs' enhanced services operations obtain unbundled network services pursuant to tariffed terms, conditions, and rates available to all ISPs; (2) BOCs provide an initial set of basic service functions that could be commonly used in the provision of information services to the extent technologically feasible; (3) ISPs participate in developing the initial set of network services; (4) BOCs select the set of network services based on the expected market demand for such elements, their utility as perceived by information service competitors, and the technical and costing feasibility of such unbundling; and (5) BOCs comply with CEI requirements in providing basic network services to affiliated and unaffiliated ISPs. In the *BOC ONA Order* that reviewed the initial BOC ONA plans for compliance with the Commission's requirements, the Commission generally approved the use of the ''common ONA model'' that described unbundled services BOCs would provide to competing ISPs. Under the common ONA model, ISPs obtain access to various unbundled ONA services, termed Basic Service Elements (BSEs), through access links described as Basic Service Arrangements (BSAs). BSEs are used by ISPs to configure their information services. Other ONA elements include Complementary Network Services (CNSs), which are optional unbundled basic service features (such as stutter dial tone) that an end user may obtain from carriers in order to obtain access to or receive information services, and Ancillary Network Services (ANSs), which are non-Title II services, such as billing and collection, that may be useful to ISPs.

81. The BOCs and GTE are also subject to the ONA amendment requirement. Under this requirement, if a subject carrier itself seeks to offer an information service that uses a new BSE or otherwise uses different configurations of underlying basic services than those included in its approved ONA plan, the carrier must amend its ONA plan at least ninety days before it proposes to offer that information service. The Commission must approve the amendment before the subject carrier can use the new basic service for its own information services.

82. In addition to the ONA services that BOCs and GTE currently provide, there are mechanisms to help ISPs obtain the new ONA services they require to provide information services. When an ISP identifies a new network functionality that it wants to use to provide an information service, it can request the service directly from the BOC or GTE through a 120-day process specified in our rules, or it can request that the Network Interconnection Interoperability Forum (NIIF) sponsored by the Alliance for Telecommunications Industry Solutions (ATIS) consider the technical feasibility of the service.

83. Under the Commission's 120-day request process, an ISP that requests a new ONA basic service from the BOC or GTE must receive a response within 120 days regarding whether the BOC or GTE will provide the service. The BOC or GTE must give specific reasons if it will not offer the service. The BOC or GTE's evaluation of the ISP request is to be based on the ONA selection criteria set forth in the original *Phase I Order:* (1) market area demand; (2) utility to ISPs as perceived by the ISPs themselves; (3) feasibility of offering the service based on its cost; and (4) technical feasibility of offering the service. If an ISP objects to the BOC or GTE's response, it may seek redress from the Commission by filing a petition for declaratory ruling.

84. Additionally, ISPs can ask the NIIF for technical assistance in developing and requesting new network services. Upon request, the NIIF will establish a task force composed of representatives from different industry sectors to evaluate the technical feasibility of the service, and through a consensus process, make recommendations on how the service can be implemented. ISPs can then take the information to a specific BOC or GTE and request the service under the

120-day process using the NIIF result to show that the request is technically feasible.

85. As part of the Commission's 1998 biennial review of regulations, we seek comment on whether ONA has been and continues to be an effective means of providing ISPs with access to the BOC/GTE unbundled network services they need to structure efficiently and innovatively their information service offerings. To the extent that commenters assert that ONA is effective or ineffective, we request that they cite to specific instances to support their claims.

86. In addition, we seek comment on whether the ''common ONA model'' through which ISPs gain access to BSEs, BSAs, CNSs, and ANSs is adequate to provide ISPs with the network functionalities they need. If not, what specific changes to the ONA unbundling framework should be made? Some parties have argued that the common ONA model forces ISPs to purchase unnecessary services or functionalities that are embedded within the BSEs, BSAs, CNSs, and ANSs. We seek comment on this argument. In addressing these issues, commenters should take note of our separate inquiry below regarding the impact of section 251 and its separate unbundling regime.

87. We further seek comment on whether ISPs make use of the ONA framework to acquire unbundled network services or whether they use other means to obtain such services in order to provide their information service offerings. Commenters that have used means other than ONA to acquire or provide unbundled network services should identify those means, state why ONA was not used, and discuss why the alternative approach was more effective and efficient.

88. In addition, we seek comment on whether the ONA 120-day request process established to help ISPs obtain new ONA services has been effective. We seek comment, from ISPs in particular, regarding whether they have made use of the 120-day request process, and the results from using that process. If ISPs have not used the 120-day request process, we request that they explain why they have not done so. We further request that parties comment, with specificity, on what, if anything, we should do to streamline the 120-day request process to make it more useful. In the alternative, we seek comment on whether the 120-day request process should be eliminated, in light of the fact that the issues that must be resolved between the carrier and the requesting ISP are technical and operational in nature, and may be most appropriately addressed in an industry forum, such as the NIIF. We also seek comment on whether the ONA amendment process has been effective.

89. We further seek comment regarding the role of the NIIF in helping ISPs obtain basic services from the BOCs and GTE. We seek comment, from ISPs in particular, regarding whether they have requested assistance from the NIIF in determining the technical feasibility of offering particular network functionalities as new basic services, and if so, the results obtained. If ISPs have not done so, we request that they tell us why not. We further seek comment on whether we should continue to request that the NIIF perform the function of facilitating ISP ONA requests or whether some other forum or industry group would be more appropriate.

90. Finally, we seek comment on whether and how the development of new information services, including, for example, Internet services, should affect our analysis of the effectiveness of the Commission's current ONA rules for ISPs. As we noted in the *Information Service and Internet Access NOI,* 62 FR 4657, January 31, 1997, many of the Commission's existing rules have been designed for traditional circuit-switched voice networks rather than the emerging packet-switched data networks. While the *Information Service and Internet Access NOI* sought comment, in general, on identifying ways in which the Commission could facilitate the development of high-bandwidth data networks while preserving efficient incentives for investment and innovation in the underlying voice network, we seek comment in this Further Notice specifically on whether and how the Commission should modify the *Computer III* and ONA rules in light of these technological developments.

91. Specifically, we seek comment on how the Commission's *Computer III* or ONA rules may impact the BOCs' incentive to invest in and deploy data network switching technology. For example, the Commission's existing ONA rules require the BOCs to unbundle and separately tariff all basic services. We have interpreted this rule to require a BOC to unbundle and separately tariff a basic service used in the provision of an information service provided by the BOC affiliate, even where the basic service is solely located in, and owned by, the BOC affiliate, not the BOC. This situation may arise, for example, when a frame relay switch is located in, and owned by, the BOC affiliate rather than the BOC. We seek comment on the appropriate treatment of these types of services.

c. Effect of the 1996 Act

(1) Section 251 Unbundling

92. Section 251 of the Act requires incumbent LECs, including the BOCs and GTE, to provide to requesting telecommunications carriers interconnection and access to unbundled network elements at rates, terms, and conditions that are just, reasonable, and nondiscriminatory, and to offer telecommunications services for resale. The Act defines ''telecommunications carrier'' as ''any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in section 226).'' As we concluded in the *Local Competition Order,* the term ''telecommunications carrier'' does not include ISPs that do not also provide domestic or international telecommunications. Thus, as discussed above, companies that provide both information and telecommunications services are able to request interconnection, access to unbundled network elements, and resale under section 251, but companies that only provide information services (''pure ISPs'') are not accorded such rights under section 251.

93. Despite this limitation, there are several ways that pure ISPs may be able to obtain benefits from section 251, as discussed in Part III.B. We recognize, however, that section 251 provides a level of unbundling that pure ISPs do not receive under the Commission's current ONA framework. Unbundling under section 251 includes the physical facilities of the network, together with the features, functions, and capabilities associated with those facilities. Section 251 also requires incumbent LECs to provide for the collocation at the LEC's premises of equipment necessary for interconnection or access to unbundled network elements, under certain conditions. Unbundling under ONA, in contrast, emphasizes the unbundling of basic services, not the substitution of underlying facilities in a carrier's network. ONA unbundling also does not mandate interconnection on carriers' premises of facilities owned by others. These differences may be due to the different policy goals that the two regimes were designed to serve.

94. Section 251 unbundling raises a number of issues relating to the Commission's ONA framework. In the *Non-Accounting Safeguards Order,* for example, some parties stated that section 251's interconnection and

unbundling requirements render the Commission's *Computer III* and ONA requirements unnecessary. A related issue is whether the Commission, pursuant to our general rulemaking authority, should extend section 251-type unbundling to ''pure ISPs.''

95. In this Further Notice, we seek comment on whether section 251, as currently applied, obviates the need for ONA. We ask commenters to analyze this issue with respect to both pure ISPs as well as ISPs that are also telecommunications carriers. For example, is ONA unbundling still necessary for ISPs that are also telecommunications carriers for whom section 251 unbundling is available? As for pure ISPs, does the fact that they can obtain the benefits of section 251 by becoming telecommunications carriers, or by partnering with or obtaining basic services from competitive telecommunications providers, render ONA unnecessary? Commenters should address whether ONA should still be available for pure ISPs or other ISPs in areas where there may not be sufficient competition in the local exchange market.

96. We also seek comment on whether it is in the public interest for the Commission to extend section 251-type unbundling to pure ISPs. Put differently, we seek comment regarding whether, pursuant to our general rulemaking authority contained in section 201–205 of the Act, and as exercised in the *Computer III, ONA*, and *Expanded Interconnection* proceedings, we can and should extend some or all rights accorded by section 251 to requesting telecommunications carriers to pure ISPs. Commenters who contend that it is in the public interest to extend section 251-type unbundling should address why it is necessary to do so, given the alternative options pure ISPs have to obtain the benefits of section 251 unbundling, as well as the unbundling rights ISPs currently enjoy under the Commission's existing ONA regime. Commenters should also address whether the extension of section 251-type unbundling to pure ISPs would be inconsistent with section 251, which by its terms applies only to telecommunications carriers. Similarly, commenters should address whether section 251-type unbundling is appropriate for pure ISPs, given the different purposes section 251 and ONA serve, and the different approaches to unbundling they encompass. Furthermore, commenters that argue that we should extend the section 251 unbundling framework to pure ISPs should explain what such a framework would include. For example, commenters should address, among other things, whether extending section 251-type unbundling rights to pure ISPs necessarily requires the extension to pure ISPs of any obligations under section 251 or other Title II provisions. Commenters should also address whether extending section 251-type unbundling to pure ISPs obviates the need for ONA.

(2) InterLATA Information Services

97. As discussed, we tentatively conclude in this Further Notice that the Commission's nonstructural safeguard regime should continue to apply to BOC provision of intraLATA information services. Prior to the enactment of the 1996 Act, however, we did not distinguish between intraLATA and interLATA information services, and we did not explicitly apply our *Computer III* and ONA rules to BOC provision of interLATA information services since the BOCs were prevented under the MFJ from providing interLATA services. Section 272 of the 1996 Act, however, does distinguish between intraLATA and interLATA information services by imposing separation and nondiscrimination requirements on BOC provision of interLATA information services. We seek comment, therefore, on whether the Commission's ONA requirements, as modified or amended by this proceeding, should be interpreted as encompassing BOC provision of interLATA information services. We also seek comment on whether it would be inconsistent with section 272 for the Commission to apply ONA requirements to BOC provision of interLATA information services.

98. In addressing this issue, we ask that commenters take note of the following policy considerations. As noted above, the Commission required the BOCs to implement ONA regardless of whether ONA provided the basis for elimination of structural separation. We stated that ONA serves the public interest, not only by serving as a critical nonstructural safeguard against anticompetitive behavior by the BOCs, but also by promoting the efficient use of the network by ISPs, to the benefit of consumers. On the other hand, section 272 already sets forth the statutory requirements for BOC provision of interLATA information services and, therefore, including such services within the Commission's ONA framework may be unnecessary to protect the public interest. Moreover, as discussed above, section 251 unbundling may obviate ONA in some or all respects, including its application to BOC provision of interLATA information services. We also seek comment, to the extent commenters believe that ONA should encompass BOC provision of interLATA information services, on how the Commission's current ONA requirements, including ONA reporting requirements, may need to be changed or supplemented, if at all, to take account of such services.

2. ONA and Nondiscrimination Reporting Requirements

a. Introduction

99. In this section of the Notice, we examine the various reporting requirements imposed on the BOCs and GTE by the *Computer III* and *ONA* regimes. These reporting requirements were originally intended as a safeguard, in that the BOCs and GTE must disclose information that would allow detection of patterns of access discrimination. In addition, certain reporting requirements were intended to promote competition, by providing interested parties (including ISPs and equipment manufacturers) with information about service introduction and deployment by the subject carriers, which may assist such parties in structuring their own operations.

100. We recognize, however, that a number of years have passed since certain of these reporting requirements were imposed, and that some of the information we require to be disclosed may no longer be useful, relevant, or related to either the safeguard or competition promotion functions identified above. Thus, as part of the Commission's 1998 biennial review of regulations, we intend in this proceeding to reexamine each of the reporting obligations imposed on the BOCs and GTE by the *Computer III* and *ONA* regimes, to determine whether any of these requirements should be eliminated or modified, consistent with the 1996 Act. We also seek comment on what, if any, different or additional reporting requirements should be imposed to safeguard against anticompetitive behavior by the BOCs and GTE and to promote competition in the provision of information services. In particular, we also seek comment on methods to facilitate access to and use of this information by unaffiliated entities, including small entities.

101. We set forth the ONA reporting reporting requirements and make specific inquiries regarding each requirement. The following are general inquiries that apply to all ONA reporting requirements. We ask parties to respond to both the specific and general inquiries in their comments on each ONA reporting requirement.

a. Is the information reported necessary to or helpful in monitoring the compliance of the subject carriers with their unbundling and nondiscrimination obligations? If not, why not? Would other types of information be more useful for compliance monitoring or enforcement purposes?

b. Is this requirement duplicative? In other words, does the Commission currently require other reports that disclose the same or substantially similar information, or serve the same purposes? If so, how should the Commission streamline these requirements?

c. Do industry groups, such as ATIS and/or NIIF, collect and compile information that is duplicative of that required by the Commission? If so, is that information readily available to interested parties?

d. Should we continue to require the subject carriers to file this report with the Commission both on paper and on disk, or should we adopt streamlined filing proposals similar to those set forth in the Further Notice of Proposed Rulemaking in the *Non-Accounting Safeguards* proceeding? Specifically, should we require either:

(i) a certification process whereby the subject carrier must maintain the required information in a standardized format, and file with the Commission an annual affidavit stating: (1) the information is so maintained; (2) the information will be updated in compliance with our rules; (3) the information will be maintained accurately; and (4) how the public will be able to access the information; or

(ii) electronic posting whereby the subject carriers must make the required information available on the Internet (for example, by posting it on their website) or through another similar electronic mechanism?

e. If we continue to maintain a paper filing requirement, is the information presented in a clear, comprehensible format? If not, what modifications to the format would improve clarity and accessibility?

f. If we continue to maintain a paper filing requirement, should we alter the frequency with which we require this report to be filed? If so, what alteration should be made, and what is the basis for that alteration? In the alternative, if we impose a certification process or electronic posting requirement, how often should subject carriers be required to update the information they must maintain? How must the subject carriers maintain historical data, and for what length of time?

102. In conjunction with our inquiries elsewhere in this item, we seek to examine, and, if possible, clarify the relationship between the ONA reporting requirements and the other obligations imposed on the subject carriers by ONA. For example we seek comment above on whether we should modify or eliminate the ONA unbundling requirements. To the extent that parties argue that we should do so, we request that they comment upon the effect that such action would have on the reporting obligations of the subject carriers. It seems that if the subject carriers were no longer required to unbundle and tariff ONA services, much of the information we currently require to be disclosed in the annual and semi-annual ONA reports would cease to exist. Does this mean that all such reporting requirements should be eliminated? Are there other meaningful reporting requirements that should be imposed instead?

b. Annual ONA Reports

103. The BOCs and GTE are required to file annual ONA reports that include information on: (1) annual projected deployment schedules for ONA service, by type of service (BSA, BSE, CNS), in terms of percentage of access lines served system-wide and by market area; (2) disposition of new ONA service requests from ISPs; (3) disposition of ONA service requests that have previously been designated for further evaluation; (4) disposition of ONA service requests that were previously deemed technically infeasible; (5) information on Signaling System 7 (SS7), Integrated Services Digital Network (ISDN), and Intelligent Network (IN) projected development in terms of percentage of access lines served system-wide and on a market area basis; (6) new ONA services available through SS7, ISDN, and IN; (7) progress in the IILC (now NIIF) on continuing activities implementing service-specific and long-term uniformity issues; (8) progress in providing billing information including Billing Name and Address (BNA), line-side Calling Number Identification (CNI), or possible CNI alternatives, and call detail services to ISPs; (9) progress in developing and implementing Operation Support Systems (OSS) services and ESP access to those services; (10) progress on the uniform provision of OSS services; and (11) a list of BSEs used in the provision of BOC/GTE's own enhanced services. In addition, the BOCs are required to report annually on the unbundling of new technologies arising from their own initiative, in response to requests by ISPs, or resulting from requirements imposed by the Commission.

104. We believe that certain aspects of the annual reporting requirements may be outdated and should be streamlined. We seek comment, for example, on whether we should continue to require the subject carriers to continue to report on projected deployment of ONA services (item 1), particularly as this information does not appear to change appreciably from year to year. Should we instead require the subject carriers to make a one-time filing of a 5-year deployment schedule at the time a new ONA service is introduced? In addition, should we require the subject carriers to continue to report on the disposition of ONA service requests from ISPs (items 2, 3, and 4), despite evidence that the frequency of such requests has declined appreciably since the initial implementation of ONA?

105. We seek comment on whether we should continue to require the subject carriers to report on deployment of SS7 (items 5 and 6), which has become available in most service areas. We further seek comment on whether we should continue to require the subject carriers to report on the availability and deployment of ISDN, IN, and AIN services (items 5 and 6). In addition, we seek comment regarding whether the requirement that the BOCs report on ''new ONA services available through SS7, ISDN, and IN, and plans to provide these services'' (item 6) overlaps so significantly with the requirement that they report on the unbundling of new technologies that one of these requirements should be eliminated.

106. In addition, we seek comment on whether, and to what extent, we should alter the requirement that carriers report on progress in industry forums regarding uniformity issues. Currently, subject carriers are required to report on progress in the IILC on continuing activities implementing service-specific and long-term uniformity issues (item 7). As a preliminary matter, we note that the functions that used to be performed by the IILC were transferred, as of January 1, 1997, to the NIIF. We tentatively conclude that, at a minimum, the ONA reporting requirement should be updated to reflect this change. We believe that the BOCs have agreed to provide to the NIIF periodic updates regarding issues that have been resolved. We seek comment on the nature of such updates to the NIIF, including specifically what information the BOCs provide. We further seek comment regarding whether the information from such updates is comprehensive enough, and sufficiently accessible to interested parties, to allow

us to eliminate the ONA reporting requirement covering progress of matters in the NIIF. In the alternative, we seek comment regarding whether there are other sources of information produced by or for ATIS or the NIIF that may reasonably substitute for this ONA reporting requirement.

107. We seek comment on whether we should continue to require the subject carriers to report on progress in providing billing information and call detail services to ISPs (item 8). We seek comment on whether we should continue to require the subject carriers to report on progress in developing, implementing, and providing access to Operation Support Systems (OSS) services (items 9 and 10). We believe it is important for such information to continue to be publicly available. We recognize, however, that such information may be more appropriately provided pursuant to other statutory provisions. For example, we issued a Public Notice on June 10, 1997, asking for comment on LCI's petition for expedited rulemaking to establish reporting requirements, performance, and technical standards for OSS in the context of section 251 of the Act. We seek comment on the appropriate forum for collecting information about OSS and whether continued reporting under *Computer III* is necessary in light of other pending Commission proceedings. We further seek comment on what, if any, changes we should make to the ONA OSS reporting requirements, to better reflect the obligations with respect to OSS imposed on carriers in the *Local Competition Order.*

c. Semi-Annual ONA Reports

108. In addition to the annual ONA reports discussed above, the BOCs and GTE are required to file semi-annual ONA reports. These semi-annual reports include: (1) a consolidated nationwide matrix of ONA services and state and federal ONA tariffs; (2) computer disks and printouts of data regarding state and federal tariffs; (3) a printed copy and a diskette copy of the *ONA Services User Guide;* (4) updated information on 118 categories of network capabilities requested by ISPs and how such requests were addressed, with details and matrices; and (5) updated information on BOC responses to the requests and matrices.

109. Considerable portions of the semi-annual reports filed by the BOCs appear to be redundant, as each of the BOCs files identical information. This generic information includes the ONA service matrix and the Services Description section of the ONA Services User Guide, as well as information on the 118 network capabilities originally requested by ISPs, and how the BOCs collectively have responded to these requests. Bell Communications Research, Inc. (Bellcore) originated and, until its spin-off earlier this year, prepared these portions of the BOCs' semi-annual reports; currently, an organization called the National Telecommunications Alliance (NTA) has assumed this responsibility. We see no benefit to continuing to require each of the BOCs separately to file the generic portions of the semi-annual report, particularly as there appear to be few changes in this information from year to year. Thus, we tentatively conclude that the BOCs should be permitted to make one consolidated filing (or posting) for all generic information they currently submit in their semi-annual reports. We seek comment on this tentative conclusion. We further seek comment on whether we should allow GTE to join in this consolidated filing or posting (to the extent that this arrangement would be mutually agreeable to the parties) with respect to the information it files that overlaps with that filed by the BOCs.

110. In addition, we seek comment on the frequency with which we require the subject carriers to file the information contained in the semi-annual ONA reports. In particular, we inquire as to whether we should reduce the filing frequency, and restructure the semi-annual reports to become part of the annual ONA reports filed by the subject carriers. A reduction in filing frequency would decrease the burden imposed on the subject carriers, without, we believe, significantly affecting the quality or utility of the information supplied, much of which is either generic or rather static in nature, or is available through other means (for example, in the state and federal tariffs filed by the subject carriers).

111. We also seek comment regarding whether certain information required in the semi-annual reports overlaps with the information required in the annual reports. For example, in the annual ONA reports, the Commission requires the BOCs and GTE to supply information on the disposition of several categories of ONA requests, whereas in the semi-annual reports, the Commission requires the BOCs and GTE to supply information regarding how they have responded to ISP requests for the existing 118 categories of network capabilities. These separate requirements seem to elicit similar, if not identical, information. To the extent there is overlap, we seek comment regarding whether these requirements may be simplified and consolidated, or, in the alternative, whether either or both sets should be eliminated entirely. We also seek comment on other, similar, overlaps among the ONA reporting requirements, and what we should do to eliminate the burdens or inefficiencies associated with them.

d. Nondiscrimination Reports

112. The BOCs and GTE are also required to establish procedures to ensure that they do not discriminate in their provision of ONA services, including the installation, maintenance, and quality of such services, to unaffiliated ISPs and their customers. For example, they must establish and publish standard intervals for routine installation orders based on type and quantity of services ordered, and follow these intervals in assigning due dates for installation, which are applicable to orders placed by competing service providers as well as orders placed by their own information services operations. In addition, they must standardize their maintenance procedures where possible, by assigning repair dates based on nondiscriminatory criteria (e.g., available work force and severity of problem), and handling trouble reports on a first-come, first-served basis.

113. In order to demonstrate compliance with the nondiscrimination requirements outlined above, the BOCs and GTE must file quarterly nondiscrimination reports comparing the timeliness of their installation and maintenance of ONA services for their own information services operations versus the information services operations of their competitors. If a BOC or GTE demonstrates in its ONA plan that it lacks the ability to discriminate with respect to installation and maintenance services, and files an annual affidavit to that effect, it may modify its quarterly report to compare installation and maintenance services provided to its own information services operations with services provided to a sampling of all customers. In their quarterly reports, the BOCs and GTE must include information on total orders, due dates missed, and average intervals for a set of service categories specified by the Commission, following a format specified by the Commission.

114. We tentatively conclude that the nondiscrimination obligations for provisioning and performing maintenance activities established by *Computer III* continue to apply to the BOCs and GTE. We seek comment, however, on whether the current quarterly installation and maintenance reports are an appropriate and effective mechanism for monitoring the BOCs'

and GTE's compliance with these nondiscrimination obligations. Are there ways in which the quarterly reports, and the accompanying annual affidavits, may be simplified, clarified, or otherwise made more useful to the Commission and the interested public? Along these lines, we note that the Commission issued a Further Notice of Proposed Rulemaking in conjunction with its *Non-Accounting Safeguards Order,* seeking comment on what types of reporting requirements are necessary to implement the specific nondiscrimination requirement set forth in section 272(e)(1) of the Communications Act. While we acknowledge that the nondiscrimination obligations imposed on the BOCs by section 272(e)(1) differ from those imposed by *Computer III,* we seek comment regarding whether the information required to demonstrate compliance with both sets of nondiscrimination requirements is sufficiently similar that we should harmonize the ONA nondiscrimination reporting requirements with the reporting requirements adopted in response to the Further Notice of Proposed Rulemaking in the *Non-Accounting Safeguards* proceeding. We also seek comment on whether we should harmonize the ONA nondiscrimination reporting requirements with reporting requirements being considered in other proceedings, such as in the LCI OSS Petition.

115. We note that, like the BOCs, AT&T was originally required to file quarterly nondiscrimination reports on the provision of installation and maintenance services to unaffiliated providers of enhanced services. The Commission modified and reduced these reporting requirements in 1991 and in 1993. In 1996, the Bureau eliminated the requirement that AT&T file quarterly installation and maintenance nondiscrimination reports, as well as the requirement that AT&T file an annual affidavit that its quarterly reports are true and that it has not discriminated in providing installation and maintenance services.

116. The Bureau declined to eliminate the requirement that AT&T file a second affidavit, which affirms that AT&T has followed the installation procedures in its ONA plan and has not discriminated in the quality of network services provided to competing enhanced service providers, deferring that determination to the instant proceeding. We tentatively conclude that we should no longer require AT&T to file this second affidavit because the level of competition in the interexchange services market is an effective check on AT&T's ability to discriminate in the quality of network services provided to competing ISPs. This tentative conclusion is consistent with our previous finding that the competitive nature of the interexchange market provides an important assurance that access to those services will be open to ISPs, and that much of the information of greatest use to ISPs is controlled by LECs such as the BOCs, and not by interexchange carriers. We also find that this tentative conclusion comports with our statutory obligation to eliminate regulations that are no longer necessary due to ''meaningful economic competition'' between providers of such service. We seek comment on this tentative conclusion.

3. Other Nonstructural Safeguards

a. Network Information Disclosure Rules

117. The Commission's network information disclosure rules seek to prevent anticompetitive behavior by ensuring that ISPs and other interested parties can obtain timely access to information affecting the interconnection of information services to the BOCs', AT&T's, and other carriers' networks. Prior to the 1996 Act, the rules set forth in the Commission's *Computer II* and *Computer III* proceedings governed the disclosure of network information. Section 251(c)(5) of the Act requires incumbent LECs to ''provide reasonable public notice of changes in the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities or networks.'' The Commission recently adopted network information disclosure requirements to implement section 251(c)(5) in the *Local Competition Second Report and Order,* 61 FR 47284, September 6, 1996. Although we discussed our preexisting network information disclosure requirements in conjunction with the requirements of section 251(c)(5) in the *Local Competition Second Report and Order,* we did not address in that proceeding whether our *Computer II* and *Computer III* network information disclosure requirements should continue to apply independently of our section 251(c)(5) network information disclosure requirements. We address that issue in this proceeding as part of our 1998 biennial review of regulations, in an effort to eliminate unnecessary and possibly conflicting requirements.

118. The rules established pursuant to section 251(c)(5) in some respects appear to duplicate and even exceed the rules established under *Computer II* and *Computer III,* while in other respects they do not. For example, section 251(c)(5) of the Act, and the Commission's rules implementing that section, only apply to incumbent LECs, while some of the *Computer II* network information disclosure requirements apply more broadly to ''all carriers owning basic transmission facilities.'' We seek comment, therefore, on the extent to which the Commission should retain its network information disclosure rules established in the Commission's *Computer II* and *Computer III* proceedings in light of the disclosure requirements stemming from section 251(c)(5) of the 1996 Act. As a starting point, we set forth in the following paragraphs a general description of the current network disclosure requirements under *Computer II, Computer III,* and section 251(c)(5), and then we ask parties to comment on whether, and why, specific requirements should be retained or eliminated. The following descriptions are not intended to be an exhaustive list of every feature of the Commission's current network disclosure requirements. These descriptions are intended, rather, to serve as a basis for comparison by parties commenting in this proceeding.

119. *Computer II Network Disclosure Obligations.*

a. *Application of the Network Disclosure Obligations.* The *Computer II* network information disclosure rules consist of two requirements: (1) a disclosure obligation which depends on the existence of a *Computer II* separate subsidiary; and (2) a disclosure obligation that applies independent of whether the carrier has a *Computer II* separate subsidiary. The Commission initially imposed both requirements on AT&T in the *Computer II Final Decision.* The Commission extended disclosure requirement (2) in the *Computer II Reconsideration Order,* 46 FR 5984, January 21, 1981, to ''all carriers owning basic transmission facilities'' (hereinafter the ''all-carrier'' rule). After divestiture, the Commission extended disclosure requirement (1) to the BOCs insofar as they are providing information services in accordance with the structural separation requirements of *Computer II.*

b. *Events Triggering the Public Notice Requirement.* The *Computer II* ''all-carrier'' rule is triggered by implementation of ''change[s] * * * to the telecommunications network that would affect either intercarrier interconnection or the manner in which interconnected CPE must operate

* * *.'' The *Computer II* separate affiliate disclosure obligation is triggered by any of three events: (1) the BOC communicates the relevant network information directly to its *Computer II* separate affiliate; (2) such information is used by the BOC or a third party to develop services or products which reasonably can be expected to be marketed by the *Computer II* separate affiliate; or (3) the BOC engages in joint research and development with its *Computer II* separate affiliate, leading to the design or manufacture of any product that either affects the network interface or relies on a not-yet implemented interface.

c. *Timing of Public Notice*. Under *Computer II*, the disclosure obligation of the ''all-carrier'' rule must be met ''in a timely manner and on a reasonable basis.'' The *Computer II* separate affiliate network disclosure obligation requires that disclosure be made to information service competitors of the *Computer II* affiliate ''at the same time'' disclosure is made directly to the *Computer II* separate affiliate as described in item (1). If the disclosure requirement is triggered by the events described in items (2) and (3), then disclosure must be made at the ''make/buy'' point, i.e., when the BOC or an affiliated company decides, in reliance on previously undisclosed information, to produce itself or to procure from a non-affiliated company any product, whether it be hardware or software, the design of which either affects the network interface or relies on the network interface.

d. *Types of Information To Be Disclosed*. The *Computer II* ''all-carrier'' rule encompasses ''all information relating to network design * * *, insofar as such information affects * * * intercarrier interconnection * * *.'' For the separate affiliate network disclosure requirement, the information required to be disclosed consists of, ''at a minimum, * * * any network information which is necessary to enable all [information] service * * * vendors to gain access to and utilize and to interact effectively with [the BOCs'] network services or capabilities, to the same extent that [the BOCs' *Computer II* separate affiliate] is able to use and interact with those network services or capabilities.'' This requirement includes information concerning ''network design, technical standards, interfaces, or generally, the manner in which interconnected * * * enhanced services will interoperate with [any of the BOCs'] network.'' In addition to technical information, the information required includes marketing information, such as ''commitments of the carrier with respect to the timing of introduction, pricing, and geographic availability of new network services or capabilities.''

e. *How Public Notice Should Be Provided*. Under *Computer II*, carriers subject to the ''all-carrier'' rule must disclose in their tariffs or tariff support material either the relevant network information or a statement indicating where such information can be obtained, that will allow competitors to use network facilities in the same manner as the subject carrier. The separate affiliate network disclosure obligation requires that the BOCs ''file with the Commission, within seven calendar days of the date the disclosure obligation arises, a notice apprising the public that the disclosure has taken place and indicating in summary form the nature of the information which has been disclosed [to its *Computer II* separate affiliate], the identity of any source documents and where interested parties can obtain additional details.'' Moreover, when a BOC ''files a tariff for a new or changed network service where there has been a prior disclosure to or for the benefit of [the *Computer II* separate affiliate], the tariff support materials must list any disclosure notices previously filed with the Commission that are relevant to the tariffed offering.''

120. *Computer III Network Disclosure Obligations*.

a. *Application of the Network Disclosure Obligations*. The *Computer III* network information disclosure rules initially were imposed on AT&T and the BOCs in the *Phase I Order* and *Phase II Order*, 52 FR 20714, June 3, 1987. The Commission later extended the *Computer III* network information disclosure rules and other nondiscrimination safeguards to GTE in the *GTE ONA Order*, 59 FR 26756, May 24, 1994.

b. *Events Triggering the Public Notice Requirement*. The *Computer III* public notice requirement is triggered at the ''make/buy'' point; that is, when AT&T, any of the BOCs, or GTE ''makes a decision to manufacture itself or to procure from an unaffiliated entity, any product the design of which affects or relies on the network interface.''

c. *Timing of Public Notice*. AT&T, the BOCs, and GTE must disclose the relevant information concerning planned network changes at two points in time. First, they must disclose the relevant technical information at the ''make/buy'' point. They are permitted, however, to condition this ''make/buy'' disclosure on the recipient's signing of a nondisclosure agreement, upon which the relevant technical information must be disclosed within 30 days. Second, they must make public disclosure of the relevant technical information a minimum of twelve months before implementation of the change; however, if the planned change can be implemented between six and twelve months following the ''make/buy'' point, then public notice is permitted at the ''make/buy'' point, but at a minimum of six months before implementation.

d. *Types of Information To Be Disclosed*. Under *Computer III*, the range of information encompassed by the network information disclosure requirements is adopted from, and identical to, the *Computer II* requirements. Specifically, at the ''make/buy'' point, AT&T, the BOCs, and GTE must disclose that a network change or network service is under development. The notice itself need not contain the full range of relevant network information, but it must describe the proposed network service with sufficient detail to convey what the new service is and what its capabilities are. The notice must also indicate that technical information required for the development of compatible information services will be provided to any entity involved in the provision of information services and may indicate that such information will be made available only to such entities willing to enter into a nondisclosure agreement. Once an entity has entered into a nondisclosure agreement, AT&T, the BOCs, or GTE must provide the full range of relevant information.

e. *How Public Notice Should Be Provided*. Under the *Computer III* rules, public notice is made through direct mailings, trade associations, or other reasonable means.

121. *Section 251(c)(5) Network Disclosure Obligations*.

a. *Application of the Network Disclosure Obligations*. These rules apply to all incumbent LECs, as the term is defined in section 251(h) of the Act.

b. *Events Triggering the Public Notice Requirement*. The incumbent LEC makes a decision to implement a network change that either: (1) affects ''competing service providers' performance or ability to provide service; or (2) otherwise affects the ability of the incumbent LEC's and a competing service provider's facilities or network to connect, to exchange information, or to use the information exchanged.'' Examples of network changes that would trigger the section 251(c)(5) public disclosure obligations include, but are not limited to, changes that affect (1) transmission, (2) signalling standards, (3) call routing, (4)

network configuration, (5) logical elements, (6) electronic interfaces, (7) data elements, and (8) transactions that support ordering, provisioning, maintenance, and billing.

c. *Timing of Public Notice.* Incumbent LECs must disclose planned network changes at the ''make/buy'' point, but at least twelve months before implementation of the change. If the planned change can be implemented within twelve months of the ''make/buy'' point, then public notice must be given at the ''make/buy'' point, but at least six months before implementation. If the planned changes can be implemented within six months of the make/buy point, then the public notice may be provided less than six months before implementation, if additional requirements set forth in section 51.333 of the Commission's rules are met.

d. *Types of Information To Be Disclosed.* Under the Commission's regulations, incumbent LECs are required to disclose, at a minimum, ''complete information about network design, technical standards and planned changes to the network.'' Public notice of planned network changes, at a minimum, shall consist of: (1) the carrier's name and address; (2) the name and telephone number of a contact person who can supply additional information regarding the planned changes; (3) the implementation date of the planned changes; (4) the location(s) at which the changes will occur; (5) a description of the type of changes planned (including, but not limited to, references to technical specifications, protocols, and standards regarding transmission, signalling, routing, and facility assignment as well as references to technical standards that would be applicable to any new technologies or equipment, or that may otherwise affect interconnection); and (6) a description of the reasonably foreseeable impact of the planned changes.

e. *How Public Notice Should Be Provided.* Network disclosure may be made either: (1) by filing public notice with the Commission in accordance with section 51.329 of the Commission's rules; or (2) providing public notice through industry fora, industry publications, or on the incumbent LEC's own publicly accessible Internet sites, as well as a certification filed with the Commission in accordance with section 51.329 of the Commission's rules.

122. We tentatively conclude that the Commission's rules established pursuant to section 251(c)(5) for incumbent LECs should supersede the Commission's previous network information disclosure rules established in *Computer III.* We also tentatively conclude that the Commission's network disclosure rules established in *Computer II* should continue to apply—specifically, the *Computer II* separate affiliate disclosure rule should continue to apply to any BOC that operates a *Computer II* subsidiary, and the all-carrier rule should continue to apply to all carriers owning basic transmission facilities. We reach our tentative conclusion regarding the *Computer III* network disclosure rules since, in our view, the 1996 Act disclosure rules for incumbent LECs are as comprehensive, if not more so, than the Commission's *Computer III* disclosure rules. Parties who disagree with this view should explain why all or some aspects of the Commission's *Computer III* disclosure rules are still needed for incumbent LECs in light of the rules established pursuant to section 251(c)(5) of the Act.

123. We recognize, however, that some BOCs may still be providing certain intraLATA information services through a *Computer II* subsidiary, rather than on an integrated basis under the Commission's *Computer III* rules. We tentatively conclude, therefore, that the *Computer II* separate subsidiary disclosure rule should continue to apply in such cases because, for instance, it encompasses marketing information which is not included within the scope of information to be disclosed under section 251(c)(5) and it requires disclosure under a more stringent timetable than that required under section 251(c)(5). We also tentatively conclude that the all-carrier rule should continue to apply to all carriers owning basic transmission facilities, since it is broader in certain respects than section 251(c)(5). First, it applies to all carriers, whereas section 251(c)(5) just applies to incumbent LECs. In addition, the all-carrier rule requires, among other things, the disclosure of network changes that affect end users' CPE, whereas our rules interpreting section 251(c)(5) only require the disclosure of information that affects ''competing service providers.'' We seek comment on these tentative conclusions and analyses.

b. Customer Proprietary Network Information (CPNI)

124. The Commission first established its CPNI rules in the *Computer II Final Decision* in 1980 to encourage AT&T, the BOCs, and GTE to develop and market efficient, integrated combinations of information and basic services without the marketing restrictions imposed by structural separation, while protecting the competitive interests of information service competitors. While the CPNI rules are an integral part of the Commission's current nonstructural regulatory framework for the provision of information services by AT&T, the BOCs, and GTE, we defer consideration of all CPNI issues relating to our *Computer II* and *Computer III* rules to our *CPNI* rulemaking proceeding.

125. Section 702 of the 1996 Act, which added a new section 222 to the Communications Act of 1934, as amended, sets forth requirements for use of CPNI by telecommunications carriers, including the BOCs. Although the requirements of section 222 were effective upon enactment of the 1996 Act, we issued a *CPNI Notice* on May 17, 1996, 61 FR 26483, May 28, 1996, which sought comment on, among other things, what regulations we should adopt to implement section 222. We stated in the *CPNI Notice* that the CPNI requirements the Commission previously established in the *Computer II* and *Computer III* proceedings remain in effect pending the outcome of the rulemaking, to the extent they do not conflict with section 222. The *CPNI* proceeding will address whether these pre-existing requirements should be retained, eliminated, extended, or modified in light of the Act.

126. Under the *Computer II* structural separation requirements, AT&T, the BOCs, and GTE were prohibited from jointly marketing their basic services with the enhanced services provided through their separate affiliate. Under the *Computer III* nonstructural safeguards regime, AT&T, the BOCs, and GTE were permitted to engage in joint marketing of basic and enhanced services subject to restrictions on their use of CPNI. In the *BOC Safeguards Order,* the Commission strengthened the CPNI rules by requiring that, for customers with more than twenty lines, BOC personnel involved in marketing enhanced services obtain written authorization from the customer before gaining access to its CPNI.

127. On March 6, 1992, the Association of Telemessaging Services International, Inc. (ATSI) filed a petition for reconsideration of the *BOC Safeguards Order* in CC Docket No. 90–623, the *Computer III Remand* proceeding. ATSI asked the Commission to modify the *BOC Safeguards Order* by: (1) prohibiting joint marketing of basic and information services; (2) extending the prior authorization requirement for CPNI to all users, regardless of size; and (3) ensuring that users who restrict access to their CPNI continue to receive nondiscriminatory treatment and an adequate level of service. On May 17, 1996, the Commission issued an order dismissing issues (2) and (3) as moot

because of the passage of the Telecommunications Act of 1996 and our commencement of a new proceeding to address the obligations of telecommunications carriers with respect to CPNI in light of the new statute. The order also noted that issue (1) remained to be addressed by the Commission. ATSI filed a motion to withdraw its petition for reconsideration in CC Docket No. 90–623 and to incorporate its petition into the Commission's *Computer III Further Remand* proceeding in CC Docket No. 95–20, as well as other proceedings, on December 10, 1996. On May 14, 1997, the Common Carrier Bureau partially granted the ATSI Motion by agreeing to address in this proceeding whether joint marketing of basic services and information services by the BOCs should be prohibited.

128. We therefore seek comment on the issue raised in the ATSI Petition: whether, to the extent the Commission continues to allow the BOCs to provide information services subject to a nonstructural safeguards regime, the BOCs should be prohibited from jointly marketing basic services and information services when these services are provided on an intraLATA basis. To the extent parties support the view that the term ''telecommunications service'' in the Act encompasses the same set of services as the term ''basic service'' did under the Commission's previous rules, parties should discuss the issue raised in the ATSI petition in terms of whether joint marketing should be allowed between telecommunications services and information services. As noted in the *ATSI Order,* we do not address this question with respect to interLATA information services, since under section 272 of the Act BOCs must provide interLATA information services pursuant to a section 272 affiliate and subject to the joint marketing provisions in that section. Also, under section 274, BOCs providing electronic publishing, whether on an interLATA or intraLATA basis, must do so pursuant to a section 274 affiliate and subject to the joint marketing rules in that section.

129. In its petition, ATSI argues that joint marketing of basic services and information services harms consumers and diminishes overall competition in the information services market. ATSI alleges that the BOCs have abused the Commission's joint marketing rules by: (1) routing calls to subscribers of competing voice messaging providers to the BOC's own voice messaging service instead; (2) soliciting customers of competing voice messaging providers who contact the BOCs to request other BOC services; (3) providing customers with misleading and disparaging information about the voice messaging services offered by competing providers; and (4) engaging in other unfair practices. ATSI therefore requests that the Commission prohibit the BOCs from using the same personnel and facilities to market basic services and information services. We seek comment on these issues. We also seek comment on the costs and operational efficiencies or inefficiencies of allowing the BOCs to provide intraLATA information services on an integrated basis, but requiring different personnel and facilities to market basic services and information services.

V. Jurisdictional Issues

130. Our authority, pursuant to section 2(a) of the Communications Act, to establish, enforce, modify, or eliminate a regime of safeguards for the provision of information services by the BOCs and GTE is well settled. In addition, the scope of our authority to preempt inconsistent regulation on the part of the states has been established by the Commission in the previous *Computer III* orders and has been affirmed on appeal.

131. In the *Computer III Phase I Order,* the Commission preempted: (1) all state structural separation requirements applicable to the provision of enhanced services by AT&T and the BOCs; and (2) all state nonstructural safeguards applicable to AT&T and the BOCs that were inconsistent with federal safeguards. The *California I* court vacated these preemption actions, on the ground that the Commission had not adequately justified imposing them. In response to the *California I* remand, the Commission narrowed the scope of federal preemption to cover only: (1) state requirements for structural separation of facilities and personnel used to provide the intrastate portion of jurisdictionally mixed enhanced services; (2) state CPNI rules requiring prior authorization that is not required by federal regulation; and (3) state network disclosure rules that require initial disclosure at a time different than the federal rules. The Commission reasoned that such state requirements would thwart or impede the nonstructural safeguards pursuant to which the BOCs may provide interstate enhanced services, and the federal goals such safeguards were intended to achieve. The *California III* court upheld the Commission's narrowly tailored preemption, stating that the Commission had met its burden of demonstrating that it was preempting only state regulations that would negate valid federal regulatory goals.

132. Thus, we believe that the proposals we make in the current Further Notice, and the options upon which we seek comment, fall within the scope of our authority previously established in the context of this proceeding, as outlined above. To the extent that our proposals go beyond our recognized preemption authority, we ask that commenters identify those proposals and comment on our authority to adopt them.

VI. Procedural Matters

A. Ex Parte Presentations

133. This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's revised *ex parte* rules, which became effective June 2, 1997. *See Amendment of 47 CFR 1.1200 et seq. Concerning Ex Parte Presentations in Commission Proceedings,* GC Docket No. 95–21, Report and Order, 62 FR 15852, April 3, 1997, (citing 47 CFR 1.1204(b)(1)) (1997). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

B. Initial Paperwork Reduction Act Analysis

134. This Further Notice contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Further Notice, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this Further Notice; OMB comments are due 60 days from the date of publication of this Further Notice in the **Federal Register**. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and

clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

C. Initial Regulatory Flexibility Certification

135. The Regulatory Flexibility Act (RFA) requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

136. This Further Notice pertains to the Bell Operating Companies (BOCs), each of which is an affiliate of a Regional Holding Company (RHC), as well as to GTE and AT&T. Neither the Commission nor SBA has developed a definition of ''small entity'' specifically applicable to the BOCs, GTE, or AT&T. The closest definition under SBA rules is that for establishments providing ''Telephone Communications, Except Radiotelephone,'' which is Standard Industrial Classification (SIC) code 4813. Under this definition, a small entity is one employing no more than 1,500 persons. We note that each BOC is dominant in its field of operation and all of the BOCs as well as GTE and AT&T have more than 1,500 employees. We therefore certify that this Further Notice will not have a significant economic impact on a substantial number of small entities. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this Further Notice, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration. A copy will also be published in the **Federal Register**.

D. Comment Filing Procedures

137. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before March 27, 1998, and reply comments on or before April 23, 1998. To file formally in this proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and eleven copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C., 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C., 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C., 20036. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C., 20554.

138. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules. We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission.

139. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C., 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using MS DOS 5.0 and WordPerfect 5.1 software. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labeled with the party's name, proceeding, type of pleading (comment or reply comments) and date of submission. The diskette should be accompanied by a cover letter.

140. You may also file informal comments or an exact copy of your formal comments electronically via the Internet at <http://www.fcc.gov/e-file/> or via e-mail <computer3@comments.fcc.gov>. Only one copy of electronically-filed comments must be submitted. You must put the docket number of this proceeding in the subject line if you are using e-mail (CC Docket No. 95–20), or in the body of the text if by Internet. You must note whether an electronic submission is an exact copy of formal comments on the subject line. You also must include your full name and Postal Service mailing address in your submission.

VII. Ordering Clauses

141. Accordingly, *It is ordered* that, pursuant to sections 1, 2, 4, 10, 11, 201–205, 251, 271, 272, and 274-276, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 160, 161, 201–205, 251, 271, 272, and 274–276, a *Further notice of proposed rulemaking is adopted*.

142. *It is Further Ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *Further notice of proposed rulemaking*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act, *see* 5 U.S.C. 605(b).

List of Subjects

47 CFR Part 51

Communications common carriers, Interconnection.

47 CFR Part 53

Bell Operating Companies, Communications common carriers, InterLATA services, Separate affiliate safeguards, Telephone.

47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–4650 Filed 2–25–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980212038–8038–01; I.D. 020298A]

RIN 0648–AF41

Fisheries of the Northeastern United States; Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA proposes regulations to implement Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). Amendment 10 would establish management measures for the fishery for small ocean quahogs (mahogany quahogs) which occurs off the coast of Maine, north of 43°50' N. latitude.

DATES: Comments must be received on or before April 13, 1998.

ADDRESSES: Send comments on this proposed rule to Andrew Rosenberg, Ph.D., Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope ''Comments on Amendment 10 to the Surf Clam and Ocean Quahog FMP.''

Copies of Amendment 10 and its supporting documents, including the environmental assessment, and the regulatory impact review (RIR), are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council (Council), Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 978-281-9104.

SUPPLEMENTARY INFORMATION:

Background

Proposed Amendment 10 was prepared by the Mid-Atlantic Fishery Management Council (Council), in cooperation with the New England Fishery Management Council and the Maine Department of Natural Resources. A notice of availability of the amendment was published in the **Federal Register** on February 9, 1998 (63 FR 6510), soliciting public comments on the amendment through April 10, 1998. All comments received by the end of the comment period on the proposed amendment, whether specifically directed to Amendment 10 or to the proposed rule, will be considered in the approval/disapproval decision on Amendment 10. Comments received after that date will not be considered in the approval/disapproval decision of Amendment 10.

While the surf clam and ocean quahog fisheries have been managed under an individual transferable quota (ITQ) system since 1990 when Amendment 8 to the FMP was approved, the Maine mahogany quahog fishery operated under a series of experimental fishery authorizations from October 1990 through September 1997. These experimental fisheries allowed vessels to fish in the exclusive economic zone (EEZ), north of 43°50' N. latitude without being subject to the ITQ program requirements. These requirements include the use of 32–bushel (1,700–L) metal cages to offload quahogs, and the placement of tags on cages to indicate that the harvest is counted toward the appropriate individual allocation. The requirement to use 32–bushel (1,700–L) metal cages is infeasible for the smaller Maine mahogany quahog vessels and docks due to the cage size. Additionally, Maine mahogany quahog vessels harvest relatively few bushels of mahogany quahogs on any trip. Therefore, the use of a 32–bushel (1,700–L) container to measure landings was considered inappropriate.

For the past several years, NMFS has informed the Council and the State of Maine that it was inappropriate to continue authorizing the experimental fishery after compilation of all necessary data to profile the fishery. In response, the Council and staff from the Maine Department of Marine Resources cooperatively developed Amendment 10 to specify management measures for the historical Maine mahogany quahog fishery that recognizes the traditional small scale, small vessel characteristics of the fishery. They were unable to come to a consensus on management measures prior to the expiration of the experimental fishery authorization on September 30, 1997. Since that time, the participants in the Maine mahogany quahog fishery have been required to comply with the ITQ management measures in order to fish in the EEZ. Some participants were able to obtain ocean quahog allocations and fish under the ITQ regime. Others may have continued to harvest ocean quahogs in state waters. The fishery is relatively inactive in the winter, with only 10 percent of the landings historically occurring during this period.

Management Measures

Amendment 10 would (1) establish a Maine mahogany quahog management zone north of 43°50' N. latitude (zone); (2) establish a Maine mahogany quahog permit; (3) establish an initial annual quota of 100,000 Maine bushels (35,150 hectoliters (hL)); (4) require the Council to establish a Maine Mahogany Quahog Advisory Panel to make management recommendations; (5) allow for the revision of the annual quota within a range of 17,000 to 100,000 Maine bushels (5,975 to 35,150 hL); (6) require vessels harvesting ocean quahogs from the zone to fish only in areas that have been certified by the State of Maine to be within Interstate Shellfish Sanitation Conference (ISSC) limits for the toxin responsible for paralytic shellfish poisoning (PSP); (7) require vessels fishing under a Maine mahogany quahog permit to land ocean quahogs in Maine; (8) require vessels fishing in the zone under an ITQ and landing their catch outside of Maine to land at a facility participating in an overall program that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with those food safety-based procedures used by the State of Maine for such purpose; and, (9) give the Regional Administrator the authority to suspend the existing vessel notification requirement for vessels possessing a Maine mahogany quahog permit and fishing in the zone, if it is determined that notification is unnecessary for enforcement. A Maine bushel would be defined as 1.2445 cubic ft (35.24 L).

In addition to these management measures, all vessels prosecuting the Maine mahogany quahog fishery would have to continue to abide by the vessel and dealer reporting and recordkeeping requirements set forth in 50 CFR part 648.

NMFS herein publishes all of the regulations submitted by the Council to implement Amendment 10 despite concern about the provision concerning future replacement of a vessel issued a Maine mahogany quahog permit. This provision is inconsistent with similar provisions in other fishery management plans in the region, including recent plans enacted by the Council for the black sea bass and summer flounder fisheries. However, because the New England and Mid-Atlantic Fishery Management Councils have expressed their intent to address this issue in upcoming amendments, NMFS is publishing the provision as proposed by

the Council. However, this issue must be resolved.

Maine Mahogany Quahog Permit

The Maine mahogany quahog permit would be available only to vessels that reported the harvest of at least one Maine bushel (35.24 L) of ocean quahogs from the zone while enrolled in the Maine mahogany quahog experimental fishery. The Maine mahogany quahog permit would authorize such vessels to fish in the EEZ within the zone without complying with the ITQ requirements set forth in 50 CFR 648.70 and 648.75. Other vessels would have to comply with ITQ requirements to fish in the EEZ within the zone.

Maine Mahogany Quahog Quota

Recorded landings from the Maine mahogany quahog fishery have varied from a high of 125,000 Maine bushels (43,937 hL) in 1986 to a low of 17,000 bushels (5,975 hL) in 1993. In Amendment 10, the Council proposed that the initial quota for the fishery be specified at 100,000 bushels (35,150 hL), which may be modified within the range of 17,000 to 100,000 bushels (5,975 to 35,150 hL). This quota is consistent with the range of landings over the history of the fishery. The quota could be adjusted in future years as part of the annual quota-setting process for surf clams and ocean quahogs. The Council would consult with the Maine Mahogany Quahog Advisory Panel and would review available information to determine whether the quota level requires adjustment.

Amendment 10 notes that the next ocean quahog stock assessment will be conducted in June 1998. The status of ocean quahogs in the zone has never been formally assessed. However, limited non-random sampling in the area has shown evidence that there is substantial recruitment of ocean quahogs in the areas sampled. The June 1998 stock assessment may provide some additional management advice for the Council.

The 100,000 Maine bushel (35,150 hL) quota for the Maine fishery is in addition to the 4.0 million bushel (2,122,000 hL) quota specified for the ITQ fishery. The ITQ fishery quota is specified in standard bushels of 1.88 cubic ft/bushel (53.24 L/bushel). When the two quota amounts are added together, the total allowable harvest is lower than the level that would result in overfishing for the entire stock, as defined in the FMP.

Landings of ocean quahogs made by vessels fishing under the Maine mahogany quahog permit or those fishing exclusively in State waters within the zone would count against the Maine quota. Landings made by vessels fishing under an ITQ allocation permit would count against the ocean quahog quota allocated to the ITQ fishery.

PSP Management Issues

Amendment 10 provides for the protection of the public health by establishing procedures designed to ensure that marketed shellfish do not exceed tolerances for PSP toxins accepted by the ISSC. These procedures include seasonal harvesting restrictions for vessels, selected sampling and analysis of clams at the dealer level, and restricting the harvest of mahogany quahogs in the zone to those areas tested by the State of Maine and deemed to be within ISSC acceptable limits for the toxin that causes PSP. All ocean quahogs harvested by vessels fishing under a Maine mahogany quahog permit or under a State of Maine fishing permit would have to be landed in Maine and would be subject to the State's shellfish safety controls in place for the zone. Other vessels fishing in the zone under an ITQ could land their catch outside of Maine. However, the shellfish would have to be sampled and analyzed consistent with the safety-based procedures for shellfish harvested from the zone and landed in Maine.

Suspension of Notification Requirements

The Regional Administrator would be authorized by Amendment 10 to suspend the call-in requirements found at 50 CFR 648.15 (b)(1) and (2) for vessels issued a Maine mahogany quahog permit fishing within the zone if it is not deemed necessary for enforcement. Based on advice from NMFS Law Enforcement, the Regional Administrator announces his intent to suspend the call-in requirements if Amendment 10 is approved. The vessel notification requirement would remain in effect for vessels fishing under an ITQ allocation permit within the zone.

Maine Mahogany Quahog Advisory Panel

The Maine Mahogany Quahog Advisory Panel would be established by the Council consisting of representatives of harvesters, dealers, and the Maine Department of Marine Resources. The panel would be responsible for making management recommendations, including revisions to the annual quota, through the Surf Clam and Ocean Quahog Committee of the Council. Quota adjustments would occur through the annual quota-setting process for surf clams and ocean quahogs.

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The analysis of impacts relative to the Regulatory Flexibility Act indicates that, while a substantial number of small entities may be impacted by this action, the proposed regulatory actions or regulations in Amendment 10 would not result in a significant economic impact on such entities. A significant economic impact would occur if gross revenues decreased more than 5 percent as a result of this action.

The initial quota of 100,000 Maine bushels (35,150 hL) in 1998 may potentially allow landings to increase by 30,933 Maine bushels (10,873 hL) from the 1996 level. The potential increase in revenues in the fishery would depend on the increase in the landing level. Using 1996 as the base year, effects were examined assuming an increase in landings in 1998 of 0 percent, 10 percent, 25 percent, up to the entire 100,000 Maine bushel quota (35,150 hL) of the Maine mahogany quahog quota. Estimated gross revenue effects are increases of $0, $199,258, $408,146, and $892,417, respectively. The Council estimates that 83 vessels will qualify for the Maine mahogany quahog permit. Revenue effects were estimated based on the 43 vessels that landed mahogany quahogs in 1996. If the gross revenue increases are evenly shared among these vessels, each business unit would potentially gain from $0 to $20,754. However, the sensitivity analysis conducted in the RIR, showed that ex-vessel price was constant regardless of the amount of ocean quahogs landed. In reality, it would be expected that, as the quantity of ocean quahogs landed increased, the ex-vessel price for this commodity would decrease. Therefore, the increase in revenues shown above may be considerably lower. This action should not have a significant affect on a substantial number of small entities. Ex-vessel revenues are not expected to decrease by as much as 5 percent for 20 percent or more of the vessels. No vessels currently in the mahogany quahog fishery are expected to cease business operations as a result of this action.

The establishment of the proposed zone would allow for the continual monitoring of harvest of ocean quahogs from areas that are tested by the State of Maine and deemed to be within ISSC acceptable limits for PSP. It is not possible to quantify this benefit due to lack of information. However, it is expected that positive economic benefits will be derived from preventing the costs associated

with an occurrence of PSP contamination in landings of mahogany quahogs. Such costs would be those associated with medical costs, costs of lost time, and decreases in profits to the fishery due to a decrease in demand for mahogany quahogs that could result.

The provision dealing with the implementation of a new vessel permit will provide positive benefits to the historical participants of the fishery by avoiding potential dissipation of revenues due to a future increase in the number of non-ITQ entrants. At the same time, this would also reduce the potential of overcapitalization in the fishery. This provision is expected to provide positive benefits to the overall management system.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the PRA. These requirements have been submitted to the Office of Management and Budget for approval. The public reporting burdens for these collections of information is estimated to average 30 minutes for a new vessel permit, 30 minutes for an appeal, 15 minutes for a renewal application for a permit, and two minutes for a call-in. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The notification requirement is not a new reporting requirement. The requirement was implemented in 1993 and applied to all federally permitted ocean quahog vessels. It was not, however, determined to be a necessary condition for vessels participating in the Maine mahogany quahog experimental fisheries so these vessels were never reflected in the estimated number of affected entities. Since the Regional Administrator intends to suspend notification requirements for those fishing under the new Maine mahogany quahog permit if Amendment 10 is approved, there will be no additional burden hours required under the call-in provision. Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility: the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 20, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648, is proposed to be amended as follows:

PART 648—FISHERIES OF NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.2, definitions for ''Maine bushel'' and ''Maine mahogany quahog zone'' are added in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Maine bushel means a standard unit of volumetric measurement equal to 1.2445 cubic feet (35.24 L) of ocean quahogs in the shell.

Maine mahogany quahog zone means the area bounded on the east by the U.S.-Canada maritime boundary, on the south by a straight line at 43°50' N. latitude, and on the north and west by the shoreline of Maine.

* * * * *

3. In § 648.4, paragraph (a)(4)(i) is added and (a)(4)(ii) is reserved to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(4) * * *

(i) *Maine mahogany quahog permit.* (A) A vessel is eligible for a Maine mahogany quahog permit to fish for ocean quahogs in the Maine mahogany quahog zone if it meets the following eligibility criteria:

(*1*) The vessel was issued a Federal Maine Mahogany Quahog Experimental Permit during one of the experimental fisheries authorized by the Regional Administrator between September 30, 1990, and September 30, 1997; and,

(*2*) The vessel landed at least one Maine bushel of ocean quahogs from the Maine mahogany quahog zone as documented by fishing or shellfish logs submitted to the Regional Administrator prior to January 1, 1998.

(B) *Application/renewal restriction.* No one may apply for a Maine mahogany quahog permit for a vessel after [insert date one year after effective date of the final rule].

(C) *Replacement vessels.* To be eligible for a Maine mahogany quahog permit, a replacement vessel must be replacing a vessel of substantially similar harvesting capacity that is judged unseaworthy by the USCG, for reasons other than lack of maintenance, or that involuntarily left the fishery. Both the entering and replaced vessels must be owned by the same person. Vessel permits issued to vessels that involuntarily leave the fishery may not be combined to create larger replacement vessels.

(D) *Appeal of denial of a permit.*

(*1*) Any applicant denied a Maine mahogany quahog permit may appeal to the Regional Administrator within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Administrator's designee erred in concluding that the vessel did not meet the criteria in paragraph (a)(4)(i)(A) of this section. The appeal must set forth the basis for the applicant's belief that the decision of the Regional Administrator's designee was made in error.

(*2*) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Administrator.

(*3*) The hearing officer shall make a recommendation to the Regional Administrator.

(*4*) The Regional Administrator will make a final decision based on the criteria in paragraph (a)(4)(i)(A) of this section and the available record, including any relevant documentation submitted by the applicant and, if a hearing is held, the recommendation of the hearing officer. The decision on the appeal by the Regional Administrator is the final decision of the Department of Commerce.

(ii) [Reserved]

* * * * *

4. In § 648.14, paragraphs (a)(23), (24), and (25) are revised, paragraphs (a)(105) through (109) are added, and paragraph (x)(1)(ii) and the first sentence of paragraph (x)(1)(iii) are revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(23) Land unshucked surf clams or ocean quahogs harvested in or from the EEZ outside of the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages.

(24) Land unshucked surf clams and ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages unless, with respect to ocean quahogs, the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.70.

(25) Fail to comply with any of the notification requirements specified in § 648.15(b).

* * * * *

(104) [Reserved]

(105) Offload unshucked surf clams or ocean quahog harvested in or from the EEZ outside of the Maine mahogany quahog zone from vessels not capable of carrying cages other than directly into cages.

(106) Offload unshucked surf clams harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages other than directly into cages.

(107) Offload unshucked ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages other than directly into cages unless the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.70.

(108) Purchase, receive for a commercial purpose other than transport to a testing facility or process or attempt to purchase, receive for commercial purpose other than transport to a testing facility or process outside of Maine, ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone except at a facility participating in an overall food safety program that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

(109) Land or possess ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone after the effective date published in the **Federal Register** notifying participants that Maine mahogany quahog quota is no longer available, unless the vessel is fishing for an individual allocation of ocean quahogs under § 648.70.

* * * * *

(x) * * *

(1) * * *

(ii) Surf clams or ocean quahogs landed from a trip for which notification was provided under § 648.15(b) or § 648.70(b) are deemed to have been harvested in the EEZ and count against the individual's annual allocation unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70.

(iii) Surf clams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ and to be part of an individual's allocation unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70; or, unless the preponderance of available evidence demonstrates that he/she has surrendered his/her surf clam and ocean quahog permit issued under § 648.4 and he/she conducted fishing operations exclusively within waters under the jurisdiction of any state. * * *

* * * * *

5. In § 648.15, paragraph (b)(4) is added to read as follows.

§ 648.15 Facilitation of enforcement.

* * * * *

(b) * * *

(4) *Suspension of notification requirements*. The Regional Administrator may suspend notification requirements for vessels fishing under a Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i). If he determines that such notification is not necessary to effectively enforce the management measures in the Maine mahogany quahog zone, the Regional Administrator may rescind such suspension if he concludes that the original determination is no longer valid. A suspension or recision of suspension of the notification requirements by the Regional Administrator shall be published in the **Federal Register**.

* * * * *

6. In § 648.73, paragraph (d) is added to read as follows.

§ 648.73 Closed areas.

* * * * *

(d) *Areas closed due to the presence of paralytic shellfish poisoning toxin*—(1) *Maine mahogany quahog zone*. The Maine mahogany quahog zone is closed to fishing for ocean quahogs except in those areas of the zone that are tested by the State of Maine and deemed to be within Interstate Shellfish Sanitation Conference acceptable limits for the toxin responsible for paralytic shellfish poisoning. Harvesting is allowed in such areas during the periods specified by the Maine Department of Marine Resources during which quahogs are safe for human consumption. For information regarding those areas contact the State of Maine Division of Marine Resources at (207–624–6550).

(2) [Reserved]

7. In § 648.75, introductory text is added to read as follows:

§ 648.75 Cage identification.

Except as provided in § 648.76, the following cage identification requirements apply to all vessels issued a Federal fishing permit for surf clams and ocean quahogs:

* * * * *

8. Section § 648.76 is added to subpart E to read as follows.

§ 648.76 Maine mahogany quahog zone.

(a) *Landing requirements*. (1) A vessel fishing under a valid Maine mahogany quahog permit pursuant to § 648.4(a)(4)(i), fishing for or possessing ocean quahogs within the Maine mahogany quahog zone, must land its catch in the State of Maine.

(2) A vessel fishing under an individual allocation permit, regardless of whether it has a Maine mahogany quahog permit, fishing for or possessing ocean quahogs within the zone, may land its catch in the State of Maine, or, consistent with applicable state law, any other state that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with those food safety-based procedures used by the State of Maine for such purpose, and must comply with all requirements in §§ 648.70 and 648.75. Documentation as required by the state and other laws and regulations applicable to food safety-based procedures must be made available by federally- permitted dealers for inspection by NMFS.

(b) *Quota monitoring and closures*—(1) *Catch quota*. (i) The annual quota for harvest of mahogany quahogs from within the Maine mahogany quahog zone is 100,000 Maine bushels (35,150 hL). The quota may be revised annually within the range of 17,000 to 100,000 Maine bushels (5,975 to 35,150 hL) following the procedures set forth in § 648.71.

(ii) All mahogany quahogs landed for sale in Maine by vessels issued a Maine mahogany quahog permit and not fishing for an individual allocation of ocean quahogs under § 648.70 shall be

applied against the Maine mahogany quahog quota, regardless of where the mahogany quahogs are harvested.

(iii) All mahogany quahogs landed by vessels fishing in the Maine mahogany quahog zone for an individual allocation of quahogs under § 648.70 will be counted against the ocean quahog allocation for which the vessel is fishing.

(iv) The Regional Administrator will monitor the quota based on dealer reports and other available information and shall determine the date when the quota will be harvested. NMFS shall publish notification in the **Federal Register** advising the public that, effective upon a specific date, the Maine mahogany quahog quota has been harvested and notifying vessel and dealer permit holders that no Maine mahogany quahog quota is available for the remainder of the year.

(2) *Maine Mahogany Quahog Advisory Panel.* The Council shall establish a Maine Mahogany Quahog Advisory Panel consisting of representatives of harvesters, dealers, and the Maine Department of Marine Resources. The Advisory Panel shall make recommendations, through the Surf Clam and Ocean Quahog Committee of the Council, regarding revisions to the annual quota and other management measures.

[FR Doc. 98–4848 Filed 2–25–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 63, No. 38
Thursday, February 26, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 20, 1998.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Services

Title: Mexicali Valley of Mexico-Karnal Bunt.

OMB Control Number: 0579–New.

Summary of Collection: The information collection would allow the Department of Agriculture to properly monitor imports of wheat from the Mexicali Valley of Mexico to prevent the incursion and spread of Karnal Bunt.

Need and Use of The Information: USDA would use information collected on a phytosanitary certificate to ensure that the wheat being brought into the United States was grown in the designated Karnal bunt free area of the Mexicali Valley of Mexico.

Description of Respondents: Business or other for-profit; Individuals or households; Farms.

Number of Respondents: 20

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 120.

Food and Consumer Services

Title: Employment and Training (E&T) Program Report.

OMB Control Number: 0584–0339.

Summary of Collection: The Food and Consumer Service Agency (FCS) is proposing collecting from State governments quarterly Employment and Training Program reports containing monthly figures for participation in the program. The form FCS–583 would be used to report participants newly work registered; work registrants exempt by the State from participation in an E&T program; participants who volunteer for and commence participation in an approved E&T component; E&T mandatory participants who commence an appoved E&T components; work registrants sent a Notice of Adverse Action for failure to comply with E&T requirements, and the number of applications who were denied food stamp certification or recertification for failure to comply with an E&T component.

Additionally, the passage of the Balance Budget Act of 1997 resulted in additional provisions which impact the Employment and Training Program. Accordingly, FCS is proposing collecting from State governments quarterly reports on the average number of monthly waiver exemptions for able-bodied adults without dependents; the number of filled and offered workfare slots; the amount of 100 percent Federal funds spent on workfare slots. This information can be attached to the FCS–583 report until that form is redesigned.

Need and Use of The Information: The information collection will enable USDA to determine whether States have met their mandated performance standards stipulated by the Employment and Training Program and all provisions of the Balanced Budget Act of 1997.

Description of Respondents: State, Local, or Tribal Government; Individuals or households.

Number of Respondents: 4,870,542.

Frequency of Responses: Reporting: Quarterly.

Total Burden Hours: 224,587.

Emergency Processing of This Submission Has Been Requested by March 1, 1998.

National Food and Agricultural Council

Title: USDA Service Center Customer Service Card.

OMB Control Number: 0575–New.

Summary of Collection: The USDA Service Center Initiative is proposing the establishment of a pilot project to test a comment and complaint system that would provide its field customers with a formal process for filing and resolving complaints. Customer Service Cards would be available in each field service center and would allow customers to voluntarily comment or complain about the service they receive.

Need and Use of The Information: The information collection will enable USDA customers to formally register their comments and complaints. This information will be used (1) to identify and resolve individual customer complaints about service or processes, (2) to facilitate a means for ongoing communication between customers, (3) as input for improving service and process, (4) motivate and encourage employees to provide excellent customer service. Additionally, information gained during the pilot project will be used to modify the Customer Service Cards before nationwide implementation would occur.

Description of Respondents: Individuals or households.

Number of Respondents: 13,500.

Frequency of Responses: Recordkeeping; Reporting: As needed.

Total Burden Hours: 1,125.

Emergency Processing of this Submission has been requested by March 1, 1998.

Forest Services

Title: 36 CFR Part 228, Subpart G—Smith River National Recreational Area.

OMB Control Number: 0596–0138.

Summary of Collection: The proposed information collection affects parties or individuals who desire Forest Service approval to conduct mineral operations in the Smith River National Recreation Area. Information requirements associated with this collection include a standard operating plan or plan of operation as well as identification of hazardous materials, toxic materials, and similar chemical substances to be used during the mineral operation and how they will be disposed of. Additionally, the operator will have to provide the identity if the character and composition of the mineral that will be used/generated, a proposed method/strategy for the placement, control, isolation, or removal of the wastes, and how public health and safety are to be maintained.

Need and Use of the Information: The Forest Service needs this information to assess the impact of a proposed mineral operations on the land and surrounding resources within the Smith River National Recreation Area and provide the requested approvals to proceed. By receiving and reviewing the plan of operations and other information required by this collection, Forest Service authorized officers can ensure the resources, public safety, and health are protected when mineral activities are being conducted in the Smith River National Recreation Area.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 40.

Nancy Sternberg,

Departmental Clearance Officer.

[FR Doc. 98–4889 Filed 2–25–98; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Public Briefings on Development of a U.S. Action Plan on Food Security

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a public workshop regarding development of the domestic portion of a U.S. Action Plan on Food Security will be held on March 6, 1998. The workshop is for the purpose of briefing the public on the domestic food security discussion paper, responding to questions and receiving individual reactions to the paper in order to facilitate public participation in the process of developing the U.S. Action Plan on Food Security.

DATES: The workshop on the domestic paper will be on March 6, 1998, 9 a.m. to 4 p.m. in Room 107A, Administration Building, U.S. Department of Agriculture in Washington, D.C.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The discussion paper is available from the Office of the National Food Security Coordinator, Foreign Agricultural Service, Room 3008 South Building, U.S. Department of Agriculture, 14th and Independence Ave., SW, Washington, D.C. 20250 telephone (202) 690–0776 or fax (202) 720–6103. The paper is also posted on the U.S. Government Food Security Home Page (http://www.fas.usda.gov/icd/summit/summit.html).

Signed in Washington, D.C. February 19, 1998.

Lon Hatamiya,

Administrator, Foreign Agricultural Service.

[FR Doc. 98–4861 Filed 2–25–98; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Collection of Public Information With Use of a Survey

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request to extend the clearance for an existing information collection in order to render service to associations of producers of agricultural, forestry, and fisheries products and federations and subsidiaries thereof as authorized in the Cooperative Marketing Act of 1926.

DATES: Comments on this notice must be received by April 27, 1998 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Tracey L. Kennedy, Agricultural Economist, RBS, U.S. Department of Agriculture, 1400 Independence Avenue SW., Stop 3252, Washington, DC. 20250–3252, Telephone (202) 690–1428.

SUPPLEMENTARY INFORMATION:

Title: Annual Survey of Cooperative Involvement in International Markets.

Type of Request: Information collection.

Abstract: The mission of the Rural Business-Cooperative Service (RBS), formerly Agricultural Cooperative Service (ACS), is to assist farmer-owned cooperatives in improving the economic well-being of their farmer-members. This is accomplished through a comprehensive program of research on structural, operational, and policy issues affecting cooperatives; technical advisory assistance to individual cooperatives and to groups of producers who wish to organize cooperatives; and development of educational and informational material. The authority to carry out RBS's mission is defined in the Cooperative Marketing Act of 1926 (44 Stat. 802–1926). Authority and Duties of Division (7 U.S.C. 453).

(a) The division shall render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies, credit, financing, insurance, and other cooperative activities.

(b) The division is authorized to:

(1) Acquire, analyze and disseminate economic, statistical, and historical information regarding the progress, organization, and business methods of cooperative associations in the United States and foreign countries.

(2) Conduct studies of the economic, legal, financial, social and other phases of cooperation, and publish the results thereof. Such studies shall include the analyses of the organization, operation, financial and merchandising problems of cooperative organizations.

(3) Make surveys and analyses if deemed advisable of the accounts and business practices of representative cooperative associations upon their request; to report to the association so surveyed the results thereof; and with the consent of the association so surveyed to publish summaries of the results of such surveys, together with similar facts, for the guidance of cooperative associations and for the purpose of assisting cooperative associations in developing methods of business and market analysis.

(4) Acquire from all available sources, information concerning crop prospects,

supply, demand, current receipts, exports, imports, and prices of agricultural products handled or marketed by cooperative associations, and to employ qualified commodity marketing specialists to summarize and analyze this information and disseminate the same among cooperative associations and others.''

RBS also has a stated objective to ''assist U.S. farmer cooperatives to expand their participation in international trade of agricultural products and supplies and to review their progress.''

As trade agreements are implemented and domestic farm supports are reduced, a global presence is increasingly important to producers, their communities, and to job-creation and retention in agri- and food-related industries. Measurement and monitoring of cooperatives' global presence are stated objectives of RBS's International Trade Program. In order to carry out the agency's mission and objectives, RBS needs to collect information from the cooperative community. This information collection is designed to provide time-series data that will provide a better understanding of the opportunities and limitations of producer-owned cooperatives in global markets. The data provide the basis for research on trade-related issues affecting cooperatives, and background for trade-related policy analysis.

Beginning in 1980, RBS's predecessor agency Agricultural Cooperative Service (ACS) collected cooperative trade data at five year intervals. Value of cooperative exports by commodity and destination were measured, as well as information related to method of sale.

Values of imports by cooperatives, by commodity and country of origin were collected in 1986 and 1991. However, data collected at five-year intervals did not provide for meaningful analysis. Further, previous collections were strictly limited to exports and imports, neglecting other important international arrangements such as strategic alliances and foreign direct investment. As a result, a more comprehensive, annual information collection has been developed to accomplish RBS objectives and paint a more accurate picture of cooperative involvement in international markets. These data are generally not available to RBS unless provided by the cooperatives.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average one (1) hour per response.

Respondents: Cooperatives involved in international activities.

Estimated Number of Respondents: 170.

Estimated Number of Responses per Respondent: one per year.

Estimated Total Annual Burden on Respondents: 170 hours.

Copies of this information collection can be obtained from Jean Mosley, Regulations and Paperwork Management Branch, at (202) 690–1587.

Comments

Comments are invited on: (a) 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; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jean Mosley, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue SW., Stop 0743, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of a public record.

Dated: February 18, 1998.

Dayton J. Watkins,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 98–4854 Filed 2–25–98; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 2:00 p.m. and adjourn at 5:00 p.m. on Thursday, March 19, 1998, at the Radisson Inn-Bismarck, 800 South Third Street, Bismarck, North Dakota 58504. The purpose of the meeting is to update members on civil rights enforcement issues including presentations from the North Dakota Fair Housing Council and the North Dakota Indian Affairs Commission.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1400 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 19, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–4921 Filed 2–25–98; 8:45 am]

BILLING CODE 6335–01–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, March 6, 1998, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda

II. Approval of Minutes of February 6, 1998 Meeting

III. Announcements

IV. Staff Director's Report

V. State Advisory Committee Appointments for Maine, North Carolina, and Texas

VI. Los Angeles Hearing Report

VII. Future Agenda Items

11:00 a.m.—Staff Briefing on Americans with Disabilities Project

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications, (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 98–5126 Filed 2–24–98; 2:41 p.m.]

BILLING CODE 6335–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses announces the proposed extension of a public information collection that was submitted for emergency review and approved in concept on November 21, 1997, 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 shall have practical utility; (b) the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 27, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041, ATTN: Lieutenant Colonel Art Nalls.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Office of the Special Assistant for Gulf War Illnesses at (703)–578–8500.

Time and OMB Number: Department of Defense M256A1 Outreach; OMB Number 0704–0399.

Needs and Uses: The information collection is necessary to facilitate the investigation of possible, positive M256A1 chemical warfare agent detections at different dates and locations in the Kuwait Theater of Operations. The information collected will be used to determine which Gulf War units and veterans may have further information about these incidents, to discover if there any other observed detections, to contribute to a better understanding of the events during and after the Gulf War, and to encourage veterans to enroll in a Department of Defense or Veterans Affairs medical program.

Affected Public: Individuals or Households.

Annual Burden Hours: 583.

Number of Respondents: 777.

Responses per Respondent: 1.

Average Burden per Response: 45 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are Gulf War veterans who are not serving on active duty and whose units were in the vicinity of the detection. Through this outreach, veterans will contact the Office of the Special Assistant on their own initiative. Veterans who call will be called back by Contact Managers who will collect basic information. This information will be passed on to investigators/analysts, who will pursue more in-depth questions. The information sought by the outreach letter will allow the Office of the Special Assistant to determine which Gulf War units and veterans may have further information that could contribute to the investigation of specific, possible M256A1 chemical detections; if there were any other M256A1 chemical detections observed; and, if veterans are enrolled in either the DoD or Department for Veteran Affairs medical programs. Relevant historical accounts provided by veterans will be integrated in case narratives from which private information will be removed. When approved for publication, these case narratives will appear on the Office of the Special Assistant's website, GulfLINK, which is fully open to the public.

Dated: February 20, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–4850 Filed 2–25–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Center for Character Development, United States Air Force Academy (USAFA)

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Character Development, United States Air Force Academy, announces the proposed public information collection 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 shall have practical utility; (b) the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 27, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Center for Character Development, ATTN: Lt Col Lynn Stone, 2354 Fairchild Hall, Suite 4A, USAF Academy, CO 80840–6260.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Lt Col Stone at 719–333–2987/4904, DSN 333–2987/4904.

Title, Associated Form, and OMB Number: USAFA Character Development Survey.

Needs and Uses: The information collection requirement is a necessary part of outcomes validation research, and program evaluation and management related to the Center's eight character development outcomes. This approval is specified by Title 37, United States Code, Section 908. This statute delegates such approval authority of Congress to the respective service secretaries and to the Secretary of State.

Affected Public: Individuals

Annual Burden Hours: 10,000

Number of Respondents: 30,000

Responses Per Respondent: 1

Average Burden Per Response: 10 minutes

Frequency: Once

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are United States Air Force Academy graduates (active duty, retired, and separated). Information in

the survey asks questions about eight character development outcomes (i.e. integrity, selfless service, excellence, human dignity, decisiveness, taking responsibility, self-discipline, and spirituality). The information solicited will be collected via U.S. mail, using scan sheets to record responses. It will be used as part of outcomes validation research, and program evaluation and management.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–4924 Filed 2–25–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 30, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 23, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New
Title: The Blue Ribbon Schools Program
Frequency: One-time
Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs
Reporting Burden and Recordkeeping:
Responses: 515
Burden Hours: 25,750
Abstract: The Blue Ribbon Schools award is a national school improvement strategy with a threefold purpose: (1) to identify and give public recognition to outstanding public and private schools across the nation; (2) to make available a comprehensive framework of key criteria for school effectiveness that can serve as a basis for participatory self-assessment and planning in schools; (3) to facilitate communication and sharing of best practices within and among schools based on a common understanding of criteria related to success. The information collected will be used to determine by peer review which schools receive the award and information on their exemplary practices and policies will be made available to other schools.

Office of the Under Secretary

Type of Review: New
Title: Institutional Survey of the Operation of the Federal Work-Study Program
Frequency: One time
Affected Public: Business or other for-profit; Not-for-profit institutions
Reporting and Recordkeeping Hour Burden:
Responses: 850
Burden Hours: 1,700
Abstract: This study will describe the operation of the Federal Work-Study program at postsecondary education institutions nationwide. This survey will provide, for the first time, nationally-representative data on the workings of this program. Results will be used by Congress during the reauthorization of the Higher Education Act and for other oversight responsibilities.

[FR Doc. 98–4950 Filed 2–25–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Energy Outreach; Electric and Magnetic Field Effects Research and Public Information Dissemination Program; Solicitation for Non-Federal Financial Contributions for Fiscal Year 1998

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: The Department of Energy solicits financial contributions from non-Federal sources to at least match $3,446,500 in Federal funding, in support of the national, comprehensive Electric and Magnetic Field Effects Research and Public Information Dissemination Program, described in the Notice of Intent to Solicit Non-Federal Contributions, published November 9, 1993 (58 FR 59461). Section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13475) requires the Department of Energy to solicit funds from non-Federal sources to offset at least 50 percent of the total funding for all activities under this program. Section 2118 also precludes the Department of Energy from obligating funds for program activities in any fiscal year unless funds received from non-Federal sources are available in an amount at least equal to 50 percent of the amount appropriated by Congress. Appropriations for expenditure under section 2118 have been enacted under the Energy and Water Development Appropriation Act, 1998 (Pub. L. 105–271) in the amount of $3,446,500 for fiscal year 1998. Fiscal year 1998 is the final year of the Electric and Magnetic Field Effects Research and Public Information Dissemination Program.

DATES: Non-Federal contributions are requested as soon as possible in order to implement the fiscal year 1998 program in a timely manner. No portion of the $3,446,500 in appropriated funds may be expended for fiscal year 1998 program activities until DOE has received from non-Federal sources at least an aggregate sum of $1,723,250.

ADDRESSES: Contributions should be made in the form of a check payable to ''U.S. Department of Energy'' and should include the following annotation: ''For EPAct 2118, EMF Program.'' Contributions are to be mailed to: U.S. Department of Energy; Office of Headquarters Accounting Operations; Fiscal Operations Division, CR–54; P.O. Box 500; Germantown, MD 20875–0500.

FOR FURTHER INFORMATION CONTACT: For additional information contact Dr. Imre Gyuk, Office of Energy Outreach, EE–14, U.S. Department of Energy, Washington, DC 20585.

Issued in Washington, DC, on February 20, 1998.

Dan W. Reicher,

Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 98–4947 Filed 2–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald

DATES: Saturday, March 14, 1998: 8:30 a.m.—12:30 p.m. (public comment session: 12:15 p.m.—12:30 p.m.)

ADDRESSES: Alpha Building, 10967 Hamilton-Cleves Highway, Harrison, Ohio.

FOR FURTHER INFORMATION CONTACT: John S. Applegate, Chair of the Fernald Citizens' Advisory Board, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens' Advisory Board office (513) 648–6478.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the Fernald site.

Tentative Agenda

8:30 a.m. Call to Order
8:30–8:50 Opening Remarks
8:50–9:50 White Metal Box/Systems Discussion
9:50–10:05 Copper Recycling
10:05–10:15 Break
10:15–11:00 Review of Past Recommendations
11:00–11:15 Conflict of Interest Statement
11:15–12:00 1998 Priorities and Schedule
12:00–12:15 Committee Updates
12:15–12:30 Public Comment
12:30 p.m. Adjourn

A final agenda will be available at the meeting, Saturday, March 14, 1998.

Public Participation

The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer, Gary Stegner, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens' Advisory Board, P.O. Box 544, Ross, Ohio 45061 or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC, on February 20, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–4944 Filed 2–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia)

AGENCY: Department of Energy.

ACTION: Notice of open meeting

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia).

DATE AND TIME: Wednesday, March 18, 1998: 6:00 p.m.—9:00 p.m. (Mountain Standard Time).

ADDRESS: Palo Duro Senior Center, 5251 Palo Duro NE, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, P.O. Box 5400, Albuquerque, NM 87185 (505) 845–4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

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

Tentative Agenda

6:00 p.m. Call to Order/Roll Call
7:00 p.m. Public Comments
7:10 p.m. Approval of Agenda
7:12 p.m. Approval of 02/18/98 Minutes
7:17 p.m. Chairperson's Report—Jamie Welles
7:20 p.m. Sandia National Laboratory's Environmental Restoration/Waste Management Presentation/Discussion
7:45 p.m. Break
7:55 p.m. Sandia National Laboratory's Environmental Restoration/Waste Management Issues Discussion
8:42 p.m. New/Other Business
8:52 p.m. Public Comments
8:58 p.m. Announcement of Next Meeting
9:00 p.m. Adjourn

A final agenda will be available at the meeting Wednesday, March 18, 1998.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski's office at the address or telephone number listed above. Requests must be

received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Mike Zamorski, Department of Energy Kirtland Area Office, P.O. Box 5400, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC, on February 20, 1998.

Althea T. Vanzego,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 98–4945 Filed 2–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Department of Energy, Los Alamos National Laboratory

AGENCY: Department of Energy

ACTION: Notice of open meeting

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EMSSAB), Los Alamos National Laboratory.

Dates and time: Saturday, March 21, 1998: 9:00 a.m.–12:00 p.m., 11:30 a.m. to 12:00 p.m. (public comment session).

ADDRESS: San Ildefonso Pueblo, Tewa Center, Governor's Office, State Route 502.

FOR FURTHER INFORMATION CONTACT: Ms. Ann DuBois, Northern New Mexico Citizens' Advisory Board, Los Alamos National Laboratory, 528 35th Street, Los Alamos, New Mexico 87544, (505) 665–5048.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

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

Tentative Agenda

9:00 a.m.
Call to Order
Adoption of Bylaws
Election of Officers
9:30 a.m.
Old Business
10:00 a.m. New Business
11:30 a.m. Public Comment Session
12:00 p.m. Adjourn

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ms. Ann DuBois, at (505) 665–5048. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Mr. Mat Johansen, Deputy Designated Federal Officer, Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87185–5400.

Issued at Washington, DC on February 20, 1998.

Althea T. Vanzego,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 98–4946 Filed 2–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–100–000]

Algonquin Gas Transmission Company; Notice of Extension of Time

February 20, 1998.

The Massachusetts Energy Facilities Siting Board (EFSB) filed a request asking for an extension of time in which to file comments on the Notice of Intent to Prepare an Environmental Assessment for the Proposed ANP Bellingham Lateral Project and Request for Comments on Environmental Issues (NOI), issued January 16, 1998 (63 FR 3560, 1/23/98). Comments were due February 17, 1998.

Upon consideration, notice is hereby given that an extension of time is granted to the EPSB until March 20, 1998, for the filing of comments on the NOI.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4899 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3189–013]

Atlantic City Electric Company; Baltimore Gas & Electric Company; Delmarva Power & Light Company; Jersey Central Power & Light Company; Metropolitan Edison Company; Peco Energy Company; Pennsylvania Electric Company; Pennsylvania Power Company; Potomac Electric Power Company; Public Service Electric and Gas Company; Notice of Filing

February 20, 1998.

Take notice that on January 26, 1998, PECO Energy Company (PECO), tendered for filing its compliance filing in response to Ordering Paragraph (P) of the Commission's order in Pennsylvania-New Jersey-Maryland Interconnection, 81 ¶ 61,257 (1997).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 27, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4895 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1797–000]

Cinergy Services, Inc.; Notice of Filing

February 20, 1998.

Take notice that on February 10, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated February 1, 1998, between Cinergy, CG&E, PSI and Griffin Energy Marketing, L.L.C. (Griffin).

The Interchange Agreement provides for the following service between Cinergy and Griffin:

1. Exhibit A—Power Sales by Griffin
2. Exhibit B—Power Sales by Cinergy

Cinergy and Griffin have requested an effective date of one day after this initial filing of the Interchange Agreement.

Copies of the filing were served on Griffin Energy Marketing, L.L.C., the Public Service Commission of Wisconsin, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 5, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4893 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–492–008]

CNG Transmission Corporation, Notice of Compliance Filing

February 20, 1998.

Take notice that on February 13, 1998, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective January 1, 1998:

Fifth Revised Sheet No. 1
Sheet No. 36
Third Revised Sheet No. 114
Third Revised Sheet No. 115
Second Revised Sheet No. 119
Third Revised Sheet No. 124
Second Revised Sheet No. 125
Second Revised Sheet No. 126
Third Revised Sheet No. 127
Second Revised Sheet No. 129
Second Revised Sheet No. 130
Second Revised Sheet No. 140
Third Revised Sheet No. 141
Third Revised Sheet No. 142
Second Revised Sheet No. 144
Second Revised Sheet No. 145
Second Revised Sheet No. 146
Second Revised Sheet No. 147
Third Revised Sheet No. 148
Third Revised Sheet No. 149
Second Revised Sheet No. 150
Second Revised Sheet No. 151
Second Revised Sheet No. 152
Second Revised Sheet No. 153
Second Revised Sheet No. 154
Fourth Revised Sheet No. 155
Second Revised Sheet No. 156
Second Revised Sheet No. 157
First Revised Sheet No. 158
Second Revised Sheet No. 159
Second Revised Sheet No. 160
Third Revised Sheet No. 161
Third Revised Sheet No. 162
Sixth Revised Sheet No. 163
Second Revised Sheet No. 164
Second Revised Sheet No. 165
Second Revised Sheet No. 166
Third Revised Sheet No. 169
Second Revised Sheet No. 170
Second Revised Sheet No. 171
Second Revised Sheet No. 172
Second Revised Sheet No. 173
Second Revised Sheet No. 174
Fourth Revised Sheet No. 175
Second Revised Sheet No. 176
Sheet No. 177
Sheet No. 181
Fifth Revised Sheet No. 251
Second Revised Sheet No. 256
Third Revised Sheet No. 272
Third Revised Sheet No. 274
Second Revised Sheet No. 306
Third Revised Sheet No. 307
Second Revised Sheet No. 307A
Second Revised Sheet No. 310
Third Revised Sheet No. 314
Fourth Revised Sheet No. 346
Third Revised Sheet No. 381
Second Revised Sheet No. 381A
Third Revised Sheet No. 382
First Revised Sheet No. 394
First Revised Sheet No. 395
Original Sheet No. 396
Sheet No. 397
Second Revised Sheet No. 400
Second Revised Sheet No. 401
Second Revised Sheet No. 402
Second Revised Sheet No. 403
Second Revised Sheet No. 404
Second Revised Sheet No. 405
Sheet No. 406

CNG states that the tendered tariff sheets were filed in compliance with the Commission's Order dated September 11, 1997 in Docket No. CP96–492–000, *et al*. CNG states that it submitted tariff sheets on November 10, 1997, that were intended to (1) designate Rate Schedule GSS as CNG's open-access storage service pursuant to Order No. 636 and Part 284 of the Commission's regulations; (2) revise Rate Schedule GSS–II to clarify its availability; and (3) remove Rate Schedule OSS from CNG's tariff. However, CNG states that the Commission, in its order of January 29, 1998, determined that CNG did not adequately establish separate rate schedules for Part 157 storage service. CNG was directed to file tariff sheets within 15 days of the January 29, 1998 order, to be effective December 15, 1997.

CNG re-submits its revised tariff sheets to remove Rate Schedule OSS, and proposes two separate rate schedules for Part 157 storage service. These proposed rate schedules are designated ''Rate Schedule GSS, Section 7(c),'' and ''Rate Schedule GSS–II, Section 7(c).'' CNG states that it will continue to provide its open-access, Part 284 storage service under Rate Schedule GSS, and proposes to conduct GSS storage services that have been authorized under Part 157 case-specific authorization pursuant to ''Rate Schedule GSS, Section 7(c).'' CNG submits that Rate Schedule GSS–II, Section 7(c), will not be made available for new or expanded service. Further, CNG submits that the Part 284 version of Rate Schedule GSS–II is available to existing Part 284 GSS–II customers, and for any subsequent conversions of GSS–II service entitlements from Part 157 to Part 284.

CNG proposes to reflect the Section 11B and Section 34 consolidation that is pending in Docket No. RP97–406. CNG states that those pending tariff sheets in Docket No. RP97–406 consolidate the lengthy storage transfer and OFO provisions from Sections 10 and 11 under Rate Schedules GSS and GSS–II, at Section 11B and a newly-proposed Section 34 of the General Terms and Conditions of CNG's tariff. CNG requests waiver of Section 154.203(b) of the

Commission's regulations, in order to adopt a January 1, 1998 effective date rather than December 15, 1997.

Finally, CNG states that it seeks to consolidate the remaining identical provisions from all of its GSS and GSS–II rate schedules at a new Section 35 of the General Terms and Conditions.

Any person desiring to protest this 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 Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 4, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of CNG's filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4898 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–190–012]

Colorado Interstate Gas Company; Notice of Filing of Refund Report

February 20, 1998.

Take notice that on February 17, 1998, Colorado Interstate Gas Company (CIG), filed a refund report in Docket No. RP96–190–000.

CIG states that the filing and refunds were made to comply with the Commission's Order of October 16, 1997. CIG states that these amounts were paid by CIG on December 15, 1997.

CIG states that the refund report summarizes transportation and gathering refund amounts for the period October 1, 1996 through September 30, 1997, pursuant to Article 2.2 of CIG's Stipulation and Agreement as approved in the Commission's October 16, 1997 Order.

CIG states that the copies of CIG's filing are being mailed to all holders of the tariff and to public bodies and that the filing is available for public inspection at CIG's offices in Colorado Springs, Colorado.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 27, 1998. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4901 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1671–000]

Fitchburg Gas and Electric Company; Notice of Filing

February 20, 1998.

Take notice that on January 30, 1998, Fitchburg Gas and Electric Company tendered for filing a summary of activity for the quarter ending December 31, 1997.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 3, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4894 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP87–39–005]

Granite State Gas Transmission, Inc.; Notice of Amendment

February 20, 1998.

Take notice that on February 13, 1998, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581, filed an application with the Commission, pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, requesting an extension to April 30, 1999, of the limited-term certificate to operate an interstate pipeline facility leased from Portland Pipe Line Corporation (Portland), with pregranted abandonment, consistent with a recently negotiated agreement between Granite State and Portland to extend the lease of the pipeline facility. Granite State further requests the Commission to confirm that the amended lease will not convert Portland into a jurisdictional natural gas company and that the revenues received by Portland from the amended lease will not be considered in deriving Portland's rates for the transportation of oil, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

According to Granite State, it has leased from Portland an 18-inch pipeline extending approximately 166 miles from a connection with its pipeline near Portland, Maine, to the U.S-Canadian border in the Township of North Troy, Vermont, opposite Highwater, Quebec. The pipeline was originally built and operated as a crude oil pipeline; Granite state converted the pipeline for natural gas service in 1987 (40 FERC ¶ 61,165); operated the pipeline pursuant to an amended lease with Portland and a limited-term certificate issued by the Commission expiring March 31, 1997 (69 FERC ¶ 61,186). Granite State further says that it currently operates the pipeline pursuant to a second amended lease with Portland and a limited-term certificate issued by the Commission expiring April 30, 1998 (76 FERC ¶ 61,247).

Granite State states that it has negotiated a third extension of the lease with Portland for 12-months, to April 30, 1999, to ensure that the leased Portland pipeline will be in standby availability for use during the 1998–99 winter season, if the recently certificated pipeline proposed by

Portland Natural Gas Transmission System (PNGTS) is not completed and ready for service by November 1, 1998, in order to provide continuous firm transportation services for its customers, Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). Granite State also says that Bay State and Northern Utilities have independently proposed to replace the seasonal base load gas supplies delivered over the leased pipeline with transportation capacity that each has reserved on PNGTS. Granite State further states that it has the option to terminate the proposed third lease extension by notice to Portland 90 days (August 1, 1998) prior to November 1, 1998, if it develops during the spring and summer of 1998 that PNGTS is actually being constructed on schedule for completion by November 1, 1998. According to Granite State, no new facilities are required to operate the leased pipeline during the extension of the lease, and no new services are proposed in the application.

According to Granite State, the principal provisions of the third lease extension shows that Granite State, whether or not it exercises the option to terminate the extension early, will have to pay Portland: (1) A one-time payment of $1,500,000 on October 25, 1998 for the opportunity to hold the pipeline available for use in natural gas transportation beginning November 1, 1998; and (2) $8,500,000 reimbursement toward the cost of reconverting the leased line to oil transportation service. Granite State also says that the other provisions of the third lease extension, which are discussed in the application, include the: (1) Time when the leased line will be idled (May 1 through October 31, 1998) for pre-conversion work by Portland; and (2) rental costs which include fixed costs and contingent obligations. Granite State further says that costs related to the third lease extension will not be recovered in the present rates and Granite State intends to file a Section 4 rate filing no later than May 1, 1998 to propose an increase in its rates to recover the costs of the third lease extension.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1998, 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 on the request for a permanent certificate but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 the application, if no motion to intervene is filed within the time requested herein, and if the Commission on its own review of the matter finds that a grant of the certificate is required by public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own 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 Granite State to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4897 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–108–002]

Koch Gateway Pipeline Company; Notice of Filing

February 20, 1998.

Take notice that on February 17, 1998, Koch Gateway Pipeline Company (Koch) tendered for filing its report of the PAL Service after one year of operation.

Koch states that this filing is in compliance with Section 9 of the PAL Rate Schedule. The Commission required Koch to file a report 45 days after the first year of operating experience.

Koch states that copies of this filing have been served upon each party contained in the official service list as compiled by the Secretary in the above captioned proceeding.

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 motions or protests must be filed on or before February 27, 1998. All 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4902 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–000]

Koch Gateway Pipeline Company; Notice Rescheduling Informal Settlement Conference

February 20, 1998.

Take notice that the informal settlement conference scheduled to convene in this proceeding on February 24, 1998 has been canceled and rescheduled for February 25, 1998, at 1:00 p.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Edith A. Gilmore at (202) 208–2158 or Sandra J. Delude at (202) 208–0583.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4904 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1748–000]

Montaup Electric Company; Notice of Filing

February 20, 1998.

Take notice that on January 30, 1998, Montaup Electric Company (Montaup), tendered for filing a newly executed Standard Offer Service Agreement between Montaup and Eastern Edison Company, its retail affiliate doing business in the Commonwealth of Massachusetts. Montaup has asked that this service agreement be accepted and made effective as of March 1, 1998. Montaup states that by its filing it is seeking to implement the provisions of the settlement approved by the Commission on December 19, 1997, in this proceeding.

Copies of the filing were served upon all parties shown on the Commission's official service list in the captioned proceedings and upon affected state agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 2, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4892 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–006]

Northern Natural Gas Company; Notice of Compliance Filing

February 20, 1998.

Take notice that on February 17, 1998, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets.

Third Substitute Second Revised Sheet No. 252
Second Substitute Original Sheet No. 287A
Substitute First Revised Sheet No. 287A
Third Substitute First Revised Sheet No. 299
Substitute Second Revised Sheet No. 299

Northern states that the above-referenced tariff sheets are filed in compliance with the Commission's Order issued January 30, 1998 in Docket No. RP96–272–004, addressing Northern's negotiated rate provisions.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4903 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–130–001]

Questar Pipeline Company; Notice of Tariff Filing

February 20, 1998.

Take notice that on February 18, 1998, Questar Pipeline Company, (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fourth Revised Sheet No. 164, to be effective March 11, 1998.

Questar states that this tariff sheet corrects the pagination of Third Revised Sheet No. 164 as tendered with Questar's February 9, 1998, FERC Gas Tariff filing in Docket No. RP98–130–000.

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 should be filed in accordance with Section 154.210 of the Commission's Regulations. All 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. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4906 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–84–001]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

February 20, 1998.

Take notice that on February 17, 1998, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheets, with an effective date of February 1, 1998:

Substitute Second Revised Sheet No. 160
Substitute Second Revised Sheet No. 166
Substitute Third Revised Sheet No. 172
Substitute Second Revised Sheet No. 366
Substitute Original Sheet No. 366A
Substitute Original Sheet No. 366B

Tennessee states that the revised tariff sheets are filed in compliance with the Commission's January 30, 1998 Order in the above-referenced docket. Tennessee Gas Pipeline Company, 82 FERC ¶ 61,081 (1998). Tennessee states that the revised tariff sheets incorporate certain clarifications to its policy regarding the construction and financing of receipt and delivery facilities on its system. In accordance with the January 30 Order, Tennessee requests that these tariff sheets be deemed effective on February 1, 1998.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to this proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4905 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–136–000]

Tennessee Gas Pipeline Company; Notice of Tariff Filing

February 20, 1998.

Take notice that on February 13, 1998, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Fifth Revised Sheet No. 405A, with an effective date of March 15, 1998.

Tennessee states that Fifth Revised Sheet No. 405A proposes a minimum bid period of 3 business days for service offerings with terms of more than 92 days but not greater than 365 days. Service offerings with terms greater than 365 days will retain the current minimum bid period of 5 business days.

Tennessee further states that this proposal is supported by its past experience that shippers seeking primary point amendments in long-term capacity open seasons found the 5 day bid period too long to wait to find out if they are awarded the primary point amendments. In addition, Tennessee's current proposal captures the Commission's policy as stated in Columbia Gulf Transmission Company, 80 FERC ¶ 61,021 (1997).

Any person desiring to be heard or to protest this 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 Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4907 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–137–000]

Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 20, 1998.

Take notice that on February 13, 1998, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2, revised tariff sheets listed on Appendix A to the filing to become effective April 1, 1998.

Texas Eastern states that these revised tariff sheets are being filed to revise on an interim basis Texas Eastern's ASA percentages and Spot Fuel Components to be effective for the period, April 1, 1998 through November 30, 1998. Texas Eastern states that interim revisions to Texas Eastern's ASA percentages are permitted by Section 15.6(E), of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1, subject to Commission approval.

Texas Eastern requests that the Commission approve this proposed interim revision to the ASA percentages and the Spot Fuel Components which are prescribed by the Global Settlement Docket No. RP85–177–119, et al. to be filed as a compenent of Texas Eastern's annual ASA filings under Section 15.6 of the tariff.

Texas Eastern states that the increase in ASA percentages is necessary because of the termination of the supply of gas for use as fuel from Marathon Oil Company due to an agreement on a buyout of Texas Eastern's obligations under a gas supply contract. Texas Eastern states that there is no net economic impact on the customers, since the increase to the ASA percentages projected herein is exactly offset by the decrease in rates.

Texas Eastern states that the impact on Texas Eastern's ASA percentages and rates of this interim filing based on typical long haul service from the Access Area Zone East Louisiana to Market Zone 3 (ELA–M3) is as follows:

	ASA percentage increase	Spot fuel component decrease
ELA–M3 Impact	0.66	$(0.0168)/dth

Texas Eastern states that copies of its filing has been mailed to all affected customers of Texas Eastern and interested state commissions, as well as all parties to the Global Settlement in Docket No. RP85–177–119, et al.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 and 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4908 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–233–000]

Transwestern Pipeline Company; Notice of Application

February 20, 1998.

Take notice that on February 13, 1998, Transwestern Pipeline Company (Transwestern), P.O. Box 3330, Omaha, Nebraska 68103, filed an application pursuant to Section 7(b) of the Natural Gas Act (NGA) and the Commission's Regulations thereunder, requesting authority for Transwestern to abandon, by sale to KN Interstate Gas Transmission Co. (KN) certain compression, pipeline, and receipt and delivery point facilities, with appurtenances, located in Oklahoma and Texas, and transportation services rendered thereby, all as more fully set forth in the application on file with the Commission and open to public inspection.

Transwestern states that the subject facilities, the Lipscomb Mocane Lateral, Delhi Feldman/Leedy Lateral and Feldman Lateral, consist of approximately 92 miles of 12-inch and 26 miles of 16-inch pipeline and one compressor station, the Ivanhoe Compressor Station, with appurtenances. The subject facilities are located north and east of the station block valve at Transwestern's Canadian River Compressor Station. Transwestern further states that KN will integrate the subject facilities into its interstate pipeline system upon approval of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1998, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 petition 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 petition for leave 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 provided for, unless otherwise advised, it will be unnecessary for Transwestern to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4896 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–226–000]

Williams Gas Pipelines Central, Inc.; Notice of Application

February 20, 1998.

Take notice that on February 11, 1998, Williams Gas Pipelines Central, Inc. (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP98–226–000 an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's Regulations thereunder, for permission and approval to abandon from interstate service a Natural gas storage service between Williams and Kansas Gas Service Company, now Western Resources, a division of Oneok, Inc., (KGSC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williams states that the natural gas storage agreement dated December 6, 1989, was originally authorized in Docket No. CP90–1297. Williams further states that the agreement was terminated by mutual agreement between Williams and KGSC. Williams asserts that at the same time the storage agreement was executed, KGSC entered into a firm transportation agreement to transport the storage gas. Williams further asserts that the firm transportation maximum daily quantity is equal to the maximum daily withdrawal quantity under the storage agreement, or 75,000 Dth per day. Williams also asserts that both the storage agreement and the firm transportation agreement have a primary term of six years ending March 31, 1997, and year to year thereafter unless terminated by either party by giving two years written notice. Williams indicates that on March 12, 1996, KGSC provided Williams with such notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a petition 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. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 on this application if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Williams to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4900 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–774–000]

CNG Transmission Corporation; Texas Eastern Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Market Area Storage Project and Request for Comments on Environmental Issues

February 20, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Market Area Storage Project.[1] This EA will be used by the Commission in its decision-making process to determine whether

[1] CNG Transmission Corporation's and Texas Eastern Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

the project is in the public convenience and necessity.

Summary of the Proposed Project

CNG Transmission Corporation (CNG) and Texas Eastern Transmission Corporation (Texas Eastern) (together referred to as the Applicants) want to expand the capacity of the jointly-owned storage facilities to allow for the storage of an additional 10 billion cubic feet (Bcf) of natural gas at the Oakford Storage Field in Westmoreland County, Pennsylvania. Also, the proposed facilities would add about 200 million cubic feet per day (MMcf/d) of injection capability and about 393 MMcf/d of additional end-of-January withdrawal capability at the Oakford Storage Field. The Applicants seek authority to construct and operate these facilities in spring 1998:

- 12,000 horsepower (hp) of additional electric motor-driven compression and related piping and appurtenant facilities at the existing Oakford Compressor Station in Westmoreland County, Pennsylvania;
- About 6 miles of new and replacement storage field well lines of various sizes and lengths;
- Various valves, piping, filter separators, buildings, and appurtenant facilities at the Oakford Compressor Station;
- A replacement dehydration system at the Oakford Compressor Station capable of processing an additional 400 MMcf/d; and
- 325 feet of 10-inch-diameter suction line at the Lincoln Height Compressor Station in Westmoreland County, Pennsylvania replacing an 8-inch-diameter pipeline and related aboveground facilities.

A nonjurisdictional 138 kilovolt (kV) electric substation would be installed at the Oakford Compressor Station by Allegheny Power Company. The Substation would be constructed on a 0.75 acre site on compressor station property along the south side and outside of the existing fence line. It would consist of a 138 kV transformer, poles, breakers, and a 30-foot-long access road all within the existing compressor station facility. About 2 miles of transmission lines would be constructed to the substation.

CNG also seeks authority to increase the deliverability of its Greenlick Compressor Station in Potter County, Pennsylvania, from 912 MMcf/d to 1,062 MMcf/d by modifying certain facilities and constructing and operating related facilities in spring 1999. These activities would include:

- Reworking 4 existing crossover heaters by adding a new electronic panel board, electronic ignition system, and heat turbulator;
- Installing 1 new vertical filter/separator;
- Reworking six 10-inch ANSI 1500# Ball Valves;
- Replacing two 10-inch ANSI 1500# Ball Valves;
- Removing and installing a new Regan Pump of the same size;
- Reworking nine-12-inch-diameter existing orifice runs; and
- Installing new beads in the existing towers.

The location of the project facilities is shown in appendix 1.[2]

Land Requirement for Construction

Construction of the proposed facilities would require about 110.4 acres of land. Following construction, about 21 acres would be maintained as new aboveground facility sites (mostly within the existing compressor stations) and about 34.6 acres would be within pipeline rights-of-way. The remaining 54.8 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to taken into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

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

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

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

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

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 CNG and Texas Eastern. This preliminary list of issues may be changed based on your comments and our analysis.

- The addition of 12,000 hp of compression may increase the noise level near the Oakford Compressor Station.
- A high-quality cold-water fishery, Beaver Run, would be crossed near milepost 0.65 on storage pipeline JP–302, about 2 miles upstream from the headwaters of Beaver Run Reservoir which is the main drinking water source for Westmoreland County, Pennsylvania.

Public Participation

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

- Send *two* copies of your letter to: David P. Boergers, Acting Secretary,

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

Federal Energy Regulatory Commission, 888 First St., NE, Room 1A, Washington, DC 20426;

- Label *one* copy of the comments for the attention of the Environmental Review and Compliance Branch II, PR–11;
- Reference Docket No. CP97–774–000; and
- Mail your comments so that they will be received in Washington, DC on or before March 23, 1998.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

If you are interested in obtaining procedural information please write to the Secretary of the Commission.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' 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 copies of its filings to all other parties. 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 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

Your do not need intervenor status to have your comments considered.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4909 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for New Major License

February 20, 1998.

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

a. *Type of Application:* New Major License.

b. *Project No.:* 2674–003.

c. *Date Filed:* May 30, 1997.

d. *Applicant:* Green Mountain Power Corporation.

e. *Name of Project:* Vergennes Hydroelectric Project.

f. *Location:* On Otter Creek in the City of Vergennes, Addison County, Vermont.

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

h. *Applicant Contact:* Mr. Michael Scarzello, Green Mountain Power Corporation, 25 Green Mountain Drive, P.O. Box 850, South Burlington, VT 05402, (802) 660–5835.

i. *FERC Contact:* Lee Emery, (202) 219–2779.

j. *Deadline Date:* See attached paragraph D9.

k. *Status of Environmental Analysis:* The application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of the Project:* The Vergennes Project's existing facilities consist of the following features: (1) Three concrete overflow dams, each about 10 feet high, with a total length of 231 feet, each having a crest elevation of about 132.78 feet above mean sea level (msl), surmounted by 1.5-foot-high flashboards, and a 29-foot-long, non-overflow dam; (2) an 8.8-mile-long, 133 acre surface area reservoir having a 200 acre-foot usable storage capacity at normal water surface elevation of 134.28 feet msl; (3) the north forebay with trashracks, headgates, and two 7-foot-diameter steel penstocks; (4) the north powerhouse, known as Plant 9B, with a 1,000-kW generating unit; (5) the south forebay, with trashracks, headgates, two surge tanks, and two 10-foot-diameter penstocks; (6) the south powerhouse, known as Plant 9, with two 700-kW generating units; (7) the generator leads from Plant 9 to the Vergennes substation and the 950-foot-long, 2,400-volt overhead generator leads from Plant 9B to the Vergennes substation; and (8) appurtenant facilities.

The total project generating capacity would be 2,400 kW, and the total average annual generation would be 9.455 MWh. The applicant owns the dam and existing project facilities.

m. This notice also consists of the following standard paragraphs: D9.

n. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at: 888 First St., NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at 25 Green Mountain Drive, South Burlington, VT 05402, (802) 864–5731 and at the City of Vergennes, City Manager's Office, Route 22A (Main Street), Vergennes, VT 05491, or by calling (802) 877–3637.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991), that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Licensing and Compliance, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4910 Filed 2–25–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5971–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP) Under the Clean Air Act as Amended in 1990

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed and continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB):

State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP), EPA ICR number 1748.02, OMB Control Number 2060–0337, expiration 7/31/98. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 27, 1998.

ADDRESSES: Office of the Small Business Ombudsman, U.S. Environmental Protection Agency, 401 M Street, SW (2131), Waterside Mall Room 3423, Washington, DC 20460, 202–260–1390. Interested persons may receive a copy of the ICR without charge by writing or calling the above Office. The ICR also is posted on the Small Business Environmental Assistance homepage at http://www.smallbiz-enviroweb.org.

FOR FURTHER INFORMATION CONTACT: Karen V. Brown, Small Business Ombudsman, telephone 202–260–1390, fascimilie 202–401–2302, and e-mail brown.karen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which are in *one* of the following state or territory offices, including the District of Columbia: environmental agency, commerce or economic development department, governor's office, or ombudsman's office.

Title: State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP), EPA ICR number 1748.02, OMB Control Number 2060–0337, expiration 7/31/98.

Abstract: As part of the Clean Air Act Amendments of 1990, the U.S. Congress included, as part of section 507, the requirement that each state establish a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP) to assist small businesses comply with the Act. EPA must provide the Congress with periodic reports from the EPA Small Business Ombudsman (SBO) on these programs, including their effectiveness, difficulties encountered, and other relevant information. Each state assistance program will submit requested information to EPA for compilation and summarization.

This collection of information in mandatory pursuant to section 507 (a), (d), and (e) of the Clean Air Act as amended in 1990, Pub. L. 101–549, November 15, 1990. This Act directs EPA to monitor the SBTCPs and to provide a report to Congress. This responsibility has been delegated to the EPA SBO.

Response to the collection is not required to obtain or retain a benefit.

Information in the Annual Report to Congress is aggregated and is not of a confidential nature. None of the information collected by this action results in or requests sensitive information of any nature from the states.

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

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- The EPA SBO shall report the results of the collection to Congress, including an objective summary of conclusions and recommendations relative to funding or other environmental legislative considerations. This information also will be provided to Congressional staffs and committees interested in environmental matters and small business assistance activities at the state and local levels. In addition, this information will be provided to small business trade associations for their further use in promoting the utility and viability of assistance programs to EPA Headquarters and regional offices, to other federal agencies such as the Small Business Administration, to all state small business ombudsmen and small business assistance program directors, state environmental commissioners, state Governors, and other interested state environmental officials.

Both state and federal officials have used the information not only to evaluate how well the programs are functioning, but also in planning how to render more effective, less costly and more timely assistance. The constantly evolving nature of these programs means that information of this nature should be made available to decision-makers, whether they be at federal, state, or local levels.

(ii) Evaluate the accuracy of the agency's burden estimate for the proposed information collection, including the validity of the methodology and assumptions used.

- The Reporting Form was discussed with the state ombudsmen or small business assistance program directors from 6 of the 53 section 507 reporting programs (i.e., the 50 states, the District of Columbia, and the territories of Puerto Rico and the Virgin Islands). A general consensus was taken to establish how long it would take to complete the Reporting Form and who would likely be responsible from each state to complete the task.

From the pretest, the information requested was confirmed to be, for the most part, the normal program activity information the SBTCPs collect on an on-going basis. Where a few state environmental agencies have delegated or contracted management of their technical assistance program, this information is part of the project management responsibilities. The requested reporting information typically would be compiled by either an entry-level technical person or maintained by experienced clerical staff.

On an average, the requested information can be compiled readily and maintained by the state within 80 hours (assuming the state organization continuously maintains their records in a reasonably efficient manner) using a mix of management, entry-level technical people, and experienced clerical staff. The 80-hour forecast includes 4 hours for record keeping and 76 hours for reporting the required information.

The respondent information will be compiled electronically and summarized by an outside contractor using a mix of management, technical, and clerical staff. EPA will provide oversight of all contractor activities. An estimated 274 EPA hours and 1,564.5

contractor hours will be required to complete the Report to Congress.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

• Recent revisions to the Reporting Form were conducted by representatives from the SBTCPs, who have been reporting on the activities of their programs since 1995 and are familiar with these reporting requirements. They provided extensive review of the proposed Reporting Form and suggested modifications, which then were incorporated into the Reporting Form.

Pretesting of the original collection instrument was accomplished by consolidating all comments received following the states' review of a draft of the Reporting Form and an extensive discussion of the Form at the 1995 National Small Business Ombudsman and Small Business Assistance Program Conference.

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

• Each year, every state will be provided with the Reporting Form on disk and in hard copy along with instructions for gathering the data and completing the Form. States may complete their Report by typing the information on the disk and submitting the disk to the EPA SBO.

As more states gain Internet access, the Reporting Form also may be made available online, downloaded for completion, and returned via Internet to the EPA SBO.

Burden Statement: This annual information collection involves responses from all 50 states, 2 territories (Puerto Rico and the Virgin Islands), and the District of Columbia, for a total of 53 respondents.

The requested information, for the most part, is collected as normal program activity information for the SBTCPs. On an average, the information can be compiled and maintained by the state within 80 hours annually (assuming the state organization continuously maintains their records in a reasonably efficient manner). The 80 hour per state estimate includes 4 hours for record keeping and 76 hours for reporting.

For each respondent, the annual cost burden is estimated to be $2,102.76. Total capital and start-up cost component annualized over its expected useful life is $0. Total operations and maintenance is estimated at $0, and the cost for purchase of services is estimated at $0.

Total annual burden for the 53 respondents is estimated at 4,240 hours at a cost of $111,446.28.

Federal burden is estimated to be 274 hours at an annual labor cost of $14,085.32. Total capital and start-up costs are $0. Total operations and maintenance costs are estimated to be $11,506. The cost to purchase services is $75,000.

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

Dated: February 19, 1998.

Thomas E. Kelly,

Director, Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation.

[FR Doc. 98–4939 Filed 2–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5971–3]

National Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the National Advisory Committee (NAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the CEC. The Committee is authorized under Article 17 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, P.L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of 12 independent representatives drawn from among environmental groups, business and industry, public policy organizations and educational institutions.

DATES: The Committee will meet on March 5, 1998 from 8:30 a.m. to 5:00 p.m. and March 6, 1998 from 8:00 a.m. to 4:30 p.m.

ADDRESSES: The Horton Grand Hotel, 311 Island Avenue, San Diego, California. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Kenyon, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202–260–8169.

Dated: February 9, 1998.

Gregory Kenyon,

Acting Designated Federal Officer, National Advisory Committee.

[FR Doc. 98–4937 Filed 2–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5971–2]

Governmental Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the Governmental Advisory Committee (GAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to

the CEC. The Committee is authorized under Article 18 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, P.L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of a group of 10 representatives drawn from state, local and tribal governments.

DATES: The Committee will meet on March 5,1998 from 8:30 a.m. to 5:00 p.m. and March 6, 1998 from 8:00 a.m. to 4:30 p.m.

ADDRESSES: The Horton Grand Hotel, 311 Island Avenue, San Diego, California. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hardaker, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202–260–2477.

Dated: February 9, 1998.

Robert Hardaker,

Designated Federal Officer, Governmental Advisory Committee.

[FR Doc. 98–4938 Filed 2–25–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

February 19, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 USC 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418–0447.

Federal Communications Commission.

OMB Control No.: 3060–0291.

Expiration Date: 2/28/2001.

Title: 90.477 Interconnected systems.

Form Number: Not applicable.Estimated annual burden: 1,000 hours; 1 hour per response; 1,000 respondents.

Description: This section allows private land mobile radio licensees to use common point telephone interconnection with telephone service costs distributed on a non-profit cost sharing basis. Records of such arrangements must be placed in the licensee's station records and made available to participants in the sharing arrangement and the Commission upon request.

OMB Control No.: 3060–0224.

Expiration Date: 2/28/2001.

Title: 90.151 Requests for waiver.

Form Number: Not applicable.

Estimated Annual Burden: 120 hours; 2 hours per respondent; 60 respondents.

Description: The Commission has the responsibility to establish and administer rules for the orderly and efficient use of the radio spectrum. Circumstances do arise, however, where general rules cannot properly address the needs of the public, and waiver of those rules is desirable. In order to enable the Commission to make an informed decision on the desirability of such waivers, applicants are required to submit information justifying why a waiver is needed.

OMB Control No.: 3060–0226.

Expiration Date: 2/28/2001.

Title: 90.135(d) & (e) Modification of license.

Form Number: Not applicable.Estimated Annual Burden: 276 hours; 0.167 hour per respondent; 1,656 respondents.

Description: These rule paragraphs require licensees who have changed their name, address, number and location of station control points, number of mobile units, interconnection status, and/or sharing status to notify the Commission. This information collection applies only to licensees who elect to inform the Commission by letter of these changes. Licensees may also use forms to notify us of these changes. Notification is necessary to maintain an accurate database that is used by both the Commission, frequency coordinators and the public in corresponding with licensees regarding interference resolution and licensing matters.

OMB Control No.: 3060–0281.

Expiration Date: 2/28/2001.

Title: 90.651 Supplemental reports required of licensees authorized under this subpart.

Form Number: Not applicable.

Estimated Annual Burden: 2,724 hours; 0.166 hour per respondent; 16,408 respondents.

Description: The radio facilities addressed in this subpart of the rules are allocated on and governed by regulations designed to award facilities on a need basis determined by the number of mobile units served by each base station. This is necessary to avoid frequency hoarding by applicants. This rule section requires licensees to report the actual number of mobile units served. The various subparagraphs of this rule apply to different categories of licensees and define exactly what reports are required of each category.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–4914 Filed 2–25–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2256]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

February 23, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by March 13, 1998. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures (WT Docket No. 97–82)

Number of Petitions Filed: 7

Federal Communications Commission.

Magalie Roman Salas,

Acting Secretary.

[FR Doc. 98–4915 Filed 2–25–98; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATES AND TIME: Tuesday, March 3, 1998 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

TIMES TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, March 5, 1998 at 2:00 p.m.

PLACE: 999 E Street, N.W., Washington, D.C. (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 1997–28: W. Ben Bius.

Advisory Opinion 1998–02: Reform Party of the United States of America, by Russell J. Verney, Chairman.

Advisory Opinion 1998–03: Reform Party of Idaho, by Gary G. Allen, Chairman.

Audit: San Diego Host Committee/Sail to Victory '96 (continued from meeting of February 26, 1998).

Audit: Committee on Arrangements for the 1996 Republican National Convention (continued from meeting of February 26, 1998).

Legislative Recommendaiton—1998 (continued from Meeting of February 26, 1998).

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 98–5083 Filed 2–24–98; 12:12 pm]

BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Joint Meeting of the Dermatologic and Ophthalmic Drugs Subcommittee and the Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of public advisory committees of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committees: Joint meeting of the Dermatologic and Ophthalmic Drugs Subcommittee and the Endocrinologic and Metabolic Drugs Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on March 11, 1998, 8 a.m. to 5 p.m.

Location: Holiday Inn, Walker Room, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Tracy Riley or Kathleen R. Reedy, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), codes 12534 and 12536. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss scientific clinical trial design for products intended for the treatment of diabetic retinopathy.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 4, 1998. Oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m., and between approximately 1 p.m. and 1:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 4, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the joint meeting of the Dermatologic and Opthalmic Drugs Subcommittee and the Endocrinologic and Metabolic Drugs Advisory Committee. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Dermatologic and Opthalmic Drugs Subcommittee and the Endocrinologic and Metabolic Drugs Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 20, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–5050 Filed 2–24–98; 11:42 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on March 23, 1998, 7:45 a.m. to 6:20 p.m.

Location: Ramada Inn, Embassy Ballroom, 8400 Wisconsin Ave., Bethesda, MD.

Contact Person: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will: (1) Discuss scientific and ethical considerations of a human challenge model using virulent *Salmonella typhi* bacteria; (2) complete recommendations pertaining to the influenza virus vaccine formulation for 1998 and 1999; and (3) hear short briefings on research programs in the Laboratories of DNA Viruses, Hepatitis Viruses, and Bacterial Polysaccharides.

Procedure: On March 23, 1998, from 7:45 a.m. to 4:50 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 16, 1998. Oral presentations from the public will be scheduled between approximately 8 a.m. to 8:15 a.m. and between approximately 3:30 p.m. to 4:15 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 16, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 23, 1998, from 4:50 p.m. to 6:20 p.m., the meeting will be closed to review data of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of this information.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 20, 1998.

Michael A. Friedman,

Deputy Commissioner of Operations.

[FR Doc. 98–4964 Filed 2–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0040]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Food Safety Survey'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA).

FOR FURTHER INFORMATION CONTACT: Margaret R. Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 12, 1997 (62 FR 43169), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under section 3507 of the PRA (44 U.S.C. 3507). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0345. The approval expires on October 31, 2000.

Dated: February 18, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–4846 Filed 2–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0046]

Comprehensive List of Current Guidance Documents at the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a comprehensive list of all guidance documents currently in use at the agency. FDA committed to publishing this list in its February 1997 ''Good Guidance Practices'' (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents. This list is intended to inform the public of the existence and availability of all current guidance documents, including those documents that were issued prior to the adoption of the GGP's.

DATES: General comments on this list and on agency guidance documents are welcome at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFD–305), Food and Drug Administration, 12420 Parklawn Dr., rm 1–23, Rockville, MD 20857. Information on where to obtain single copies of a listed guidance document is provided for each agency center individually in the specific center's list of guidance documents.

FOR FURTHER INFORMATION CONTACT: Lisa L. Barclay, Office of Policy (HF–22), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of February 27, 1997 (62 FR 8961), FDA published a notice announcing its ''Good Guidance Practices'' (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents. The agency adopted the GGP's to ensure public involvement in the development of guidance documents and to enhance public understanding of the availability, nature, and legal effect of such guidance.

As part of FDA's effort to ensure meaningful interaction with the public regarding guidance documents, the agency committed to publish a comprehensive list of all guidance documents that are currently in effect. This comprehensive list is maintained on the FDA World Wide Web home page. The list will be updated and published annually in the **Federal Register**. FDA also has committed to publish quarterly a **Federal Register** notice that lists all guidance documents that were issued and withdrawn during that quarter. FDA also has undertaken to publish, on a quarterly basis, a list of all new ''Level 2'' guidance documents issued by the agency under the GGP's. In a separate notice in a future issue of the **Federal Register**, FDA will publish its first quarterly update including a list of Level 2 guidance documents issued during that quarter.

The following list of guidance documents represents all guidances issued by FDA that are currently in effect. The documents are organized by the issuing Center or Office within FDA, and are further grouped by the intended users or regulatory activities to which they pertain. Dates provided in the following list refer to the date of issuance or, where applicable, the date of last revision of the document. Document numbers are provided where available, and guidance documents that are still in draft form and on which public comment has been requested are so identified.

This cumulative list includes guidance documents that were issued prior to the adoption of the GGP's. At the time such documents are substantively revised, FDA will update them to include the standard guidance elements and nomenclature described in the GGP's.

II. Guidance Documents Issued by the Center for Biologics Evaluation and Research (CBER)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Requirements for Infrequent Plasmapheresis Donors	August 27, 1982	FDA Regulated Industries	Office of Communication, Training and Manufacturers Assistance, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–1800 or 1–800–835–4709, FAX Information System: 1–888–CBER–FAX (within U.S.) 301–827–3844 (outside U.S. and local to Rockville, MD) Internet access: http://www.fda.gov/cber/
Recommendations to Decrease the Risk of Transmitting AIDS from Plasma Donors	March 24, 1983	Do	Do
Deferral of Blood Donors Who Have Received the Drug Accutane (isotretinoin/Roche); 13-cis-retinoic acid)	February 28, 1984	Do	Do
Equivalent Methods for Compatibility Testing	December 14, 1984	Do	Do
Plasma Derived from Therapeutic Plasma Exchange	December 14, 1984	Do	Do
Reduction of the Maximum Platelet Storage Period to 5 Days in an Approved Container	June 2, 1986	Do	Do
Deferral of Donors Who Have Received Human Pituitary-Derived Growth Hormone	November 25, 1987	Do	Do
Recommendations for the Management of Donors and Units That Are Initially Reactive for Hepatitis B Surface Antigen (HBsAg)	December 2, 1987	Do	Do
Extension of Dating Period for Storage of Red Blood Cells, Frozen	December 4, 1987	Do	Do
To Licensed In-Vitro Diagnostic Manufacturers: Handling of Human Blood Source Materials	December 23, 1987	Do	Do
Recommendations for Implementation of Computerization in Blood Establishments	April 6, 1988	Do	Do
Control of Unsuitable Blood and Blood Components	April 6, 1988	Do	Do
Discontinuance of Prelicensing Inspection for Immunization Using Licensed Tetanus Toxoid and Hepatitis B and Rabies Vaccines	July 7, 1988	Do	Do
Physician Substitutes	August 15, 1988	Do	Do
To Licensed Manufacturers of Blood Grouping Reagents: Criteria for Exemption of Lot Release	August 26, 1988	Do	Do
To Manufacturers of HTLV–I Antibody Test Kits: Antibody to Human T-Cell Lymphotropic Virus, Type I (HTLV–I) Release Panel I	October 18, 1988	Do	Do
HTLV–1 Antibody Testing	November 29, 1988	Do	Do
Use of Recombigen HIV–1 LA Test	February 1, 1989	Do	Do
Guidance for Autologous Blood and Blood Components	March 15, 1989	Do	Do
HTLV–I Antibody Testing	July 6, 1989	Do	Do
Use of Recombigen HIV–1 Latex Agglutination (LA) Test	August 1, 1989	Do	Do
Requirements for Computerization of Blood Establishments	September 8, 1989	Do	Do
Abbott Laboratories' HIVAG–1 Test for HIV–1 Antigen(s) Not Recommended for Use as a Donor Screen	October 4, 1989	Do	Do
Autologous Blood Collection and Processing Procedures	February 12, 1990	Do	Do
Use of Genetic Systems HIV–2 EIA	June 21, 1990	Do	Do
Deficiencies Relating to the Manufacture of Blood and Blood Components	March 20, 1991	Do	Do
Responsibilities of Blood Establishments Related to Errors & Accidents in the Manufacture of Blood and Blood Components	March 20, 1991	Do	Do
Revision to October 26, 1989 Guideline for Collection of Blood or Blood Products from Donors with Positive Tests for Infectious Disease Markers (High Risk Donors)	April 17, 1991	Do	Do
FDA Recommendations Concerning Testing for Antibody to Hepatitis B Core Antigen (Anti-HBc)	September 10, 1991	Do	Do
Disposition of Blood Products Intended for Autologous Use That Test Repeatedly Reactive for Anti-HCV	September 11, 1991	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Clarification of FDA Recommendations for Donor Deferral and Product Distribution Based on the Results of Syphilis Testing	December 12, 1991	Do	Do
Revised Recommendations for the Prevention of Human Immunodeficiency Virus (HIV) Transmission by Blood and Blood Products	April 23, 1992	Do	Do
Use of Fluorognost HIV–1 Immunofluorescent Assay (IFA)	April 23, 1992	Do	Do
Revised Recommendations for Testing Whole Blood, Blood Components, Source Plasma and Source Leukocytes for Antibody to Hepatitis C Virus Encoded Antigen (Anti-HCV)	April 23, 1992	Do	Do
Exemptions to Permit Persons with a History of Viral Hepatitis Before the Age of Eleven Years to Serve as Donors of Whole Blood and Plasma; Alternative Procedures (21 CFR 640.120)	April 23, 1992	Do	Do
Changes in Equipment for Processing Blood Donor Samples	July 21, 1992	Do	Do
Nomenclature for Monoclonal Blood Grouping Reagents	September 28, 1992	Do	Do
Volume Limits for Automated Collection of Source Plasma	November 4, 1992	Do	Do
Revision of October 7, 1988 Memo Concerning Red Blood Cell Immunization Programs	December 16, 1992	Do	Do
Recommendations Regarding License Amendments and Procedures for Gamma Irradiation of Blood Products	July 22, 1993	Do	Do
Deferral of Blood and Plasma Donors Based on Medications	July 28, 1993	Do	Do
Revised Recommendations for Testing Whole Blood, Blood Components, Source Plasma and Source Leukocytes for Antibody to Hepatitis C Virus Encoded Antigen (Anti-HCV)	August 19, 1993	Do	Do
Changes in Administrative Procedures	September 9, 1993	Do	Do
Guidance Regarding Post Donation Information Reports	December 10, 1993	Do	Do
Donor Suitability Related to Laboratory Testing for Viral Hepatitis and a History of Viral Hepatitis	December 22, 1993	Do	Do
Recommendations for the Invalidation of Test Results When Using Licensed Viral Marker Assays to Screen Donors	January 3, 1994	Do	Do
Recommendations for Deferral of Donors for Malaria Risk	July 26, 1994	Do	Do
Use of and FDA Cleared or Approved Sterile Docking Device (STCD) in Blood Bank Practices (transmittal memo 8/12/94) (corrects 7/29/94 Memo)	August 5, 1994	Do	Do
Recommendations to Users of Medical Devices That Test for Infectious Disease Markers by Enzyme Immunoassay (EIA) Test Systems	December 20, 1994	Do	Do
Timeframe for Licensing Irradiated Blood Products	February 3, 1995	Do	Do
Revision of 8/27/82 FDA Memo: Requirements for Infrequent Plasmapheresis Donors	March 10, 1995	Do	Do
To All Establishments Performing Red Blood Cell Immunizations: Revised Recommendations for Red Blood Cell Immunization Programs for Source Plasma	March 14, 1995	Do	Do
Recommendations for the Deferral of Current and Recent Inmates of Correctional Institutions as Donors of Whole Blood, Blood Components, Source Leukocytes and Source Plasma	June 8, 1995	Do	Do
Disposition of Products Derived from Donors Diagnosed with, or at Known High Risk for, Creutzfeldt-Jakob Disease	August 8, 1995	Do	Do
Recommendations for Labeling and Use of Units of Whole Blood, Blood Components, Source Plasma, Recovered Plasma or Source Leukocytes Obtained from Donors with Elevated Levels of Alanine Aminotransferase (ALT)	August 8, 1995	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Precautionary Measures to Further Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease by Blood and Blood Products	August 8, 1995	Do	Do
Recommendations for Donor Screening with a Licensed Test for HIV–1 Antigen	August 8, 1995	Do	Do
Guidance Concerning Conversion to FDA–Reviewed Software Products	November 13, 1995	Do	Do
Donor Deferral Due to Red Blood Cell Loss During Collection of Source Plasma by Automated Plasmapheresis	December 4, 1995	Do	Do
Additional Recommendations for Donor Screening With a Licensed Test for HIV–1 Antigen	March 14, 1996	Do	Do
Additional Recommendations for Testing Whole Blood, Blood Components, SourcePlasma and Source Leucocytes for Antibody to Hepatitis C Virus Encoded Antigen (Anti-HCV)	May 16, 1996	Do	Do
Recommendations and Licensure Requirements for Leukocyte-Reduced Blood Products	May 29, 1996	Do	Do
Recommendations for the Quarantine and Disposition of Units from Prior Collections from Donors with Repeatedly Reactive Screening Tests for Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human T–Lymphotropic Virus Type I (HTLV–I)	July 19, 1996	Do	Do
Interim Recommendations for Deferral of Donors at Increased Risk for HIV–1 Group O Infection	December 11, 1996	Do	Do
Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) by Blood and Blood Products	December 11, 1996	Do	Do
Interstate Shipment of Interferon for Investigational Use in Laboratory Research Animals or Tests in Vitro	November 21, 1983	Do	Do
Alternatives to Lot Release	July 20, 1993	Do	Do
Application of Current Statutory Authorities to Human Somatic Cell Therapy Products and Gene Therapy Products; Notice	October 14, 1993	Do	Do
Home Specimen Collection Kit Systems Intended for Human Immunodeficiency Virus (HIV–1 and/or HIV–2) Antibody Testing; Revisions to Previous Guidance	February 23, 1995	Do	Do
Interim Definition and Elimination of Lot-by-Lot Release for Well-Characterized Therapeutic Recombinant DNA-Derived and Monoclonal Antibody Biotechnology Products	December 8, 1995	Do	Do
Guidance for Industry in Designing Clinical Programs for Developing Human Drugs, Medical Devices, or Biological Products Intended for the Treatment of Rheumatoid Arthritis; Availability of Draft Guidance; Notice of Public Workshop on Juvenile Rheumatoid Arthritis	June 24, 1996	Do	Do
Draft Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation; Notice	September 23, 1996	Do	Do
The Food and Drug Administration's Development, Issuance, and Use of Guidance Documents	February 27, 1997	Do	Do
Preclearance of Promotional Labeling; Clarification	March 5, 1997	Do	Do
Draft Guidance for Industry: Computerized Systems Used in Clinical Trials; Availability	June 18, 1997	Do	Do
Recommended Methods for Short Ragweed Pollen Extracts	November 1, 1985	Do	Do
Information Relevant to the Manufacture of Acellular Pertussis Vaccine	August 23, 1989	Do	Do
Recommended Methods for Blood Grouping Reagents Evaluation	March 1, 1992	Do	Do
Recommended Methods for Evaluating Potency, Specificity and Reactivity of Anti-Human Globulin	March 1, 1992	Do	Do
Methods of the Allergenic Products Testing Laboratory	October 1, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Guide to Inspections of Blood Banks, Division of Field Investigations, Office of Regional Operations, Office of Regulatory Affairs	September 1, 1994	Do	Do
Guide to Inspections of Infectious Disease Marker Testing Facilities	June 1, 1996	Do	Do
Guide to Inspections of Source Plasma Establishments (Division of Field Investigations, Office of Regional Operations, Office of Regulatory Affairs)	June 1, 1997	Do	Do
Notification Process for Transfusion Related Fatalities and Donation Related Deaths (revised telephone number)	October 7, 1997	Do	Do
Submission Requirements for Requesting Certificates for Exporting Products to Foreign Countries	October 15, 1997	Do	Do
CBER Refusal to File (RTF) Guidance for Product and Establishment License Applications	July 12, 1993	Do	Do
OELPS, Advertising and Promotional Labeling Staff Procedural Guidance Document (Draft)	August 1, 1994	Do	Do
Guidance on Alternatives to Lot Release for Licensed Biological Products	October 27, 1994	Do	Do
Content and Format of Investigational New Drug Applications (INDs) for Phase 1 Studies of Drugs, Including Well-Characterized, Therapeutic, Biotechnology-derived Products	November 1, 1995	Do	Do
Computer Assisted Product License Application (CAPLA) Guidance Manual	March 1, 1996	Do	Do
FDA Guidance Concerning Demonstration of Comparability of Human Biological Products, Including Therapeutic Biotechnology-Derived Products	April 26, 1996	Do	Do
Guidance for Industry—The Content and Format for Pediatric Use Supplements	May 23, 1996	Do	Do
Guidance on Applications for Products Comprised of Living Autologous Cells Manipulated Ex Vivo and Intended for Structural Repair of Reconstruction	May 24, 1996	Do	Do
Guidance for Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA–Derived Product or a Monoclonal Antibody Product for In Vivo Use	August 15, 1996	Do	Do
Draft Guidance for Industry: Manufacture, Processing or Holding of Active Pharmaceutical Ingredients	September 20, 1996	Do	Do
Draft Guidance for Industry; Submitting Application Archival Copies in Electronic Format	November 4, 1996	Do	Do
Draft Guidance for Industry; Electronic Submission of Case Report Forms and Case Report Tabulations	November 4, 1996	Do	Do
Guidance for the Submission of Chemistry, Manufacturing, and Controls Information and Establishment Description for Autologous Somatic Cell Therapy Products	January 10, 1997	Do	Do
Proposed Approach to Regulation of Cellular and Tissue-Based Products	February 28, 1997	Do	Do
Tables 1 and 2 from Proposed Approach to Regulation of Cellular and Tissue-Based Products	March 4, 1997	Do	Do
Guidance for Industry-FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products	March 13, 1997	Do	Do
Guidance for Industry-Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products	March 13, 1997	Do	Do
Guidance for Industry for the Evaluation of Combination Vaccines for Preventable Diseases: Production, Testing and Clinical Studies	April 10, 1997	Do	Do
Guidance for Industry—Changes to an Approved Application: Biological Products	July 24, 1997	Do	Do
Guidance for Industry—Changes to an Approved Application for Specified Biotechnology and Specified Synthetic Biological Products	July 24, 1997	Do	Do
Guidance for Industry—Screening and Testing of Donors of Human Tissue Intended for Transplantation	July 29, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Guidance for Industry—Donor Screening for Antibodies to HTLV–II	August 15, 1997	Do	Do
Guidance for Industry on Testing Limits in Stability Protocols for Standardized Grass Pollen Extracts	August 25, 1997	Do	Do
Guidance for Industry - Postmarketing Adverse Experience Reporting for Human Drug and Licensed Biological Products: Clarification of What to Report	August 27, 1997	Do	Do
Guidance for Industry Efficacy Evaluation of Hemoglobin-and Perfluorocarbon-Based Oxygen Carriers	September 1, 1997	Do	Do
Guidance for Industry—The Sourcing and Processing of Gelatin to Reduce the Potential Risk Posed by Bovine Spongiform Encephalopathy (BSE) in FDA–Regulated Products for Human Use	October 7, 1997	Do	Do
Draft Guidance for Industry—For Submission of Chemistry, Manufacturing and Controls and Establishment Description Information for Human Plasma-Derived Biological Products or Animal Plasma or Serum-Derived Products	December 29, 1997	Do	Do
FDA's Policy Statement Concerning Cooperative Manufacturing Arrangements for Licensed Biologics	November 25, 1992	Do	Do
FDA Guidance Document Concerning Use of Pilot Manufacturing Facilities for the Development and Manufacture of Biological Products; Availability	July 11, 1995	Do	Do
Changes to be Reported for Product and Establishment License Applications; Guidance	April 6, 1995	Do	Do
Advertising and Promotion; Guidance; Notice	October 8, 1996	Do	Do
Interpretative Guidelines of the Source Plasma (Human) Standards	October 2, 1973	Do	Do
Guidelines for Reviewing Amendments to Include Plasmapheresis of Hemophiliacs	July 20, 1976	Do	Do
Package Insert: Immune Serum Globulin (Human)	March 30, 1978	Do	Do
Guidelines for Interpretation of Potency Test Results for All Forms of Adsorbed Diphtheria and Tetanus Toxoids	April 12, 1979	Do	Do
Guidelines for Immunization of Source Plasma (Human) Donors with Blood Substances	June 1, 1980	Do	Do
Collection of Human Leukocytes for Further Manufacturing (Source Leukocytes)	January 28, 1981	Do	Do
Platelet Testing Guidelines—Approval of New Procedures and Equipment	July 1, 1981	Do	Do
Revised Guideline for Adding Heparin to Empty Containers for Collection of Heparinized Source Plasma (Human)	August 1, 1981	Do	Do
Guidelines for Meningococcal Polysaccharide Vaccines	July 17, 1985	Do	Do
Guideline for the Uniform Labeling of Blood and Blood Components	August 1, 1985	Do	Do
Guideline for Submitting Documentation for the Stability of Human Drugs and Biologics	February 1, 1987	Do	Do
Guideline for Submitting Documentation for Packaging for Human Drugs and Biologics	February 1, 1987	Do	Do
Guideline On General Principles of Process Validation	May 1, 1987	Do	Do
Guideline On Sterile Drug Products Produced by Aseptic Processing	June 1, 1987	Do	Do
Guideline On Validation of the Limulus Amebocyte Lysate Test as an End-Product Endotoxin Test for Human and Animal Parenteral Drugs, Biological Products, and Medical Devices	December 1, 1987	Do	Do
Revised Guideline for the Collection of Platelets, Pheresis	October 7, 1988	Do	Do
Draft Guideline for the Design of Clinical Trials for Evaluation of Safety and Efficacy of Allergenic Products for Therapeutic Uses	November 1, 1988	Do	Do
Guidelines for Release of Pneumococcal Vaccine, Polyvalent	February 1, 1989	Do	Do
FDA Regulated Industries for Drug Master Files	September 1, 1989	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
FDA Regulated Industries for Collection of Blood or Blood Products from Donors With Positive Tests for Infectious Disease Markers (''High Risk'' Donors)	October 26, 1989	Do	Do
Guideline for Determination of Residual Moisture in Dried Biological Products	January 1, 1990	Do	Do
Guideline on the Preparation of Investigational New Drug Products (Human & Animal)	March 1, 1991	Do	Do
Draft Guideline for the Validation of Blood Establishment Computer Systems	September 28, 1993	Do	Do
Guideline for Adverse Experience Reporting for Licensed Biological Products	October 15, 1993	Do	Do
Guideline for Quality Assurance in Blood Establishments	July 11, 1995	Do	Do
To Biologic Product Manufacturers—controlling materials of bovine or ovine origin	May 3, 1991	Do	Do
To Sponsors of INDs using Retroviral Vectors	September 20, 1993	Do	Do
To Manufacturers: Bovine Derived Materials (BSE)	December 17, 1993	Do	Do
To Blood Establishment Computer Software Manufacturers	March 31, 1994	Do	Do
To Sponsors of INDs for Human Immunoglobulin Products	May 23, 1994	Do	Do
To Manufacturers of Licensed Anti-HIV Test Kits	May 26, 1994	Do	Do
To Manufacturers of Immune Globulin Products: Testing for Hepatitis C Virus RNA Immunoglobulin	December 27, 1994		
To Blood Establishment Computer Software Manufacturers	February 10, 1995	Do	Do
To Manufacturers of Intramuscular Immune Globulin Products: HCV RNA testing by PCR	March 3, 1995	Do	Do
To Manufacturers of Intramuscular Immune Globulin Products: Additional information regarding HCV RNA testing by PCR	March 13, 1995	Do	Do
To Health Professionals: implementation of testing for HCV RNA by PCR for immune globulin products for intramuscular administration	March 14, 1995	Do	Do
Dear Colleague: Regarding Reverse Transcriptase Activity in Viral Vaccines Produced in Chicken Cells	January 4, 1996	Do	Do
To Manufacturers of FDA—Regulated Drug/Biological/Device Products, Bovine Spongiform Encephalopathy (BSE)	May 9, 1996	Do	Do
To Manufacturers: Implementation of testing for Hepatitis C virus RNA by polymerase chain reaction (PCR) of intramuscular immune globulin preparations	June 13, 1996	Do	Do
To Manufacturers: HIV–1 Group O	July 31, 1996	Do	Do
To All Plasma Derivative Manufacturers and to ABRA: Warning Statement for Plasma Derivative Product Labeling	October 7, 1996	Do	Do
To Biologic Product Manufacturers: Revised procedures for internal labeling review number assignment	December 3, 1996	Do	Do
To In Vitro Diagnostic Reagent Manufacturers: Guidance On the Labeling of Human Blood Derived In Vitro Diagnostic Devices In Regard to Labeling for HTLV–III/LAV Antibody Testing	December 6, 1985	Do	Do
PTC in the Manufacture of In Vitro Monoclonal Antibody Products Subject to Licensure	June 20, 1983	Do	Do
Draft PTC in the Production and Testing of Interferon Intended for Investigational Use in Humans (Interferon Test Procedures)	July 28, 1983	Do	Do
Draft PTC in the Production and Testing of New Drugs and Biologicals Produced by Recombinant DNA Technology	April 10, 1985	Do	Do
Draft PTC in the Manufacture and Clinical Evaluation of In Vitro Tests to Detect Antibodies to Human Immunodeficiency Virus Type 1 (1989)	August 8, 1989	Do	Do
PTC in the Collection, Processing and Testing of Ex Vivo Activated Mononuclear Leukocytes for Administration to Humans	August 22, 1989	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Cytokine and Growth Factor Pre-Pivotal Trial Information Package	April 2, 1990	Do	Do
PTC in the Safety Evaluation of Hemoglobin-Based Oxygen Carriers	August 21, 1990	Do	Do
Draft PTC in Human Somatic Cell Therapy and Gene Therapy	August 27, 1991	Do	Do
PTC in the Design and Implementation of Field Trials for Blood Grouping Reagents and Anti-Human Globulin	March 1, 1992	Do	Do
PTC in the Manufacture of In Vitro Monoclonal Antibody Products for Further Manufacturing into Blood Grouping Reagent and Anti-Human Globulin	March 1, 1992	Do	Do
Supplement to the PTC in the Production and Testing of New Drugs and Biologicals Produced by Recombinant DNA Technology: Nucleic Acid Characterization and Genetic Stability	April 6, 1992	Do	Do
Draft PTC in the Characterization of Cell Lines Used to Produce Biologicals	July 12, 1993	Do	Do
PTC in the Manufacture and Testing of Therapeutic Products for Human Use Derived from Transgenic Animals	August 22, 1995	Do	Do
Draft Addendum to the PTC in Human Somatic Cell and Gene Therapy	January 2, 1996	Do	Do
PTC on Plasmid DNA Vaccines for Preventive Infectious Disease Indications	December 22, 1996	Do	Do
PTC in the Manufacture and Testing of Monoclonal Antibody Products for Human Use	February 28, 1997	Do	Do
Reviewer Guidance, Computer Software	April 26, 1995	FDA Personnel	Do
Informed Consent for Plasmapheresis/Immunization	October 1, 1995	Do	Do
Draft Reviewers' Guide: Changes in Personnel	October 1, 1995	Do	Do
Disease Associated Antibody Collection Program	October 1, 1995	Do	Do
Centerwide Policy on Issuance of and Response to Clinical Hold Letters for Investigational New Drug Applications	August 20, 1996	Do	Do
Reviewer Guidance for a Premarket Notification Submission for Blood Establishment Computer Software	January 13, 1997	Do	Do

III. Guidance Documents Issued by the Center for Devices and Radiological Health (CDRH)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
MDR Reporting Guidance For Breast Implants—E1996002	August 7, 1996	Office of Surveillance and Biometrics (OSB)	Division of Small Manufacturers Assistance, 1–800–638–2041 or 301–827–0111 or (Fax) Facts on Demand at 1–800–899–0381 or Internet at http://www.fda.gov/cdrh
Instructions for Completing Form 3417: Medical Device Reporting Baseline Report [MDR]	March 31, 1987	OSB	Do
MDR Guidance Document No. 1—IOL—E1996004	August 7, 1996	Do	Do
MDR Guidance Document No. 3—Needlestick & Blood Exposure—E1996003	August 9, 1996	Do	Do
Statistical Guidance for Clinical Trials of Non Diagnostic Medical Devices (Replaces Clinical Study Guidance)	January 1, 1996	Do	Do
Medical Device Reporting: An Overview	April 1996	Do	Do
Instructions for Completing FDA Form 3500A with Coding Manual for Form 3500A (MEDWATCH)	December 15, 1995	Do	Do
MEDWATCH FDA Form 3500A for Use by User Facilities, Distributors, and Manufacturers for Mandatory Reporting	June 1, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Amendment to Guidance on Discretionary Postmarket Surveillance on Pacemaker Leads	March 30, 1994	Do	Do
Proposed Draft Guidance to Sponsors Regarding Required Postmarket Surveillance Studies of Plasma—Sprayed Porous-Coated Hip Prostheses	October 7, 1994	Do	Do
Required Postmarket Surveillance Section 522(a) Initial Device Categories Revised	July 31, 1997	Do	Do
MDR Guidance Document: Remedial Action Exemption—E1996001	July 30, 1996	Do	Do
MDR Internet List Server (listserv) Instruction sheet	August 29, 1996	Do	Do
Semi-Annual Report, Form 3419 (MDR)	September 24, 1996	Do	Do
Variance from Manufacturer Report Number Format (MDR letter)	July 16, 1996	Do	Do
Guidance to Manufacturers on the Development of Required Postmarket Surveillance Study Protocols Under Section 522(a)(1) of the Federal Food, Drug, and Cosmetic Act	November 8, 1991	Do	Do
Medical Device Reporting for Distributors	April 1996	Do	Do
Medical Device Reporting for Manufacturers	March 1997	Do	Do
Guidance to Sponsors on the Development of a Discretionary Postmarket Surveillance Study for Permanent Implantable Cardiac Pacemaker Electrodes (Leads)	June 9, 1993	Do	Do
Instructions for Completing Semi-Annual Report, Form 3419 (MDR)	September 24, 1996	Do	Do
Variance from Manufacturer Report Number Format	August 12, 1996	Do	Do
Variance from Manufacturer Report Number Format	July 16, 1996	Do	Do
Statistical Aspects of Submissions to FDA: A Medical Device Perspective (also includes as Appendix the article Observed Uses and Abuses of Statistical Procedures in Medical Device	June 1, 1984	Do	Do
Investigational Device Exemptions [IDE] Manual (FDA 96–4159)/DSMA	June 1, 1996	Office of Health and Industry Programs (OHIP), Division of Small Manufacturer's Assistance (DSMA)	Do
Additional Guidance for Testing Immunity to Radiated Electromagnetic Fields—Infant Apnea Monitor Standard	September 1, 1993	Do	Do
Premarket Approval (PMA) Manual (FDA 93–4214)	April 1, 1993	Do	Do
Comparison Chart: 1996 Quality System Reg vs. 1978 Good Manufacturing Practices Reg vs. ANSI/ISO/ASQC Q9001 and ISO/DI 13485:1996 (include 126)		Do	Do
Obtaining CDRH Guidance Documents	October 21, 1997	Do	Do
Regulatory Requirements for Devices for the Handicapped (FDA 87–4221)	August 1, 1987	Do	Do
Small Business Guide to FDA (FDA 96–1092)	January 1, 1996	Do	Do
MDR Documents Access Information	May 10, 1996	Do	Do
MDR Documents Access Information for CDRH Electronic Docket (ED)	February 29, 1996	Do	Do
MDR Documents Access Information for CDRH Facts-On-Demand (FOD)	February 29, 1996	Do	Do
MDR Documents Access Information for Industry Organizations	May 8, 1996	Do	Do
MDR Documents Access Information for National Technical Information Service (NTIS)	May 10, 1996	Do	Do
MDR Documents Access Information for World Wide Web (WWW)	February 29, 1996	Do	Do
Addendum to What a Mammography Facility Should do to Prepare for an MQSA Inspection	July 31, 1996	OHIP/Division of Mammography Quality and Radiation Programs (DMQRP)/Mammography Quality Standards Act (MQSA)	MQSA
Handbook of Selected Tissue Doses for Fluoroscopic and Cineangiographic Examination of the Coronary Arteries (in SI Units) FDA 95–8289, (Units of milliray (mmmGy) tissue	September 1, 1995	Do	Do
Policy Statements in Question and Answer Format	October 7, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
What a Mammography Facility Should Do to Prepare for an MQSA Inspection	June 30, 1995	Do	Do
Classification Names for Medical Devices and In Vitro Diagnostic Products (FDA Pub No. 95–4246)	March 1, 1995	Do	Do
Import of Medical Devices—A Workshop Manual (FDA 93–4228)	March 1, 1993	Do	Do
Labeling—Regulatory Requirements for Medical Devices (FDA 89–4203)	September 1, 1989	Do	Do
List of Current CDRH Addresses for Report Submission and Ordering of CDRH Forms	July 30, 1996	Do	Do
Premarket Notification: 510(k)—Regulatory Requirements for Medical Devices (FDA 95–4158)	August 1, 1995	Do	Do
Procedures for Laboratory Compliance Testing of Television Receivers—part of TV Packet	May 1, 1986	Do	Do
U.S. Food and Drug Administration Regulation of Medical Devices—Background Information for Foreign Officials	May 1, 1996	Do	Do
Instructions for Completion of Medical Device Registration and Listing Forms FDA 2891, 2891a and 2892	July 1, 1997	Do	Do
In Vitro Diagnostic Devices: Guidance for the Preparation of 510(k) Submissions (supersedes FDA 87–4224)	January 1, 1997	Do	Do
An Introduction to Medical Device Regulations (FDA 92–4222)	January 1, 1992	Do	Do
Do It By Design—An Introduction to Human Factors in Medical Devices	December 1, 1996	OHIP/Division of Device User Programs and Systems Analysis (DDUPSA)	Do
Good Guidance Practices Standard Operating Procedures Manual for the Development and Use of Guidance Documents in CDRH	October 17, 1997	Do	
Human Factors Principles for Medical Device Labeling	September 1, 1993	Do	Do
Medical Device Reporting for User Facilities	April 1996	Do	Do
Write it Right	August 1, 1993	Do	Do
Human Factors Points to Consider for IDE Devices	January 17, 1997	Do	Do
Medical Devices and EMI: The FDA Perspective	January 1, 1995	Office of Compliance	Do
Enforcement Policy; Recalls (Including Product Corrections)—Guidelines on Policy; Procedures; and Industry Responsibilities	June 16, 1978	Do	Do
Sec. 300.600 Commercial Distribution with Regard to Premarket Notification [Section 510(k)] [CPG 7124.19]	September 24, 1987	Do	Do
Procedures for Obtaining FDA Approval to Export Unapproved Medical Devices	January 13, 1995		Do
The FDA Export Reform and Enhancement Act of 1996/Export Certification	October 1, 1996	Do	Do
FDA Regulatory Procedures Manual Chapter 8–10 Warning Letters	May 23, 1991	Do	Do
A Pocket Guide to Device GMP Inspections—Inspections of Medical Device Manufacturers and GMP Regulation Requirements	November 1, 1991	Do	Do
Commercial Distribution/Exhibit Letter (Use instead of Hile letter) (Display)	April 10, 1992	Do	Do
Diagnostic Ultrasound Guidance Update	January 30, 1987	Office of Compliance (OC)/Division of Enforcement I (DOE I)	Do
Doppler Ultrasound Guidance Update	March 7, 1986	Do	Do
Manufacturers/Assemblers of Diagnostic X-ray Systems: Enforcement Policy for Positive-Beam Limitation (PBL) Requirements in 21 CFR 1020.31(g)	October 13, 1993	Do	Do
A Guide for the Submission of Abbreviated Radiation Safety Reports on Cephalometric X–Ray Devices: Defined as Dental Units with an Attachment for Mandible Work that Holds a	March 1, 1996	Do	Do
A Guide for the Submission of Abbreviated Radiation Safety Reports on Image Receptor Support Devices for Mammographic X–Ray Systems	March 1, 1996	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
A Guide for the Submission of an Abbreviated Radiation Safety Report on X–Ray Tables, Cradles, Film Changers or Cassette Holders Intended for Diagnostic Use	March 1, 1996	Do	
All Diagnostic Ultrasound Manufacturers and Importers-Exemption from Reporting under 21 CFR 1002	February 24, 1986	Do	Do
Clarification of Radiation Control Regulations for Diagnostic X–Ray Equipment (FDA 89–8221)	March 1, 1989	Do	Do
Guide for the Submission of Initial Reports on Diagnostic X–Ray Systems and their Major Components	January 1, 1982	Do	Do
Letter to Medical Device Industry on Endoscopy and Laparoscopy Accessories (Galdi)	May 17, 1993	Do	Do
Medical Device Tracking: Questions and Answers Based on the Final Rule	August 26, 1993	Do	Do
Guideline for the Manufacture of In Vitro Diagnostic Products	January 10, 1994	Do	Do
Retention of Records Required by 21 CFR 1002	August 24, 1981	Do	Do
Letter to Manufacturers/Repackers Using Cotton	April 22, 1994	OC/Division of Enforcement II (DOE II)	Do
Condoms: Inspection and Sampling at Domestic Manufacturers and of all Repackers; Sampling from all Importers (Damaska Memo to Field on 4/8/87)	April 8, 1987	Do	Do
Hazards of Volume Ventilators and Heated Humidifiers	September 15, 1993	Do	Do
Compliance Guide for Laser Products (FDA 86–8260)	September 1, 1985	Do	Do
Dental Handpiece Sterilization (Dear Doctor Letter)	September 28, 1992	Do	Do
Ethylene Oxide; Ethylene Chlorohydrin; and Ethylene Glycol; Proposed Maximum Residue Limits and Maximum Levels of Exposure	June 23, 1978	Do	Do
GLOVES Information About Medical Gloves	September 1, 1993	Do	Do
Letter—Manufacturers, Distributors and Importers of Condom Products [included in Condom Packet #398]	February 23, 1994	Do	Do
Letter—Manufacturers, Importers, and Repackagers of Condoms for Contraception or Sexually-Transmitted Disease Prevention (Holt) [included in Condom Packet #398]	February 13, 1989	Do	Do
Pesticide Regulation Notice 94–4: Interim Measures for the Registration of Antimicrobial Products/Liquid Chemical Germicides with Medical Device Use Claims Under the	June 30, 1994	Do	Do
Regulatory Requirements for Medical Gloves—A Workshop Manual FDA Publication No. 96–4257	September 1, 1996	Do	Do
Standard Specification for Rubber Contraceptives (Condoms) [included in Condom Packet #398]	October 28, 1983	Do	Do
Sterilization: Questions and Answers from FDA, from Medical Device and Diagnostic Industry for January, 1985, page 132	January 1, 1985	Do	Do
All U.S. Condom Manufacturers, Importers and Repackagers	April 7, 1987	Do	Do
Letter to Ophthalmologists about Lasers for Refractive Surgery	June 27, 1997	Do	Do
Manufacturers and Initial Distributors of Hemodialyzers	May 23, 1996	Do	Do
Manufacturers and Users of Lasers for Refractive Surgery	October 10, 1996	Do	Do
Manufacturers of Laparoscopic Trocars, used for Abdominal Access	August 23, 1996	Do	Do
Prospective Manufacturers of Barrier Devices used during Oral Sex for STD Protection	October 31, 1996	Do	Do
Impact Resistant Lenses: Questions and Answers (FDA 87–4002) [see shelf—# 460]	September 1, 1987	Do	Do
Letter to Industry, Powered Wheelchair Manufacturers from RMJohnson	May 10, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Manufacturers and Initial Distributors of Sharps Containers and Destroyers Used by Health Care Professionals	February 3, 1994	Do	Do
Guide for Preparing Product Reports for Lasers and Products Containing Lasers	September 1, 1995	Do	Do
Letter—Condom Manufacturers and Distributors	April 5, 1994	Do	Do
Suggested State Regulations for Control of Radiation—Volume II Nonionizing Radiation—Lasers (FDA Pub No. 83–8220)	January 1, 1982	OC/Division of Enforcement III (DOE III)	Do
Quality Assurance Guidelines for Hemodialysis Devices	February 1, 1991	Do	Do
Quality Control Guide for Sunlamp Products (FDA 88–8234)	March 1, 1988	Do	Do
Quality Control Practices for Compliance with the Federal Mercury Vapor Lamp Performance Standard	May 1, 1980	Do	Do
Reporting and Compliance Guide for Television Products including Product Report, Supplemental Report, Radiation Safety Abbreviated Report, Annual Report, Informational Guidance	October 1, 1995	Do	Do
Policy on Lamp Compatibility (sunlamps)	September 2, 1986	Do	Do
Policy on Maximum Timer Interval and Exposure Schedule for Sunlamp Products	August 21, 1986	Do	Do
Policy on Warning Label Required on Sunlamp Products	June 25, 1985	Do	Do
Imports Radiation-Producing Electronic Products (FDA 89–8008)	November 1, 1988	Do	Do
Information Requirements for Cookbooks and User and Service Manuals	October 31, 1988	Do	Do
Keeping Up With the Microwave Revolution (FDA Pub No. 91–4160)	March 1, 1990	Do	Do
Laser Light Show Safety—Who's Responsibility (FDA 86–8262)	May 1, 1986	Do	Do
Letter to All Foreign Manufacturers and Importers of Electronic Products for Which Applicable FDA Performance Standards Exist	May 28, 1981	Do	Do
General Principles of Software Validation; Draft Guidance	June 9, 1997	Do	Do
Reporting Guide for Laser Light Shows and Displays (21 CFR 1002) (FDA 88–8140)	September 1, 1995	Do	Do
Reporting Guide for Product Reports on High Intensity Mercury Vapor Discharge Lamps (21 CFR 1002)	September 1, 1995	Do	Do
Revised Guide for Preparing Annual Reports on Radiation Safety Testing of Laser and Laser Light Show Products (replaces FDA 82–8127)	September 1, 1995	Do	Do
Safety of Electrically Powered Products: Letter To Medical Device and Electronic Product Manufacturers From Lillian Gill & BHB correction memo	September 18, 1996	Do	Do
Unsafe Patient Lead Wires and Cables	September 3, 1993	Do	Do
Design Control Guidance for Medical Device Manufacturers	March 11, 1997	Do	Do
Final Design Control Inspectional Strategy	March 1, 1997	Do	Do
Guide for Preparing Abbreviated Reports of Microwave and RF Emitting Electronic Products Intended for Medical Use	September 1, 1996	Do	Do
Guide for Preparing Annual Reports for Ultrasonic Therapy Products	September 1, 1996	Do	Do
Guide for Preparing Product Reports for Medical Ultrasound Products	September 1, 1996	Do	Do
Guide for Preparing Product Reports for Ultrasonic Therapy Products (physical therapy only)	August 1, 1996	Do	Do
Application for a Variance from 21 CFR 1040.11(c) for a Laser Light Show, Display, or Device	March 1, 1987	Do	Do
Letter to Trade Association: ReUse of Single-use or Disposable Medical Devices	December 27, 1995	Do	Do
Letter: Changes in Regulations Concerning Records and Reports on Radiation-Emitting Electronic Products	October 27, 1995	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Medical Device Electromagnetic Interference Issues, Problem Reports, Standards, and Recommendations		Do	Do
Computerized Devices/Processes Guidance—Application of the Medical Device GMP to Computerized Devices and Manufacturing Processes	May 1, 1992	Do	Do
Keeping Medical Devices Safe from Electromagnetic Interference	July 1, 1995	Do	Do
Latex Labeling Letter (Johnson)		Do	Do
Guide for Preparing Annual Reports on Radiation Safety Testing of Mercury Vapor Lamps (replaces FDA 82–8127)	September 1, 1995	Do	Do
Guide for Preparing Annual Reports on Radiation Safety Testing of Sunlamps and Sunlamp Products (replaces FDA 82–8127)	September 1, 1995	Do	Do
Guide for Preparing Product Reports on Sunlamps and Sunlamp Products (21 CFR 1002)	September 1, 1995	Do	Do
Abbreviated Reports on Radiation Safety for Microwave Products (Other Than Microwave Ovens)—e.g., Microwave Heating, Microwave Diathermy, RF Sealers, Induction, Dielectric	August 1, 1995	Do	Do
Abbreviated Reports on Radiation Safety of Non-Medical Ultrasonic Products	August 1, 1995	Do	Do
Guidance for the Submission of Cabinet X–Ray System Reports Pursuant to 21 CFR 1020.40	February 1, 1975	Do	Do
Guide for Preparing Annual Reports on Radiation Safety Testing of Electronic Products (General)	October 1, 1987	Do	Do
Guide for Preparing Initial Reports and Model Change Reports on Medical Ultraviolet (UV) Lamps and Products Containing Such Lamps (21 CFR 1002.10 and 1002.12)	April 1, 1989	Do	Do
Guide for Preparing Reports on Radiation Safety of Microwave Ovens	March 1, 1985	Do	Do
Guide for Submission of Information on Accelerators Intended to Emit X–Radiation Required Pursuant to 21 CFR 1002.10	April 1, 1971	Do	Do
Guide for Submission of Information on Analytical X–Ray Equipment Required Pursuant to 21 CFR 1002.10	April 30, 1974	Do	Do
Guide for Submission of Information on Industrial Radiofrequency Dielectric Heater and Sealer Equipment Pursuant to 21 CFR 1002.10 and 1002.12 (FDA 81–8137)	September 1, 1980	Do	Do
Guide for Submission of Information on Industrial X–Ray Equipment Required Pursuant to 21 CFR 1002.10	March 1, 1973	Do	Do
Guide for the Filing of Annual Reports for X–Ray Components and Systems	July 1, 1980	Do	Do
Guide for the Submission of Initial Reports on Computed Tomography X–Ray Systems	September 1, 1984	OC/DOE I and III	Do
Additional Information for Initial Reports	April 9, 1993	Do	Do
All Diagnostic Ultrasound Manufacturers and Importers Exemption from Reporting under 21 CFR 1002	February 24, 1986	Do	Do
Guideline for Preparing Notices of Availability of Investigational Medical Devices	November 1, 1985	OC/Bioresearch Monitoring (BIMO)	Do
Recommended Test Methods Infant Apnea Monitor Standard	September 1, 1993	Office of Standards and Technology (OST)	Do
Draft Document—A Primer on Medical Device Interactions with Magnetic Resonance Imaging Systems	February 7, 1997	Do	Do
Letter to Medical Device Manufacturer on Pentium Processors	February 14, 1995	CDRH, Office of the Director (OD)	Do
''Real-Time'' Review Program for Premarket Approval Application (PMA) Supplements	April 22, 1997	Office of Device Evaluation (ODE)	Do
A New 510(k) Paradigm—Alternate Approaches to Demonstrating Substantial Equivalence in Premarket Notifications	June 13, 1997	Do	Do
Freedom of Information/510(K) Process Changes	May 15, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Reexamination of the Evaluation Process for Liquid Chemical Sterilant and High Level Disinfectants	May 19, 1997	Do	Do
Center for Devices and Radiological Health's Investigational Device Exemption (IDE) Refuse to Accept Policy	June 30, 1993	Do	Do
Center for Devices and Radiological Health's Premarket Notification [510(k)] Refuse to Accept Policy—(updated Checklist 3/14/1995)	June 30, 1993	Do	Do
4-of-A-Kind PMA's	October 1, 1991	Do	Do
Application of the Device Good Manufacturing Practice (GMP) Regulation to the Manufacture of Sterile Devices	December 1, 1983	Do	Do
Biotechnology and FDA Regulation of Hybridoma In-Vitro Diagnostic Products: List of Current Devices and Guidelines for Manufacturers	January 1, 1986	Do	Do
CDRH's 510(k)/IDE/PMA Refuse to Accept/Accept/File Policies (see #D94–1, #K94–1, & #P94–1)	June 30, 1993	Do	Do
Classified Convenience Kits	April 30, 1993	Do	Do
Color Additive Petitions (p. II–19 of PMA Manual)	June 1, 1987	Do	Do
Color Additive Status List (Inspection Operations Manual)	February 1, 1989	Do	Do
Color Additives for Medical Devices (Snesko)	November 15, 1995	Do	Do
Deciding When to Submit a 510(k) for a Change to an Existing Device [see CDRH F–O–D #1935]	January 10, 1997	Do	Do
Device Specific Guidance Documents (List)	May 11, 1993	Do	Do
FDA Clinical Investigator Information Sheets	May 1, 1989	Do	Do
FDA Guide for Validation of Biological Indicator Incubation Time (Source: Sterilization Committee; through Virginia Ross; HFZ–332)	January 1, 1986	Do	Do
FDA Policy For The Regulation Of Computer Products (DRAFT) [See 2099]	November 13, 1989	Do	Do
Format for IDE Progress Reports		Do	Do
Guidance for Preparation of PMA Manufacturing Information	August 1, 1992	Do	Do
Guide for Establishing and Maintaining a Calibration Constancy Intercomparison System for Microwave Oven Compliance Survey Instruments (FDA 88–8264)	March 1, 1988	Do	Do
Guideline for the Monitoring of Clinical Investigations	January 1, 1988	ODE	Do
Guideline on General Principles of Process Validation	May 1, 1987	Do	Do
Guideline on Sterile Drug Products Produced by Aseptic Processing	June 1, 1987	Do	Do
Guideline on Validation of the Limulus Amebocyte Lysate (LAL) Test as an End-Product Endotoxin Test	December 1, 1987	Do	Do
Indications for Use Statement	January 2, 1996	Do	Do
Industry Representatives on Scientific Panels	March 27, 1987	Do	Do
Labeling Reusable Medical Devices for Reprocessing in Health Care Facilities: FDA Reviewer Guidance (see 1198)	April 1, 1996	Do	Do
Limulus Amebocute Lysate; Reduction of Samples for Testing	October 23, 1987	Do	Do
Master Files Part III; Guidance on Scientific and Technical Information	June 1, 1987	Do	Do
Memorandum: Electromagnetic Compatibility for Medical Devices: Issues and Solutions	June 13, 1995	Do	Do
Methods for Conducting Recall Effectiveness Checks	June 16, 1978	Do	Do
Necessary Information for Diagnostic Ultrasound 510(k) (Draft)	November 24, 1987	Do	Do
Perspectives on Clinical Studies for Medical Device Submissions (Statistical)		Do	Do
PMA Review Schedule	March 31, 1988	Do	Do
PMA Review Statistical Checklist		Do	Do
Points to Consider in the Characterization of Cell Lines Used to Produce Biological Products (from John C. Petricciani, M.D.)	June 1, 1984	Do	Do
Preamendment Class III Devices	March 11, 1992	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Premarket Notification [510(k)] Status Request Form, revised	March 7, 1994	Do	Do
Premarket Submission Coversheet, Instructions, and Survey	January 19, 1995	Do	Do
Preproduction Quality Assurance Planning: Recommendations for Medical Device Manufacturers (FDA 90–4236)	September 1, 1989	Do	Do
Proposal for Establishing Mechanisms for Setting Review Priorities Using Risk Assessment and Allocating Review Resources (include with 926–930)	June 30, 1993	Do	Do
Questions and Answers for the FDA Reviewer Guidance: Labeling Reusable Medical Devices for Reprocessing in Health Care Facilities	September 3, 1996	Do	Do
Reviewer Guidance for Computer Controlled Medical Devices Undergoing 510(k) Review	August 29, 1991	Do	Do
Shelf Life of Medical Devices	March 1, 1991	Do	Do
Substantial Equivalence (SE) Decision Making Documentation ATTACHED: ''SE'' Decision Making Process (Detailed) i.e. the decision making tree	January 1, 1990	Do	Do
Suggested Content for Original IDE Application Cover Letter—Version 4	February 27, 1996	Do	Do
Suggestions for Submitting a Premarket Approval (PMA) Application	April 1, 1993	Do	Do
Threshold Assessment of the Impact of Requirements for Submission of PMA's for 31 Medical Devices Marketed Prior to May 28, 1976	January 1, 1990	Do	Do
Viable Bacteriophage in Co2 Laser Plume: Aerodynamic Size Distribution		Do	Do
Drugs of Abuse Screening Test Devices	July 21, 1987	Do	Do
Letter—Vascular Graft Industry (Philip Phillips)	November 22, 1995	Do	Do
Letter to Industry, Powered Wheelchair/Scooter or Accessory/Component Manufacturer from Susan Alpert, Ph.D.,M.D.	May 26, 1994	Do	Do
Preamendments Class III Strategy; SXAlpert	April 19, 1994	Do	Do
Draft Guidance to Firms on Biliary Lithotripsy Studies	August 2, 1990	ODE/Division of Reproductive, Abdominal, ENT, and Radiological Devices (DRAERD)	Do
Letter: Notice to Manufacturers of Bone Mineral Densitometers	September 25, 1997	Do	Do
510(k) Checklist for Sterile Lubricating Jelly Used With Transurethral Surgical Instruments	September 19, 1994	Do	Do
CDRH Interim Regulatory Policy for External Penile Rigidity Devices	September 10, 1997	Do	Do
Checklist for Mechanical Lithotripters and Stone Dislodgers used in Gastroenterology and Urology	November 1, 1994	Do	Do
Draft—510(k) Checklist for Conditioned Response Enuresis Alarms	November 23, 1994	Do	Do
Draft 510(k) Checklist for Condom Catheters	February 23, 1995	Do	Do
Draft 510(k) Checklist for Endoscopic Electrosurgical Unit (ESU) and Accessories Used in Gastroenterology and Urology	August 16, 1995	Do	Do
Draft 510(k) Checklist for Endoscopic Light Sources Used in Gastroenterology and Urology	June 22, 1995	Do	Do
Draft 510(k) Checklist for Non-Implanted Electrical Stimulators Used for the Treatment of Urinary Incontinence	June 6, 1995	Do	Do
Draft 510(k) Checklist for Urological Irrigation System and Tubing Set	August 1, 1995	Do	Do
Draft Guidance for Clinical Investigations of Devices Used for the Treatment of Benign Prostatic Hyperplasia (BPH)	November 11, 1994	Do	Do
Draft Guidance for Information on Clinical Safety and Effectiveness Data for Extracorporeal Shock Wave Lithotripsy of Upper Urinary Tract (Renal Pelvis, Renal)	February 5, 1992	Do	Do
Draft Guidance for Preclinical and Clinical Investigations of Urethral Bulking Agents Used in the Treatment of Urinary Incontinence	November 29, 1995	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Draft Guidance for Preparation of PMA Applications for Penile Inflatable Implants	March 16, 1993	Do	Do
Draft Guidance for Preparation of PMA Applications for Testicular Prostheses	March 16, 1993	Do	Do
Draft Guidance for Preparation of PMA Applications for the Implanted Mechanical/Hydraulic Urinary Continence Device (Artificial Urinary Sphincter)	May 1, 1995	Do	Do
Draft Guidance for the Clinical Investigation of Urethral Stents	November 2, 1995	Do	Do
Draft Guidance for the Content of Premarket Notifications for Endoscopes used in Gastroenterology and Urology	March 17, 1995	Do	Do
Draft Guidance for the Content of Premarket Notifications for Penile Rigidity Implants	May 30, 1995	Do	Do
Draft Guidance for the Content of Premarket Notifications for Urological Balloon Dilatation Catheters	January 24, 1992	Do	Do
Draft Guidance Outline—Points to Consider for Clinical Studies for Vasovasostomy Devices	November 30, 1993	Do	Do
Guidance for the Content of Premarket Notifications for Biopsy Devices Used in Gastroenterology and Urology	February 10, 1993	Do	Do
Guidance for the Content of Premarket Notifications for Conventional and Antimicrobial Foley Catheters	September 12, 1994	Do	Do
Guidance for the Content of Premarket Notifications for Ureteral Stents	February 10, 1993	Do	Do
Guidance for the Content of Premarket Notifications for Urine Drainage Bags	June 7, 1994	Do	Do
Guidance for the Content of Premarket Notifications for Urodynamic/Uroflowmetry Systems	July 29, 1994	Do	Do
Guidance to Manufacturers on the Development of Required Postapproval Epidemiologic Study Protocols for Testicular Implants		Do	Do
510(k) Guide for Measuring and Reporting Acoustic Output of Diagnostic Ultrasound Medical Devices	December 1, 1985	Do	Do
Draft Guidance for Review of Bone Densitometer 510(k) Submissions	November 9, 1992	Do	Do
Draft MRI Guidance Update for dB/dt [update, include with 8/2/88 document]	October 11, 1995	Do	Do
Guidance for Magnetic Resonance Diagnostic Devices—Criteria for Significant Risk Investigations	September 29, 1997	Do	Do
Guidance for the Comment and Review of 510(k) Notifications for Picture Archiving and Communications Systems (PACS) and Related Devices [See 2099]	August 1, 1993	Do	Do
Guidance for the Submission of 510(k)s for Solid State X–Ray Imaging Devices	June 1, 1997	Do	Do
Information for Manufacturers Seeking Marketing Clearance of Diagnostic Ultrasound Systems and Transducers	April 11, 1997	Do	Do
Information for Manufacturers Seeking Marketing Clearance of Digital Mammography Systems	June 19, 1996	Do	Do
Reviewer Guidance for Automatic X–Ray Film Processor 510(k)	February 1, 1990	Do	Do
Simplified 510(k) procedures for certain radiology devices:3 letters 12/21/93; 1/31/94 and 3/31/94	1994	Do	Do
ORDB 510(k) Sterility Review Guidance	July 3, 1997	Do	Do
Condom Packet: 4/13/94 RJRivera Letter, Condom Guidance & 7 Tabs, General Guidance for Modifying Condom Labeling to Include Shelf Life	April 13, 1994	Do	Do
Draft Guidance for the Content of Premarket Notifications for Loop and Rollerball Electrodes for GYN Electrosurgical Excisions	July 29, 1991	Do	Do
Draft Guidance for the Content of Premarket Notifications for Menstrual Tampons	May 25, 1995	Do	Do
Draft Thermal Endometrial Ablation Devices (Submission Guidance for an IDE)	March 14, 1996	Do	Do
Guidance (''Guidelines'') for Evaluation of Fetal Clip Electrode	March 8, 1977	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Guidance (''Guidelines'') for Evaluation of Hysteroscopic Sterilization Devices	May 10, 1978	Do	Do
Guidance (''Guidelines'') for Evaluation of Laparoscopic Bipolar and Thermal Coagulators (and Accessories)		Do	Do
Guidance (''Guidelines'') for Evaluation of Tubal Occlusion Devices	November 22, 1977	Do	Do
Guidelines for Evaluation of Non-Drug IUD's	September 28, 1976	Do	Do
Hysteroscopes and Gynecology Laparoscopes—Submission Guidance for a 510(k)—includes 00192	March 27, 1996	Do	Do
Hysteroscopes and Laparoscopic Insufflators: Submission Guidance for a 510(k)	August 1, 1995	Do	Do
In-vivo Devices for the Detection of Cervical Cancer and its Precursors: Submission Guidance for an IDE Draft Document	June 14, 1997	Do	Do
Intrapartum Continuous Monitors for Fetal Oxygen Saturation and Fetal pH; Submission Guidance for a PMA; Draft Document	June 14, 1997	Do	Do
Premarket Testing Guidelines for Falloposcopes	November 20, 1992	Do	Do
510(k) Diagnostic Ultrasound Guidance4/91 Use of Medical Index in Place of Spatial Peak Intensity in Determining Substantial Equival for Diagnostic Ultrasound Equip/Access/Rel Meas. Dev	February 1993	Do	Do
Premarket Testing Guidelines for Female Barrier Contraceptive Devices also intended to prevent sexually transmitted diseases	April 4, 1990	Do	Do
Premarket Testing Guidelines for Home Uterine Activity Monitors	March 31, 1993	Do	Do
Testing guidance for Male Condoms Made from New Material (Non-Latex)	June 29, 1995	Do	Do
Information for a Latex Condom 510K Subm. for Obstetrics-Gynecology Branch (draft)	March 1994	Do	Do
Guidance for Content and Review of a Magnetic Resonance Diagnostic Device 510(k) Applic.	October 11, 1995	Do	Do
Draft Guidance for Hemodialyzer Reuse Labeling	October 6, 1995	Do	Do
Draft Guidance for the Content of Premarket Notifications for Water Purification Components and Systems for Hemodialysis	May 30, 1997	Do	Do
Guidelines for Premarket Testing of New Conventional Hemodialyzers, High Permeability Hemodialyzers, and Hemofilters	March 1, 1982	Do	Do
Draft of Suggested Information for Reporting Extracorporeal Shock Wave Lithotripsy Device Shock Wave Measurements	January 1, 1991	Do	Do
Draft Guidance to Hearing Aid Manufacturers for Substantiation of Claims	August 5, 1994	Do	Do
Guidance for Submission of a 510(k) Premarket Notification for an Air Conduction Hearing Aid	April 1, 1991	Do	Do
Guidance For The Arrangement and Content of a Premarket Approval (PMA) Application For A Cochlear Implant in Children Ages 2 through to 17 Years	May 1, 1990	Do	Do
Guidance for the Content of Premarket Notification for Disposable, Sterile, Ear, Nose and Throat Endoscope Sheaths with Protective Barrier Claims	October 21, 1996	Do	Do
Guideline for the Arrangement and Content of a Premarket Approval (PMA) Application for a Cochlear Implant in Adults at Least 18 Years of Age	May 1, 1990	Do	Do
Guidance for the Technical Content of a Premarket Approval (PMA) Application for an Endolymphatic Shunt Tube with Valve	April 1, 1990	Do	Do
Amendment 1: Draft Premarket Notification [510(k)] Guidance Document for Class II Daily Wear Contact Lenses	June 28, 1994	ODE/Division of Opthalmics Devices (DOD)	Do
Certification Statement for the Impact Resistance Test		Do	Do
Draft Premarket Notification 510(k) Guidance for Contact Lens Care Products	May 1, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Eye Valve Implant (and all glaucoma drainage devices) manufacturers letter from NCBrogdon	November 16, 1995	Do	Do
FDA Public Health Advisory: Retinal Photic Injuries from Operating Microscopes During Cataract Surgery	October 16, 1995	Do	Do
New FDA Recommendations & Results of Contact Lens Study (7 day letter)	May 30, 1989	Do	Do
Sunglass Letter including 510(k) format	October 8, 1996	Do	Do
Sunglass Package	February 3, 1995	Do	Do
Third Party Review Guidance for Aspiration and Cutting Device Premarket Notification (510(k))	January 31, 1997	Do	Do
Third Party Review Guidance for Phacofragmentation System Device Premarket Notification (510(k))	January 31, 1997	Do	Do
Announcement by Dr Alpert at 7/26/96 Ophthalmic Panel Meeting concerning Manufacturers & Users of Lasers for Refractive Surgery [excimer]	August 26, 1996	Do	Do
Announcement: Information for Manufacturers & Users of Lasers for Refractive Surgery [excimer]	September 22, 1997	Do	Do
Checklist of Information Usually Submitted in an Investigational Device Exemptions (IDE) Application for Refractive Surgery Lasers [excimer]	October 10, 1996	Do	Do
Discussion Points for Expansion of the ''Checklist of Information Usually Submitted in an Investigational Device Exemption (IDE) Application for Refractive Surgery Lasers''	September 5, 1997	Do	Do
Letter to Manufacturers and Users of Lasers for Refractive Surgery [excimer]	October 10, 1996	Do	Do
Owners Certification of Lasers as PMA Approved Devices [excimer]	September 26, 1996	Do	Do
Update on Excimer Lasers for Nearsightedness	May 20, 1996	Do	Do
Draft Version Guidance for Clinical Data to be Submitted for Premarket Approval Application for Cranial Electrotherapy Stimulators	August 20, 1992	ODE/Division of General and Restorative Devices (DGRD)	Do
Guidance for the Preparation of Premarket Notifications for Extended Laparoscopy Devices	August 30, 1994	Do	Do
510K Sterility Review Guidance	July 3, 1997	Do	Do
Technological Reporting for Powered Muscle Stimulator 510k Submissions	January 1, 1992	Do	Do
Draft Version Guide for Cortical Electrode 510(k) Content	August 10, 1992	Do	Do
Electrical Muscle Stimulator (EMS) Labeling Indications, Contraindications, Warnings, etc.	July 11, 1985	Do	Do
Galvanic Skin Response Measurement Devices—Draft Guidance for 510 (k) Content	August 23, 1994	Do	Do
Guidance Document for the Preparation for Premarket Notification (510(k)) Applications for Therapeutic Massagers and Vibrators	July 26, 1995	Do	Do
Guidance Document for the Preparation of IDE and PMA Applications for Bone Growth Stimulator Devices	August 12, 1988	Do	Do
Guidance Document for the Preparation of IDE and PMA Applications for Intra-Articular Prosthetic Knee Ligament Devices	February 18, 1993	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications for Communication Systems (Powered and Nonpowered) and Powered Environmental Control	July 26, 1995	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications for Electromyograph Needle Electrodes	July 26, 1995	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications for Heating and Cooling Devices	July 26, 1995	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications for Powered Muscle Stimulators and Ultrasound Diathermy and Muscle Stimulator	July 26, 1995	Do	Do

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Guidance Document for the Preparation of Notification (510(k)) Applications for Powered Tables and Multi-function Physical Therapy Tables	July 26, 1995	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications for Submerged (underwater) Exercise Equipment	July 26, 1995	Do	Do
Guidance Document for the Preparation of Notification (510(k)) Applications of Immersion Hydrobaths	July 26, 1995	Do	Do
Guidance Document for the Preparation of Premarket Notification (510(k)) Application for Beds	July 26, 1995	Do	Do
Guidance Document for the Preparation of Premarket Notification [510k)] Applications for Mechanical and Powered Wheelchairs, and Motorized Three-Wheeled Vehicles	July 26, 1995	Do	Do
Guidance for Studies for Pain Therapy Devices—Gen. Consid. in the Design of Clinical Studies for Pain-Alleviating Devices	May 12, 1988	Do	Do
Guide for TENS 510(k) Content (Draft)	August 1, 1994	Do	Do
Alternate Suture Labeling Resulting from the January 11, 1993 Meeting with HIMA		Do	Do
Draft Guidance for Preparation of PMA Applications for Silicone Inflatable (Saline) Breast Prostheses	January 18, 1995	Do	Do
Draft Guidance for Preparation of PMA Submissions of Silicone Gel-Filled Breast Prosthesis	May 11, 1992	Do	Do
Draft Guidance for Testing of Alternative Breast Prostheses (Nonsilicone Gel-filled)	September 1, 1994	Do	Do
Draft Guidance for the Preparation of a Premarket Notification for a Non-Interactive Wound and Burn Dressing [510(k)]	March 31, 1995	Do	Do
Draft Guidance for the Preparation of IDE Submission for Interactive Wound and Burn Dressing	April 1, 1995	Do	Do
Guide for 510(k) Review of Processed Human Dura Mater	June 26, 1990	Do	Do
Letter: Core Study for Silicone Breast Implants	January 11, 1996	Do	Do
510(k) Information Needed for Hydroxyapatite Coated Orthopedic Implants	February 20, 1997	Do	Do
Draft Guidance for Preparation of FDA Submissions of Silicone Gel-Filled Breast Prosthesis	May 11, 1992	Do	Do
Calcium Phosphate (Ca-P) Coating Draft Guidance for Preparation of FDA Submissions for Orthopedic and Dental Endosseous Implants	February 21, 1997	Do	Do
Draft Data Requirements for Ultrahigh Molecular Weight Polyethylene (Uhmupe) Used in Orthopedic Devices	March 28, 1995	Do	Do
Draft Guidance Document for Femoral Stem Prostheses	August 1, 1995	Do	Do
Draft Guidance Document for Testing Acetabular Cup Prostheses	May 1, 1995	Do	Do
Draft Guidance Document for the Preparation of Premarket Notification [510(k)] Applications for Orthopedic Devices-The Basic Elements	September 5, 1996	Do	Do
Draft Guidance for the Preparation of Premarket Notifications [510(k)]s for Cemented, Semi-Constrained Total Knee Prostheses	April 1, 1993	Do	Do
Draft Guideline for Reviewing Spinal Fixation Device Systems	January 9, 1997	Do	Do
Draft of Guidance Document for Testing of Orthopedic Implants with Metallic Plasma Sprayed Porous Coatings Subject to Required Post Market Surveillance	October 25, 1995	Do	Do
Draft Outline for a Guidance Document for Testing Orthopedic Bone Cement, request for comments by December 10, 1993	November 1, 1993	Do	Do
Guidance Document for Testing Biodegradable Polymer Implant Devices	April 20, 1996	Do	Do
Guidance Document for Testing Bone Anchor Devices Draft	April 20, 1996	Do	Do

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Guidance Document for Testing Non-Articulating ''Mechanically Locked'' Modular Implant Components	May 1, 1995	Do	Do
Guidance Document for Testing Orthopedic Implants with Modified Metallic Surfaces Apposing Bone Or Bone Cement	April 28, 1994	Do	Do
Guidance Document For The Preparation of Premarket Notification For Ceramic Ball Hip Systems	January 10, 1995	Do	Do
510(k) Sterility Review Guidance	July 3, 1997	Do	Do
Reviewers Guidance Checklist for Intramedullary Rods	February 21, 1997	Do	Do
Reviewers Guidance Checklist for Orthopedic External Fixation Devices	February 21, 1997	Do	Do
Draft 510(k) Guideline for General Surgical Electrosurgical Devices	May 10, 1995	Do	Do
Draft Guidance for Arthroscopes and Accessory 510(k)s	May 1, 1994	Do	Do
Draft Premarket Notification Review Guidance for Evoked Response Somatosensory Stimulators	June 1, 1994	Do	Do
Draft Version 1—Biofeedback Devices—Draft Guidance for 510(k) Content	August 1, 1994	Do	Do
Draft Version Cranial Perforator Guidance	July 13, 1994	Do	Do
Draft Version Neuro Endoscope Guidance	July 7, 1994	Do	Do
Guidance on the Content and Organization of a Premarket Notification for a Medical Laser	June 1, 1995	Do	Do
Guidelines for Reviewing Premarket Notifications that Claim Substantial Equivalence to Evoked Response Stimulators		Do	Do
Review of ''YAG'' Lasers for Neurosurgery		Do	Do
Draft Version—Guidance on Biocomatibility Requirements for Long Term Neurological Implants: Part 3—Implant Model	September 12, 1994	Do	Do
Protocol for Dermal Toxicity for Devices in Contact with Skin (Draft)		Do	Do
Addendum to Guidance on the Content and Format of Premarket Notification [510(k)] Submissions for General Purpose Disinfectants	March 9, 1994	ODE/Division of Dental Infection Control and General Hospital Devices (DDIGD)	Do
Guidance on Premarket Notification [510(k)] Submissions for Automated Endoscope Washers, Washer/Disinfectors, and Disinfectors Intended for Use in Health Care Facilities	August 1, 1993	Do	Do
Guidance on Premarket Notification [510(k)] Submissions for Surgical Gowns and Surgical Drapes	August 1, 1993	Do	Do
Guidance on the Content and Format of Premarket Notification 510(k) Submissions for Liquid Chemical Germicides	December 6, 1996	Do	Do
Guidance on the Content and Format of Premarket Notification [510(k)] Submissions for General Purpose Disinfectants	October 1, 1993	Do	Do
Guidance on the Content and Format of Premarket Notification [510(k)] Submissions for Sharps Containers	October 1, 1993	Do	Do
Draft Supplementary Guidance on the Content of Premarket Notification [510(k)] Submissions for Medical Devices with Sharps Injury Prevention Features (Anti-stick)	March 1, 1995	Do	Do
Guidance on 510(k) Submissions for Implanted Infusion Ports	October 1, 1990	Do	Do
Guidance on Premarket Notification [510(K)] Submissions for Short-Term and Long-Term Intravascular Catheters	March 16, 1995	Do	Do
Guidance on the Content of Premarket Notification [510(K)] Submissions for Clinical Electronic Thermometers	March 1, 1993	Do	Do
Guidance on the Content of Premarket Notification [510(k)] Submissions for External Infusion Pumps	March 1, 1993	Do	Do
Guidance on the Content of Premarket Notification [510(K)] Submissions for Hypodermic Single Lumen Needles	April 1, 1993	Do	Do

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Guidance on the Content of Premarket Notification [510(K)] Submissions for Piston Syringes	April 1, 1993	Do	Do
510(k) Guidance for Screw Type Endosseous Implants for Prosthetic Attachment	August 11, 1992	Do	Do
510(k) Information Needed for Hydroxyapatite Coated Titanium Endosseous Implants	July 6, 1993	Do	Do
510(k) Information Needed for Metallurgical Endosseous Implants	August 12, 1993	Do	Do
510(k) Information Needed for Ti-Powder Coated Titanium Endosseous Implants	July 13, 1993	Do	Do
Draft Guidance Document for the Preparation of Premarket Notification [510(k)'S] for Dental Alloys	March 3, 1997	Do	Do
Guidance Document for the Preparation of Premarket Notifications (510(k)'s) for Temporomandibular Joint Implants	January 23, 1995	Do	Do
Guidance For The Arrangement and Content of a Premarket Approval (PMA) Application For An Endosseous Implant For Prosthetic Attachment	May 16, 1989	Do	Do
Guidance for the Preparation of Premarket Notification [510(k)] for Resorbable Periodontal Barriers		Do	Do
Information Necessary for Premarket Notification Submissions For Screw-Type Endosseous Implants	December 9, 1996	Do	Do
Outline of Recommended Procedures for a Clinical Investigation of Endosseous Implants Under a 510(k)		Do	Do
Outline of Recommended Procedures for Animal Laboratory Studies of Endosseous Implants		Do	Do
Recommendations of the Dental Products Panel Subcommittee on Dental Lasers		Do	Do
Guidance Document on Dental Handpieces	July 1, 1995	Do	Do
Groups Capable of Testing for Latex Skin Sensitization (Addendum to #994)	July 28, 1997		
Draft Percutaneous Transluminal Coronary Angioplasty Package Insert Template	February 7, 1995	ODE/Division of Cardiovascular, Respiratory and Neurological Devices (DCRND)	Do
Medical Device Labeling—Suggested Format and Content; Draft Document	April 25, 1997	Do	Do
Guidance for Off-the-Shelf Software Use in Medical Devices; Draft Document	June 4, 1997	Do	Do
Carotid Stent—Suggestions for Content of Submissions to the Food and Drug Administration in Support of Investigational Devices Exemption (IDE) Applications	October 26, 1996	Do	Do
Non-Invasive Blood Pressure (NIBP) Monitor Guidance	March 10, 1997	Do	Do
Draft Guidance for the Content of Preliminary Investigational Device Exemptions (Pre-IDE) Presentations: Teleconferences, Meetings and Written Submissions	August 22, 1995	Do	Do
Electrocardiograph (ECG) Electrode—Version 1.0 Electrocardiograph (ECG) Lead Switching Adapter—Version 1.0	February 11, 1997	Do	Do
Electrocardiograph (ECG) Surface Electrode Tester—Version 1.0	February 11, 1997	Do	Do
Guidance for the Preparation and Content of Applications to the Food and Drug Administration for Ventricular Assist Devices and Total Artificial Hearts (draft)	December 4, 1987	Do	Do
Guidance for the Submission of 510(k) Premarket Notifications for Cardiovascular Intravascular Filters		Do	Do
Preliminary Guidance for Ambulatory Electrocardiograph for Data to be Submitted to FDA in Support of Premarket Notification Applications	September 1, 1994	Do	Do
Preliminary Guidance for Data to be Submitted in Support of Premarket Notifications for Analyzing ECGs/Interpretive ECGs	December 1, 1994	Do	Do

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Preliminary Guidance for Data to be Submitted to the FDA in Support of Premarket Notification Applications for External Cardioverters and Defibrillators	April 25, 1994	Do	Do
Reviewer Checklist for Monitors: EMC, Battery and Software	January 24, 1996	Do	Do
510(k) Reviewer Guidelines—Tracheostomy Tubes 868.5800		Do	Do
Automated Defibrillators: Operator's Shift Checklist and Manual Defibrillators: Operator's Shift Checklist	August 8, 1991	Do	Do
Balloon Valvuloplasty Guidance For The Submission Of an IDE Application and a PMA Application	January 1, 1989	Do	Do
Battery Guidance (Draft) (Albert Moyal)	July 12, 1993	Do	Do
Catheter Guidance	May 15, 1991	Do	Do
Coronary and Cerebrovascular Guidewire Guidance	January 1, 1995	Do	Do
DCRND—Draft Guidance for Format and Content for Premarket Notification 510(k) [replaces 908] [cardiovascular, respiratory, neurological]	July 19, 1995	Do	Do
Determining Equivalence of Intraaortic Balloon Catheters Under the 510(k) Regulations	January 24, 1989	Do	Do
Draft 510(K) Submission Requirements for Peak Flow Meters	January 13, 1994	Do	Do
Draft Emergency Resuscitator Guidance	April 14, 1993	Do	Do
Draft Guidance for Implantable Cardioverter-Defibrillators	June 19, 1996	Do	Do
Draft Guidance for the Preparation of Research and Marketing Applications for Vascular Graft Prostheses	August 1, 1993	Do	Do
Draft Guidance for the Submission of Research and Marketing Applications for Interventional Cardiology Devices: PTCA Catheters, Atherectomy Catheters, Lasers, Intravascular	May 1, 1995	Do	Do
Draft Guidance: Human Heart Valve Allografts	June 21, 1991	Do	Do
Draft Premarket Notification Review Guidance for Evoked Response Somatosensory Stimulators	June 1, 1994	Do	Do
Draft Replacement Heart Valve Guidance	October 14, 1994	Do	Do
Draft Reviewer Guidance for Ventilators	July 1, 1995	Do	Do
Draft Reviewer Guidance on Face Masks and Shield for CPR	March 16, 1996	Do	Do
Draft Version—Guidance on Biocompatibility Requirements for Long Term Neurological Implants: Part 3—Implant Model	September 12, 1994	Do	Do
Draft Version 1—Biofeedback Devices—Draft Guidance for 510(k) Content	August 1, 1994	Do	Do
Draft Version Cardiac Ablation Preliminary Guidance (Data to be Submitted to the FDA in Support Investigation Device Exemption Application	March 1, 1995	Do	Do
Draft Version Cranial Perforator Guidance	July 13, 1994	Do	Do
Draft Version Electrode Recording Catheter Preliminary Guidance (Data to be Submitted to the FDA in Support of Premarket Notifications	March 1, 1995	Do	Do
Draft Version Guidance for Clinical Data to be Submitted for Premarket Approval Application for Cranial Electrotherapy Stimulators	August 20, 1992	Do	Do
Draft Version Guide for Cortical Electrode 510(k) Content	August 10, 1992	Do	Do
Draft Version Neuro Endoscope Guidance	July 7, 1994	Do	Do
Excerpts Related to EMI from November 1993 Anesthesiology and Respiratory Devices Branch (to be used with EMI standard)	November 1, 1993	Do	Do
Galvanic Skin Response Measurement Devices—Draft Guidance for 510(k) Content	August 23, 1994	Do	Do
General Guidance Document: Non-Invasive Pulse Oxymeter	September 7, 1992	Do	Do
Guidance for Oxygen Conserving Device 510(k) Review 73 BZD 868.5905 Non-continuous Ventilator Class II	February 1, 1989	Do	Do
Guidance for Peak Flow Meters for Over-the-Counter Sale		Do	Do

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Guidance for Safety and Effectiveness Data Required in Premarket Notification (510(k)) Applications for Blood Oxygenators	March 1, 1983	Do	Do
Guidance for Studies for Pain Therapy Devices—General Considerations in the Design of Clinical Studies for Pain-Alleviating Devices	May 12, 1988	Do	Do
Guidance for the Preparation of the Annual Report to the PMA Approved Heart Valve Prostheses	April 1, 1990	Do	Do
Guide for 510(k) Review of Processed Human Dura Mater	June 26, 1990	Do	Do
Guide for TENS 510(k) Content (Draft)	August 1, 1994	Do	Do
Guidelines for Reviewing Premarket Notifications that Claim Substantial Equivalence to Evoked Response Stimulators		Do	Do
Heated Humidifier Review Guidance	August 30, 1991	Do	Do
Implantable Pacemaker Lead Testing Guidance For The Submission of a Section 510(k) Notification	September 1, 1989	Do	Do
Implantable Pacemaker Testing Guidance	January 12, 1990	Do	Do
Policy for Expiration Dating (DCRND RB92–G)	October 30, 1992	Do	Do
Protocol for Dermal Toxicity Testing for Devices in Contact with Skin (Draft)		Do	Do
Review Guidelines for Oxygen Generators and Oxygen Equipment		Do	Do
Review of ''YAG'' Lasers for Neurosurgery		Do	Do
Reviewer Guidance for Nebulizers, Metered Dose Inhalers, Spacers and Actuators	November 9, 1990	Do	Do
Reviewer's Guidance for Oxygen Concentrator	August 30, 1991	Do	Do
Draft Intravascular Brachytherapy—Guidance for Data to be Submitted to the Food and Drug Administration in Support of Investigational Device Exemption (IDE) Applications	May 24, 1996	Do	Do
Assessing the Safety/Effectiv. of Home-use In Vitro Diagnostic Devices (IVDs): Draft Points to Consider Regarding Labeling and Premarket Submissions	October 1, 1988	ODE/Division of Clinical Laboratory Devices (DCLD)	Do
Review Proposal for Reagents and Analyzer Systems	March 14, 1995	Do	Do
Data for Commercialization of Original Equipment Manufacturer, Secondary and Generic Reagents for Automated Analyzers	June 10, 1996	Do	Do
DCLD Tier/Triage lists (include 931)	May 31, 1996	Do	Do
Draft Criteria for Assessment of In Vitro Diagnostic Devices for Drugs of Abuse Assays Using Various Methodologies	August 31, 1995	Do	Do
Draft Document entitled Proposed Format: Package Insert for Immunohistochemistry Products (cover memo dated 5/12/92)	April 28, 1992	Do	Do
Draft Guidance Document for 510(k) Submission of Fecal Occult Blood Tests	July 29, 1992	Do	Do
Draft Guidance Document for 510(k) Submission of Glycohemoglobin (Glycated or Glycosylated) Hemoglobin for IVDs	September 30, 1991	Do	Do
Draft Guidance Document for 510(k) Submission of Immunoglobulins A,G,M,D and E Immunoglobulin System In Vitro Devices	September 1, 1992	Do	Do
Draft Guidance for 510(k) Submission of Lymphocyte Immunophenotyping IVDs using Monoclonal Antibodies	September 26, 1991	Do	Do
Draft Guidance For Submission of Immunohistochemistry Applications to the FDA/cover letter	April 17, 1995	Do	Do
Draft Review Criteria for Nucleic Acid Amplification Based In Vitro Diagnostic Devices for Direct Detection of Infectious Microorganisms	June 14, 1993	Do	Do
Draft: Premarketing Approval Review Criteria for Premarket Approval of Estrogen (ER) or Progesterone (PGR) Receptors In Vitro Diagnostic Devices Using Steroid Hormone	September 10, 1992	Do	Do
Guidance Criteria for Cyclosporine PMAs	January 24, 1992	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Labeling Requirements for Drugs of Abuse Screening Test Kits	January 27, 1987	Do	Do
Points to Consider & Questions and Answers on Immunohistochemistry Products (cover memo dated 10/18/1993)	October 19, 1993	Do	Do
Points to Consider for Cervical Cytology Devices	July 25, 1994	Do	Do
Points to Consider for Collection of Data in Support of In-Vitro Device Submissions for 510(k) Clearance	September 26, 1994	Do	Do
Points to Consider for Portable Blood Glucose Monitoring Devices Intended for Bedside Use in the Neonate Nursery	February 20, 1996	Do	Do
Points to Consider for Review of Calibration and Quality Control Labeling for In Vitro Diagnostic Devices/Cover Letter dated 3/14/1996	February 1, 1996	Do	Do
Review Criteria for In Vitro Diagnostic Devices for the Assessment of Thyroid Autoantibodies using Indirect Immunofluorescence Assay (IFA), Indirect	February 1, 1994	Do	Do
Review Criteria for Assessment of Alpha-Fetoprotein (AFP) in vitro Diagnostic Devices for Fetal Open Neural Tube Defects Using Immunological Test Methodologies	July 15, 1994	Do	Do
Review Criteria for Assessment of Antimicrobial Susceptibility Devices	May 31, 1991	Do	Do
Review Criteria for Assessment of Cytogenetic Analysis Using Automated and Semi-Automated Chromosome Analyzers	July 15, 1991	Do	Do
Review Criteria for Assessment of Human Chorionic Gonadotropin (hCG) In Vitro Diagnostic Devices (IVDs)	September 27, 1995	Do	Do
Review Criteria for Assessment of In Vitro Diagnostic Devices for Direct Detection of Chlamydiae in Clinical Specimens	January 1, 1992	Do	Do
Review Criteria for Assessment of In Vitro Diagnostic Devices for Direct Detection of Mycobacterium Spp. [Tuberculosis (TB)]	July 6, 1993	Do	Do
Review Criteria for Assessment of Laboratory Tests for the Detection of Antibodies to Helicobacter pylori	September 17, 1992	Do	Do
Review Criteria for Assessment of Portable Blood Glucose In Vitro Diagnostic Devices Using Glucose Oxidase, Dehydrogenase, or Hexokinase Methodology	February 14, 1996	Do	Do
Review Criteria for Blood Culture Systems	August 12, 1991	Do	Do
Review Criteria for Devices Assisting in the Diagnosis of C. Difficile Associated Diseases	May 31, 1990	Do	Do
Review Criteria for Devices Intended for the Detection of Hepatitis B ''e'' Antigen and Antibody to HBe	December 30, 1991	Do	Do
Review Criteria for In Vitro Diagnostic Devices for Detection of IGM Antibodies to Viral Agents	August 1, 1992	Do	Do
Review Criteria for In Vitro Diagnostic Devices that Utilize Cytogenetic In Situ Hybridization Technology for the Detection of Human Genetic Mutations (Germ Line and	February 15, 1996	Do	Do
Review Criteria For Premarket Approval of In Vitro Diagnostic Devices for Detection of Antibodies to Parvovirus B19	May 15, 1992	Do	Do
Review Criteria for the Assessment of Allergen-Specific Immunoglobulin E (IGE) In-Vitro Diagnostic Devices Using Immunological Test Methodologies	March 2, 1993	Do	Do
Review Criteria for the Assessment of Anti-nuclear Antibodies (ANA) In-Vitro Diagnostic Devices Using Indirect Immunofluorescence Assay (IFA),	September 1, 1992	Do	Do
Guidance Document for the Submission of Tumor Associated Antigen Premarket Notification [510(k)] to FDA	September 19, 1996	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Review Criteria for Assessment of Rheumatoid Factor (RF) In Vitro Diagnostic Devices Using Engzyme-Linked Immunoassay (EIA), Enzyme Linked Immunosorbent Assay (ELISA), Particle	February 21, 1997	Do	Do
Guidance for 510(k)s on Cholesterol Tests for Clinical Laboratory, Physicians' Office Laboratory, and Home Use	July 14, 1995	Do	Do
Clinical Utility and Premarket Approval #P91–1 (blue book memo)	May 3, 1991	ODE	Do
Criteria for Panel Review of PMA Supplements #P86–3 (blue book memo)	January 30, 1986	Do	Do
Panel Report and Recommendations on PMA Approvals #P86–5 (blue book memo)	April 18, 1986	Do	Do
Panel Review of ''Me-Too'' Devices #P86–6 (blue book memo)	July 1, 1986	Do	Do
Panel Review of Premarket Approval Applications #P91–2 (blue book memo)	May 3, 1991	Do	Do
PMA Compliance Program #P91–3 (blue book memo)	May 3, 1991	Do	Do
PMA Filing Decisions #P90–2 (blue book memo)	May 18, 1990	Do	Do
PMA Refuse to File Procedures #P94–1 (blue book memo)	May 20, 1994	Do	Do
PMA Supplements: ODEs letter to manufacturers; identifies situations which may require the submission of a PMA supplement (When PMA Supplements are Required) #P90–1 (blue book memo)	April 24, 1990	Do	Do
PMAs—Early Review and Preparation of Summaries of Safety and Effectiveness #P86–1 (blue book memo)	January 27, 1986	Do	Do
Premarket Approval Application (PMA) Closure #P94–1 (blue book memo)	July 8, 1994	Do	Do
Review and Approval of PMAs of Licensees #P86–4 (blue book memo)	October 22, 1990	Do	Do
Review of Final Draft Medical Device Labeling #P91–4 (blue book memo)	August 29, 1991	Do	Do
Assignment of Review Documents #I90–2 (blue book memo)	August 24, 1990	Do	Do
Document Review Processing #I91–1 (blue book memo)	February 12, 1992	Do	Do
Integrity of Data and Information Submitted to ODE #I91–2 (blue book memo)	May 29, 1991	Do	Do
Meetings with the Regulated Industry #I89–3 (blue book memo)	November 20, 1989	Do	Do
Nondisclosure of Financially Sensitive Information #I92–1 (blue book memo)	March 5, 1992	Do	Do
Policy Development and Review Procedures #I90–1 (blue book memo)	February 15, 1990	Do	Do
Telephone Communications Between ODE Staff and Manufacturers #I93–1 (blue book memo)	January 29, 1993	Do	Do
Delegation of IDE Actions #D88–1 (blue book memo)	April 26, 1988	Do	Do
Goals and Initiatives for the IDE Program #D95–1 (blue book memo)	July 12, 1995	Do	Do
IDE Refuse to Accept Procedures #D94–1 (blue book memo)	May 20, 1994	Do	Do
Implementation of the FDA/HCFA Interagency Agreement Regarding Reimbursement Categorization of Investigational Devices, Att. A Interagency Agreement, Att. B Criteria	September 15, 1995	Do	Do
Overdue IDE Annual Progress Report Procedures #D93–1 (blue book memo)	July 23, 1993	Do	Do
Review of IDEs for Feasibility Studies #D89–1 (blue book memo)	May 17, 1989	Do	Do
Consolidated Review of Submissions for Diagnostic Ultrasound Equipment, Accessories and Related Measurement Devices #G90–2 (blue book memo)	October 19, 1990	Do	Do
Consolidated Review of Submissions for Lasers and Accessories #G90–1 (blue book memo)	October 19, 1990	Do	Do
Device Labeling Guidance #G91–1 (blue book memo)	March 8, 1991	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Documentation and Resolution of Differences of Opinion on Product Evaluations #G93–1 (blue book memo)	December 23, 1993	Do	Do
ODE Regulatory Information for the Office of Compliance - Information Sharing Procedures #G87–2 (blue book memo)	May 15, 1987	Do	Do
PMA/510(k) Expedited Review #G94–2 (blue book memo)	May 20, 1994	Do	Do
PMA/510(k) Triage Review Procedures #G94–1 (blue book memo)	May 20, 1994	Do	Do
Review of Laser Submissions #G88–1 (blue book memo)	April 15, 1988	Do	Do
Toxicology Risk Assessment Committee #G89–1 (blue book memo)	August 9, 1989	Do	Do
Use of International Standard ISO-10993, ''Biological Evaluation of Medical Devices Part 1: Evaluation and Testing'' (Replaces #G87–1 #8294) (blue book memo)	May 1, 1995	Do	Do
510(k) Additional Information Procedures #K93–1 (blue book memo)	July 23, 1993	Do	Do
510(k) Refuse to Accept Procedures #K94–1 (blue book memo)	May 20, 1994	Do	Do
510(k) Sign-Off Procedures #K94–2 (blue book memo)	June 3, 1994	Do	Do
510(k) Sterility Review Guidance - and Revision of 11/18/1994 #K90–1 (blue book memo)	February 12, 1990	Do	Do
Cover Letter: 510(k) Requirements During Firm-Initiated Recalls; Attachment A: Guidance on Recall and Premarket Notification Review Procedures During Firm-Initiated Recalls of Legally Marketed Drugs (blue book #K95–1)	November 21, 1995	Do	Do
Guidance on the Center for Devices and Radiological Health's Premarket Notification Review Program #K86–3 (blue book memo)	June 30, 1986	Do	Do
Premarket Notification - Consistency of Reviews #K89–1 (blue book memo)	February 28, 1989	Do	Do
Review of 510(k)s for Computer Controlled Medical Devices #K91–1 (blue book memo)	August 29, 1991	Do	Do
Continued Access to Investigational Devices During PMA Preparation and Review (blue book memo)	July 15, 1996	Do	Do
Use of IEC 60601 Standards Medical Electrical Equipment; Draft Document [blue book memo #G97–X]	October 10, 1997	Do	Do
(blue book memo #K97–1) Deciding When to Submit a 510(k) for a Change to an Existing Device [see CDRH F–O–D #935]	January 10, 1997	Do	Do
Memorandum of Understanding Regarding Patient Labeling Review (blue book memo #G96–3))	August 9, 1996	Do	Do
#D95–2, Attachment A (Interagency Agreement between FDA & HCFA)	September 15, 1995	Do	Do
#D95–2, Attachment B (Criteria for Categorization of Investigational Devices (HCFA)	September 15, 1995	Do	Do
510(k) Quality Review Program (blue book memo)	March 29, 1996	Do	Do
Distribution and Public Availability of PMA Summary of Safety and Effectiveness Data Packages	October 10, 1997	Do	Do
Document Review by the Office of the Chief Counsel (blue book memo G96–1))	June 6, 1996	Do	Do
Draft Guidance for Testing MR Interaction with Aneurysm Clips	May 22, 1996	Do	Do
HCFA Reimbursement Categorization Determinations for FDA-approved IDEs	September 15, 1995	Do	Do
ODE Executive Secretary Guidance Manual	August 7, 1987	Do	Do
Tripartie Biocompatibility Guidance	April 24, 1984	Do	Do
Guidance for Submitting Reclassification Petition		Do	Do
Product Development Protocol	October 1, 1997	Do	Do
Exemption from Reporting and Record keeping Requirements for Certain Sunlamp Product Manufacturers	September 16, 1981	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Reporting of New Model Numbers to Existing Model Families	June 14, 1983	Do	Do

IV. Guidance Documents Issued by the Center for Drug Evaluation and Research (CDER)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Consumer-Directed Broadcast Advertisements	August 12, 1997	Advertising (Draft)	Office of Training and Communications, Drug Information Branch, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573 or Internet at http://www.fda.gov/cder/guidance/index.htm
Promoting Med Products (Multicenter)	January 5, 1998	Do	Do
Aerosol Steroid Product Safety Information in Prescript. Drug Advertising and Promotional Labeling DDMAC 2	January 12, 1998	Do	Do
Dissemination of Reprints of Certain Published, Original Data	October 8, 1996	Advertising	Do
Funded Dissemination of Reference Texts	October 8, 1996	Do	Do
Antifungal (topical)	February 24, 1990	Biopharmaceutic (Draft)	Drug Information Branch
Antifungal (vaginal)	February 24, 1990	Do	Do
Food-Effect Bioavailability and Bioequivalence	December 30, 1997	Do	Do
In Vivo Bioequivalence Studies Based on Population and Individual Bioequivalence Approaches	December 30, 1997	Do	Do
Pharmacokinetics and Pharmacodynamics in Patients with Impaired Renal Function: Study Design, Data Analysis, and Impact on Dosing and Labeling	June 16, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Population Pharmacokinetics	September 18, 1997	Do	Do
Waiver Policy	March 29, 1993	Do	Drug Information Branch
Acetohexamide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 1, 1988	Biopharmaceutic	Do
Albuterol Inhalation Aerosols (Metered Dose Inhalers) In Vivo Bioequivalence and In Vitro Dissolution Testing	January 27, 1994	Do	Do
Albuterol Sulfate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 29, 1987	Do	Do
Allopurinol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 15, 1985	Do	Do
Alprazolam Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	November 27, 1992	Do	Do
Amiloride Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	March 29, 1985	Do	Do
Aminophylline (suppositories) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 5, 1983	Do	Do
Amitriptyline Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 5, 1983	Do	Do
Amoxapine (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 5, 1988	Do	Do
Amoxicillin (capsules, tablets and suspension) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 10, 1988	Do	Do
Approaches to Statistical Data Analysis of Bioavailability/Bioequivalence Studies	November 1, 1985	Do	Do
Atenolol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 6, 1988	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Baclofen (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 5, 1986	Do	Drug Information Branch
Bioavailability Policies and Guidelines		Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Bumetanide Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Drug Information Branch or Interent at http://www.fda.gov/cder/guidance/index.htm
Buspirone Hydrochloride Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	August 13, 1993	Do	Do
Captopril Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	May 13, 1993	Do	Do
Carbamazepine (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	January 20, 1988	Do	Drug Information Branch
Carbidopa and Levodopa Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	June 19, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Cefaclor Capsules and Suspension In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Cefadroxil (capsules, tablets and suspension) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 7, 1986	Do	Drug Information Branch
Cephalexin (tablets and capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	March 19, 1987	Do	Do
Cephradine (Capsule and Suspension)	September 10, 1986	Do	Do
Chlordiazepoxide (Tablets)	July 5, 1983	Do	Do
Chlordiazepoxide Hydrochloride (Capsules)	July 5, 1983	Do	Do
Chlorpropamide (Tablets)	July 5, 1983	Do	Do
Chlorthalidone (Tablets)	July 5, 1983	Do	Do
Cholestyramine Powder In Vitro Bioequivalence	July 15, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Cimetidine Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	June 12, 1992	Do	Do
Clindamycin Hydrochloride (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 31, 1988	Do	Drug Information Branch
Clofibrate (Capsules)	April 7, 1986	Do	Do
Clonidine Hydrochloride (Tablets)	December 5, 1984	Do	Do
Clorazepate Dipotassium (Capsules and Tablets)	February 17, 1987	Do	Do
Clozapine (Tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	November 15, 1996	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Controlled Release Dosage Forms: Issues and Controversies (Conference Report)	September 10, 1985	Do	Drug Information Branch
Corticosteroids, Dermatologic (topical) In Vivo	June 2, 1995	Do	Do
Cyclobenzaprine Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	January 25, 1988	Do	Do
Desipramine Hydrochloride (Tablets)	September 22, 1987	Do	Do
Diazepam (Tablets)	July 8, 1985	Do	Do
Diclofenac Sodium (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 6, 1994	Do	Do
Dicyclomine Hydrochloride (Tablets and Capsules)	August 1, 1984	Do	Do
Diflunisal Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	May 16, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Diltiazem Hydrochloride Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	May 16, 1992	Do	Do
Dipyridamole (Tablets)	September 25, 1987	Do	Drug Information Branch
Disopyramide Phosphate (Capsules)	July 9, 1985	Do	Do
Dissolution Testing (General)	April 1, 1978	Do	Do
Dissolution Testing of Immediate Release Solid Oral Dosage Forms	August 25, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Division Guidelines for the Evaluation of Controlled Release Drug Products	April 18, 1984	Do	Drug Information Branch
Doxepin Hydrochloride (Capsules)	October 9, 1986	Do	Do
Doxycycline Hyclate (Capsules and Tablets)	April 11, 1988	Do	Do
Erythromycin Capsules (Enteric Coated Pellets)	September 21, 1988	Do	Do
Estropipate Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	August 26, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Extended Release Oral Dosage Forms: Development, Evaluation, and Application of In Vitro/In Vivo Correlations (BP2)	September 26, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Fenoprofen (capsules and tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	February 3, 1988	Do	Drug Information Branch
Flurazepam Hydrochloride (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 15, 1985	Do	Do
Flurbiprofen (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 8, 1995	Do	Do
Format and Content of the Human Pharmacokinetics and Bioavailability Section of an Application*[1]	February 1, 1987	Do	Do
Gemfibrozil Capsules or Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	June 15, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Glipizide (Tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Glyburide Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Guanabenz Acetate Tablets In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Haloperidol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 30, 1987	Do	Drug Information Branch
Hydrochlorothiazide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 28, 1987	Do	Do
Hydroxychloroquine Sulfate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 28, 1995	Do	Do
Hydroxyzine Hydrochloride (tablets) (dissolution only)	March 4, 1986	Do	Do
Hydroxyzine Pamoate (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 28, 1987	Do	Do
Indapamide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Indomethacin (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	January 27, 1988	Do	Do
Isopropamide Iodide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 12, 1982	Do	Do
Isosorbide Dinitrate (chewable tablets, oral tablets, and sublingual tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 22, 1987	Do	Do
Isosorbide Dinitrate Controlled Release Products	November 6, 1985	Do	Do
Ketoprofen (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Leucovorin Calcium (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 4, 1988	Do	Do
Lorazepam (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 16, 1987	Do	Do
Loxapine Succinate (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 10, 1987	Do	Do
Maprotiline Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 27, 1987	Do	Do
Meclofenamate Sodium (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	November 12, 1986	Do	Do
Medroxyprogesterone Acetate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 17, 1987	Do	Do
Megestrol Acetate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 17, 1987	Do	Do
Metaproterenol Sulfate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	March 18, 1988	Do	Do
Metaproterenol Sulfate and Albuterol Metered Dose Inhalers In Vitro	June 27, 1989	Do	Do
Metaproterenol Sulfate and Albuterol Metered Dose Inhalers In Vitro	June 27, 1989	Do	Do
Methylprednisolone (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 12, 1986	Do	Do
Metoclopramide Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 27, 1984	Do	Do
Metoprolol Tartrate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 12, 1992	Do	Do
Minoxidil (Tablets)	June 12, 1986	Do	Do
Nadolol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 16, 1992	Do	Do
Nafcillin Sodium (Capsules and Tablets)	September 10, 1987	Do	Do
Nalidixic Acid (Tablets)	August 19, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Naproxen (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 8, 1995	Do	Do
Nitrofurantion Macrocrystalline (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	January 10, 1986	Do	Do
Nitroglycerin (Ointment)	December 17, 1986	Do	Do
Norethindrone and Ethinyl Estradiol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	March 18, 1988	Do	Do
Norethindrone and Mestranol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 13, 1988	Do	Do
Nortriptyline Hydrochloride (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 12, 1992	Do	Do
Oral Extended (controlled) Release In Vivo Bioequivalence and In Vitro Dissolution Testing	September 9, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Orphenadrine Citrate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 22, 1983	Do	Drug Information Branch
Pentoxifylline (extended-release tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 22, 1995	Do	Do
Perphenazine (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 27, 1987	Do	Do
Perphenazine/Amitriptyline (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 27, 1987	Do	Do
Pharmacokinetic Considerations in Drug Studies	N/A	Do	Do
Phenylbutazone Oxyphenbutazone (capsules and tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 28, 1987	Do	Do
Phenytoin/Phenytion Sodium (capsules, tablets, suspension) In Vivo Bioequivalence and In Vitro Dissolution Testing	March 4, 1994	Do	Do
Pindolol (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Piroxicam (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	June 15, 1992	Do	Do
Potassium Chloride (slow-release tablets and capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 15, 1987	Do	Do
Prazepam (capsules and tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 26, 1988	Do	Do
Prednisone (tablets) (dissolution only)	July 10, 1985	Do	Do
Probenecid (Tablets)	July 26, 1983	Do	Do
Procainamide Hydrochloride	September 28, 1987	Do	Do
Propoxyphene Napsylate with Acetaminphen (Tablets)	March 26, 1980	Do	Do
Propranolol Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 1, 1984	Do	Do
Propylthiouracil (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 13, 1986	Do	Do
Quinidine Gluconate (tablets, controlled release) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 22, 1987	Do	Do
Ranitidine Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 23, 1993	Do	Do
Rifampin (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 8, 1988	Do	Do
Ritodrine Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 27, 1987	Do	Do
Selegiline Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 22, 1995	Do	Do
Silver Sulfadiazine (cream)	May 7, 1987	Do	Do
Spironolactone (Tablets)	January 1, 1986	Do	Do
Statistical Procedure for Bioequivalence Studies Using a Standard Two-Treatment Crossover Design	July 1, 1992	Do	Do
Submission of Data for Bioequivalence Studies in Computer Format	N/A	Do	Do
Sulfasalazine (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 8, 1987	Do	Do
Sulfinpyrazone (Capsules and Tablets)	September 25, 1987	Do	Do
Sulfones (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	November 7, 1986	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Sulindac (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 18, 1988	Do	Do
Temazepam (Capsules)	August 8, 1985	Do	Do
Theophylline (conventional dosage form) In Vivo Bioequivalence and In Vitro Dissolution Testing	September 1, 1984	Do	Do
Timolol Maleate (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 9, 1988	Do	Do
Tolazamide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	May 30, 1986	Do	Do
Tolbutamide (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 1, 1983	Do	Do
Tolmetin Sodium (tablets and capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	October 6, 1994	Do	Do
Trazodone Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	April 30, 1988	Do	Do
Triazolam (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	December 24, 1992	Do	Do
Trimipramine Maleate (capsules) In Vivo Bioequivalence and In Vitro Dissolution Testing	August 18, 1987	Do	Do
Verapamil Hydrochloride (tablets) In Vivo Bioequivalence and In Vitro Dissolution Testing	July 18, 1985	Do	Do
Submission of Documentation in Drug Applications for Container Closure Systems Used for the Packaging of Human Drugs and Biologics	July 15, 1997	Chemistry (Draft)	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submitting Supporting Chemistry Documentation in Radiopharmaceutical Drug Applications*	November 1, 1991	Do	Drug Information Branch
Tracking of NDA and ANDA Reformulations for Solid, Oral, Immediate Release Drug Products (Docket No. 89N–0066)	N/A	Do	Do
Drug Master Files	September 1, 1989	Chemistry	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
FDA's Policy Statement for the Development of New Stereoisomeric Drugs	May 1, 1992	Do	Do
Format and Content for the CMC Section of an Annual Report (CMC 1)	September 1, 1994	Do	Do
Format and Content of the Chemistry, Manufacturing and Controls Section of an Application*	February 1, 1987	Do	Drug Information Branch
Format and Content of the Microbiology Section of an Application* (Docket No. 85D–0245)	February 1, 1987	Do	Do
Reviewer Guidance: Validation of Chromatographic Methods (CMC 3)	November 1, 1994	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submission of an Environmental Assessment in Human Drug Applications and Supplements (CMC 6)	November 13, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submission of Chemistry, Manufacturing and Controls Information for Synthetic Peptide Substances (CMC 4)	November 1, 1994	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submission of Documentation for Sterilization Process Validation Applications for Human and Veterinary Drug Products (CMC 2)	November 1, 1994	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submitting Documentation for Packaging for Human Drugs and Biologics*	February 1, 1987	Do	Do
Submitting Documentation for the Manufacturing of and Controls for Drug Products*	February 1, 1987	Do	Drug Information Branch
Submitting Documentation for the Stability of Human Drugs and Biologics*	February 1, 1987	Do	Do
Submitting Samples and Analytical Data for Methods Validation*	February 1, 1987	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Submitting Supporting Documentation in Drug Applications for the Manufacture of Drug Substances*	February 1, 1987	Do	Do
SUPAC IR–Immediate-Release Solid Oral Dosage Forms: Scale-Up and Post-Approval Changes: Chemistry, Manufacturing and Controls, In Vitro Dissolution Testing, and In Vivo Bioequivalence Documentation (CMC 5)	November 30, 1995	Do	Drug Information Branch or or Internet at http://www.fda.gov/cder/guidance/index.htm

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
SUPAC–IR: Immediate Release Solid Oral Dosage Forms; Manufacturing Equipment Addendum (CMC 9)	October 21, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
SUPAC–IR Questions and Answers	February 18, 1997	Do	Do
SUPAC–MR: Modified Release Solid Oral Dosage Forms: Scale-Up and Postapproval Changes: Chemistry, Manufacturing, and Controls, In Vitro Dissolution Testing, and In Vivo Bioequivalence Documentation (CMC 8)	October 6, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
SUPAC–SS—Nonsterile Semisolid Dosage Forms; Scale-Up and Postapproval Changes: Chemistry, Manufacturing, and Controls; In Vitro Release Testing and In Vivo Bioequivalence Documentation (CMC 7)	June 13, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Abuse Liability Assessment	July 1, 1990	Clinical (Draft)	Drug Information Branch
Clinical Development Programs for Drugs, Devices, and Biological Products for the Treatment of Rheumatoid Arthritis (RA)	January 10, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Clinical Evaluation of Agents Used in the Prevention or Treatment of Postmenopausal Osteoporosis	April 1, 1994	Do	Drug Information Branch
Clinical Evaluation of Anti-Anginal Drugs	January 1, 1989	Do	Do
Clinical Evaluation of Anti-Arrhythmic Drugs	July 1, 1985	Do	Do
Clinical Evaluation of Antihypertensive Drugs	May 1, 1988	Do	Do
Clinical Evaluation of Drugs for the Treatment of Congestive Heart Failure	December 1, 1987	Do	Do
Clinical Evaluation of Drugs for the Treatment of Peripheral Vascular Disease	N/A	Do	Do
Clinical Evaluation of Drugs for Ulcerative Colitis (3rd draft)	N/A	Do	Do
Clinical Evaluation of Motility-Modifying Drugs	N/A	Do	Do
Clinical Evaluation of Weight-Control Drugs	July 12, 1995	Do	Do
Conducting a Clinical Safety Review of a New Product Application and Preparing a Report on the Review (96N–0443)	November 22, 1996	Do	Do
Development and Evaluation of Drugs for the Treatment of Psychoactive Substance Use Disorders	February 12, 1992	Do	Do
Evaluating Clinical Studies of Antimicrobials in the Division of Anti-Infective Drug Products	February 18, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products	March 13, 1997	Do	Do
Points to Consider for System Inflammatory Response Syndrome (SIRS) 1st Draft	N/A	Do	Drug Information Branch
Points to Consider in the Preparation of IND Applications for New Drugs Intended for the Treatment of HIV-Infected Individuals	September 1, 1991	Do	Do
Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products	March 13, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Clinical Evaluation of Analgesic Drugs (FDA 93–3093)	December 1, 1992	Clinical	Drug Information Branch
Clinical Evaluation of Antacid Drugs (FDA 78–3065)	April 1, 1978	Do	Drug Information Branch
Clinical Evaluation of Anti-Infective Drugs (Systemic) (FDA 77–3046)	November 1, 1992	Do	Drug Information Branch
Clinical Evaluation of Anti-Inflammatory and Antirheumatic Drugs (adults and children)	May 26, 1993	Do	Drug Information Branch
Clinical Evaluation of Antianxiety Drugs (FDA 77–3043)	N/A	Do	Drug Information Branch
Clinical Evaluation of Antidepressant Drugs (FDA 77–3042)	September 1, 1977	Do	Drug Information Branch
Clinical Evaluation of Antidiarrheal Drugs (FDA 78–3049)	September 1, 1977	Do	Drug Information Branch
Clinical Evaluation of Antiepileptic Drugs (adults and children) (FDA 81–3110)	January 1, 1981	Do	Drug Information Branch
Clinical Evaluation of Bronchodilator Drugs (FDA 79–3073)	N/A	Do	Drug Information Branch
Clinical Evaluation of Combination Estrogen/Progestin-Containing Drug Products Used for Hormone Replacement Therapy of Postmenopausal Women	March 20, 1995	Do	Drug Information Branch

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Clinical Evaluation of Drugs to Prevent, Control and/or Treat Periodontal Disease (FDA 79–3074)	November 1, 1978	Do	Drug Information Branch
Clinical Evaluation of Gastric Secretory Depressant (GSD) Drugs (FDA 78–3050)	September 1, 1977	Do	Drug Information Branch
Clinical Evaluation of General Anesthetics (FDA 78–3052)	May 1, 1982	Do	Drug Information Branch
Clinical Evaluation of Hypnotic Drugs (FDA 78–3051)	September 1, 1977	Do	Drug Information Branch
Clinical Evaluation of Laxative Drugs (FDA 78–3067)	April 1, 1978	Do	Drug Information Branch
Clinical Evaluation of Lipid-Altering Agents in Adults and Children (FDA 80–3103)	N/A	Do	Drug Information Branch
Clinical Evaluation of Local Anesthetics (FDA 82–3053)	May 1, 1982	Do	Drug Information Branch
Clinical Evaluation of Psychoactive Drugs in Infants and Children (FDA 79–3055)	July 1, 1979	Do	Drug Information Branch
Clinical Evaluation of Radiopharmaceutical Drugs (FDA 81–3120)	October 1, 1981	Do	Drug Information Branch
Content and Format for Pediatric Use Supplements (CLIN 1)	May 24, 1996	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Content and Format of Investigational New Drug Applications (INDs) for Phase 1 Studies of Drugs, Including Well-Characterized, Therapeutic, Biotechnology-Derived Products (CLIN 2)	November 20, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Development of Vaginal Contraceptive Drugs (NDA) (95D–0004)	April 19, 1995	Do	Drug Information Branch
Drug Metabolism/Drug Interaction Studies in the Drug Development Process: Studies In Vitro (CLIN 3)	April 7, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
FDA Requirements for Approval of Drugs to Treat Non-Small Cell Lung Cancer	January 29, 1991	Do	Drug Information Branch
FDA Requirements for Approval of Drugs to Treat Superficial Bladder Cancer	June 20, 1989	Do	Do
Format and Content of the Clinical and Statistical Sections of New Drug Applications*	July 1, 1988	Do	Drug Information Branch or Internet a http://www.fda.gov/cder/guidance/index.htm
Format and Content of the Summary for New Drug and Antibiotic Applications*	February 1, 1987	Do	Drug Information Branch
Formatting, Assembling and Submitting New Drug and Antibiotic Applications*	February 1, 1987	Do	Do
General Considerations for the Clinical Evaluation of Drugs (FDA 77–3040)	December 1, 1978	Do	Drug Information Branch
General Considerations for the Clinical Evaluation of Drugs in Infants and Children (FDA 77–3041)	N/A	Do	Drug Information Branch
Oncologic Drugs Advisory Committee Discussion on FDA Requirements for Approval of New Drugs for Treatment of Ovarian Cancer	April 13, 1988	Do	Drug Information Branch
Oncologic Drugs Advisory Committee Discussion on FDA Requirements for Approval of New Drugs for Treatment of Colon and Rectal Cancer	N/A	Do	Do
OTC Treatment of Hypercholesterolemia (CLIN 5)	October 27, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Points to Consider in the Clinical Development and Labeling of Anti-Infective Drug Products	October 26, 1992	Do	Drug Information Branch
Points to Consider in the Preclinical Development of Antiviral Drugs	November 1, 1990	Do	Do
Points to Consider in the Preclinical Development of Immunomodulatory Drugs for the Treatment of HIV Infection and Associated Disorders	May 1, 1993	Do	Do
Points to Consider: Clinical Development Programs for MDI and DPI Drug Products	September 19, 1994	Do	Do
Postmarketing Adverse Experience Reporting for Human Drugs and Licensed Biological Products; Clarification of What to Report (CLIN 4)	August 27, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Postmarketing Reporting of Adverse Drug Experiences (85D–0249)	March 1, 1992	Do	Drug Information Branch
Preparation of Investigational New Drug Products (Human and Animal)	March 1, 1991	Do	Drug Information Branch

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Study and Evaluation of Gender Differences in the Clinical Evaluation of Drugs	July 22, 1993	Do	Do
Study of Drugs Likely to be Used in the Elderly	November 1, 1989	Do	Do
Computerized Systems Used in Clinical Trials	June 18, 1997	Compliance (Draft)	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Manufacture, Processing or Holding of Active Pharmaceutical Ingredients	September 20, 1996	Do	Do
Repackaging of Solid Oral Dosage Form Drug Products (92D–0345)	February 1, 1992	Do	Drug Information Branch
Supplements to New Applications, Abbreviated New Drug Applications or Abbreviated Antibiotic Applications for Nonsterile Drug Products (93D–0403)	December 12, 1994	Do	Drug Information Branch
A Review of FDA's Implementation of the Drug Export Amendments of 1986	N/A	Compliance	Drug Information Branch
Compressed Medical Gases	December 1, 1989	Do	Do
Current Good Manufacturing Practices for Positron Emission Tomographic (PET) Drug Products (CP 1)	April 22, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Expiration Dating and Stability Testing of Solid Oral Dosage Form Drugs Containing Iron (CP 2)	June 27, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
General Principles of Process Validation	May 1, 1987	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Good Laboratory Practice Regulations Questions and Answers	N/A	Do	Drug Information Branch
Monitoring of Clinical Investigations	January 1, 1988	Do	Do
Nuclear Pharmacy Guideline Criteria for Determining When to Register as a Drug Establishment	May 1, 1984	Do	Do
Sterile Drug Products Produced by Aseptic Processing	May 1, 1987	Do	Do
Validation of Limulus Amebocyte Lysate Test as an End-Product Endotoxin Test for Human and Animal Parenteral Drugs, Biological Products, and Medical Devices	December 1, 1987	Do	Do
Content and Format of an Abbreviated New Drug Application (ANDA)—Positron Emission Tomography (PET) Drug Products—With Specific Information for ANDAs for Fludeoxyglucose F18 Injection	April 18, 1997	Generic Drug (Draft)	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Letter announcing that the OGD will now accept the ICH long-term storage conditions as well as the stability studies conducted in the past.	August 18, 1995	Generic Drug	Drug Information Branch
Letter describing efforts by the CDER and the ORA to clarify the responsibilities of CDER chemistry review scientists and ORA field investigators in the new and abbreviated drug approval process in order to reduce duplication or redundancy	October 14, 1994	Do	Do
Letter on incomplete Abbreviated Applications, Convictions Under GDEA, Multiple Supplements, Annual Reports for Bulk Antibiotics, Batch Size for Transdermal Drugs, Bioequivalence Protocols, Research, Deviations from OGD Policy	April 8, 1994	Do	Do
Letter on the provision of new information pertaining to new bioequivalence guidelines and refuse-to-file letters	July 1, 1992	Do	Do
Letter on the provision of new procedures and policies affecting the generic drug review process	March 15, 1989	Do	Do
Letter on the request for cooperation of regulated industry to improve the efficiency and effectiveness of the generic drug review process, by assuring the completeness and accuracy of required information and data submissions	November 8, 1991	Do	Do
Letter on the response to 12/20/84 letter from the Pharmaceutical Manufacturers Association about the Drug Price Competition and Patent Term Restoration Act	March 26, 1985	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Letter to all ANDA and AADA applicants about the Generic Drug Enforcement Act of 1992 (GDEA), and the Office of Generic Drugs intention to refuse-to-file incomplete submissions as required by the new law	January 15, 1993	Do	Do
Letter to regulated industry notifying interested parties about important detailed information regarding labeling, scale-up, packaging, minor/major amendment criteria, and bioequivalence requirements	August 4, 1993	Do	Do
Organization of an Abbreviated New Drug Application and an Abbreviated Antibiotic Application (OGD 1)	April 7, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Positron Emission Tomography Questions and Answers 1	October 24, 1996	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Positron Emission Tomography Questions and Answers 2	April 18, 1997	Do	Do
A Revision in Sample Collection Under the Compliance Program Pertaining to Pre-Approval Inspections	July 15, 1996	Industry letters	Drug Information Branch
Certification Requirements for Debarred Individuals in Drug Applications	July 27, 1992	Do	Do
Continuation of a series of letters communicating interim and informal generic drug policy and guidance. Availability of Policy and Procedure Guides, and further operational changes to the generic drug review program	June 1, 1990	Do	Do
Fifth of a series of letters providing informal notice about the Act, discussing the statutory mechanism by which ANDA applicants may make modifications in approved drugs where clinical data is required	April 10, 1987	Do	Do
Fourth of a series of letters providing informal notice to all affected parties about policy developments and interpretations regarding the Act. Three year exclusivity provisions of Title I	October 31, 1986	Do	Do
Implementation of the Drug Price Competition and Patent Term Restoration Act. Preliminary Guidance	October 11, 1984	Do	Do
Implementation Plan USP injection nomenclature	October 2, 1995	Do	Do
In Vivo Bioequivalence Studies of Clozapine	April 22, 1996	Do	Do
Instructions for Filing Supplements Under the Provisions of SUPAC–IR	April 11, 1996	Do	Do
Seventh of a series of letters about the Act providing guidance on the ''180-day exclusivity'' provision of section 505(j)(4)(B)(iv) of the FD&C	July 29, 1988	Do	Do
Sixth of a series of informal notice letters about the Act discussing 3- and 5-year exclusivity provisions of sections 505(c)(3)(D) and 505(j)(4)(D) of the FD&C Act	April 28, 1988	Do	Do
Streamlining Initiatives	December 24, 1996	Do	Do
Supplement to 10/11/84 letter about policies, procedures and implementation of the Act (Q & A format)	November 16, 1984	Do	Do
Third of a series of letters regarding the implementation of the Act	May 1, 1985	Do	Do
Archiving Submissions in Electronic Format—NDAs (IT 1)	September 23, 1997	Information Technology	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
CANDA (Computer Assisted New Drug Application) Guidance Manual (92D–0296)	October 1, 1994	Do	Drug Information Branch
Acetaminophen and Codeine Phosphate Oral Solution/Suspension	December 1, 1993	Labeling	Drug Information Branch
Acetaminophen and Codeine Phosphate Tablets/Capsules	December 1, 1993	Do	Do
Acetaminophen, Aspirin and Codeine Phosphate Tablets/Capsules	December 1, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Alprazolam Tablets	May 1, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Amiloride Hydrochloride and Hydrochlorothiazide Tablets USP	October 1, 1992	Do	Do
Amlodipine Besylate Tablets (OGD–L–1)	September 1, 1997	Do	Do
Antihistamine Guidance	April 1, 1983	Do	Drug Information Branch
Astemizole Tablets (OGD–L–16)	September 1, 1997	Do	Do
Atenolol Tablets	June 1, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Barbiturate, Single Entity-Class Labeling	March 1, 1981	Do	Drug Information Branch
Butalbital, Acetaminophen and Caffeine Capsules/Tablets	April 1, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Butalbital, Acetaminophen, Caffeine and Hydocodone Bitartrate Tablets (OGD–L–6–R1)	September 21, 1997	Do	Drug Information Branch
Butorphanol Tartrate Injection USP	October 1, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Captopril and Hydrochlorothiazide Tablets	April 1, 1995	Do	Do
Captopril Tablets	February 1, 1995	Do	Drug Information Branch
Carbidopa and Levodopa Tablets	February 1, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Chlordiazepoxide Hydrochloride Capsules	January 1, 1988	Do	Drug Information Branch
Cimetidine Hydrochloride Injection	September 1, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Cimetidine Tablets	September 1, 1995	Do	Do
Cisapride Oral Suspension (OGD–L–3)	September 1, 1997	Do	Do
Cisapride Tablets (OGD–L–4)	September 1, 1997	Do	Do
Clindamycin Phosphate Injection USP	May 1, 1992	Do	Do
Clorazepate Dipotassium Capsules/Tablets	March 1, 1993	Do	Drug Information Branch
Combination Oral Contraceptives—Physician and Patient Labeling	January 1, 1994	Do	Do
Cyproheptadine Hydrochloride Tablets/Syrup	December 1, 1986	Do	Do
Diclofenac Sodium Delayed-Release Tablets	February 1, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Diltiazem Hydrochloride Extended-Release Capsules (twice a day dosage)	September 1, 1995	Do	Do
Diphenoxylate Hydrochloride and Atropine Sulfate Oral Solution	April 1, 1995	Do	Do
Diphenoxylate Hydrochloride and Atropine Sulfate Tablets	April 1, 1995	Do	Do
Dipivefrin Hydrochloride Ophthalmic Solution, 0.1%	May 1, 1992	Do	Drug Information Branch
Ergoloid Mesylates Tablets	January 1, 1988	Do	Do
Estrogen Class Labeling Guidance	August 1, 1992	Do	Do
Fludeoxyglucose F18 Injection	January 1, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Flurbiprofen Tablets USP	January 1, 1994	Do	Do
Fluroxamine Maleate Tablets (OGD–L–15)	September 1, 1997	Do	Do
Gentamicin Sulfate Ophthalmic Ointment and Solution	April 1, 1992	Do	Do
Heparin Sodium Injection USP	March 1, 1991	Do	Do
Hydrocodone Bitartrate and Acetaminophen Tablets	April 1, 1994	Do	Do
Hydroxyzine Hydrochloride Injection	December 1, 1989	Do	Drug Information Branch
Hydroxyzine Hydrochloride Tablets/Syrup	May 1, 1986	Do	Do
Hypoglycemic Oral Agents—Federal Register	April 1, 1984	Do	Do
Indomethacin Capsules USP	September 1, 1995	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Informal Labeling Guidance Texts for Estrogen Drug Products—Patient Labeling	December 1, 1992	Do	Drug Information Branch
Informal Labeling Guidance Texts for Estrogen Drug Products—Professional Labeling	December 1, 1992	Do	Do
Isoetharine Inhalation Solution	March 1, 1989	Do	Do
Leucovorin Calcium for Injection	N/A	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Leucovorin Calcium Tablets, USP	July 1, 1996	Do	Drug Information Branch

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Local Anesthetics—Class Labeling	September 1, 1982	Do	Do
Meclofenamate Sodium Capsules	July 1, 1992	Do	Do
Medroxy-progesterone Acetate Tablets, USP OGD–L–36	November 1, 1997	Do	Do
Metaproterenol Sulfate Inhalation Solution, 5%	May 1, 1992	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Metaproterenol Sulfate Syrup	May 1, 1992	Do	Do
Metaproterenol Sulfate Tablets	May 1, 1992	Do	Do
Metoclopramide Tablets USP/Oral Solution	February 1, 1995	Do	Do
Naphazoline Hydrochloride Ophthalmic Solution	March 1, 1989	Do	Drug Information Branch
Naproxen Sodium Tablets, USP OGD–L–10–R1	September 1, 1997	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Naproxen Tablets, USP OGD–L–9–R1	September 1, 1997	Do	Do
Niacin Tablets	July 1, 1992	Do	Drug Information Branch
Paclitaxel Injection OGD–L–8	September 1, 1997	Do	Do
Phendimetrazine Tartrate Capsules/Tablets, and Extended-Release Capsules	February 1, 1991	Do	Do
Phentermine Hydrochloride Capsules/Tablets	August 1, 1988	Do	Do
Promethazine Hydrochloride Tablets	March 1, 1990	Do	Do
Propantheline Bromide Tablets	August 1, 1988	Do	Do
Pyridoxine Hydrochloride Injection	June 1, 1984	Do	Do
Quinidine Sulfate Tablets/Capsules	October 1, 1995	Do	Do
Ranitidine Tablets	November 1, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Risperidone Oral Solution OGD–L–18	September 1, 1997	Do	Do
Risperidone Tablets OGD–L–17	September 1, 1997	Do	Do
Sulfacetamide Sodium and Prednisolone Acetate Ophthalmic Suspension and Solution	January 1, 1995	Do	Do
Sulfacetamide Sodium Ophthalmic Solution/Ointment	August 1, 1992	Do	Do
Sulfamethoxazole and Phenazopyridine Hydrochloride Tablets	February 1, 1992	Do	Drug Information Branch
Sulfamethoxazole and Trimethoprim Tablets and Oral Suspension	August 1, 1993	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Theophylline Immediate-Release Dosage Forms	February 1, 1995	Do	Drug Information Branch
Theophylline Intravenous Dosage Forms	February 9, 1996	Do	Do
Thiamine Hydrochloride Injection	February 1, 1988	Do	Do
Tobramycin Sulfate Injection	May 1, 1993	Do	Drug Information Branch Internet at http://www.fda.gov/cder/guidance/index.htm
Topical Corticosteroids Class Labeling	N/A	Do	Drug Information Branch
Venlafaxine Hydrochloride Tablets OGD–L–30	October 1, 1997	Do	Do
Verapamil Hydrochloride Tablets	October 1, 1991	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm
Vitamin A Capsules	February 1, 1992	Do	Drug Information Branch
Zolpidem Tartrate Tablets OGD–L–13	September 1, 1997	Do	Do
Points to Consider for OTC Actual Use Studies	July 22, 1994	OTC (Draft)	Do
Enforcement Policy on Marketing OTC Combination Products (CPG 7132b.16)	N/A	OTC	Do
General Guidelines for OTC Combination Products (78D–0322)	N/A	Do	Do
OTC Nicotine Sustitutes	March 1, 1994	Do	Drug Information Branch
Upgrading Category III Antiperspirants to Category I (43 FR 46728–46731)	N/A	Do	Do
Format and Content of the Nonclinical Pharmacology/Toxicology Section of an Application*	February 1, 1987	Pharmacology/Toxicology	Do
Points to Consider in the Nonclinical Pharmacology/Toxicology Development of Topical Drugs Intended to Prevent the Transmission of Sexually Transmitted Diseases (STD) and/or for the Development of Drugs Intended to Act as Vaginal Contraceptives	N/A	Do	Drug Information Branch or Internet at http://www.fda.gov/cder/guidance/index.htm

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Reference Guide for the Nonclinical Toxicity Studies of Antiviral Drugs Indicated for the Treatment of Non-Life Threatening Disease: Evaluation of Drug Toxicity Prior to Phase I Clinical Studies	February 1, 1989	Do	Drug Information Branch (REMOVE)

[1] Star (*) indicates that the guidance is one of 13, formerly known as the ''NDA Guidelines,'' or ''Rainbow Pack,'' that are available as a set from the Drug Information Branch.

V. Guidance Documents Issued by the Center for Food Safety and Applied Nutrition (CFSAN)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Compliance Policy Guides Manual, PB96–920500	1996	FDA Regulated Industries	National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161
Compliance Programs Guidance Manual, PB95–915499	1995	Do	NTIS
FDA Recall Policy	1995	Do	Industry Activities Staff (HFS–565), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204
Inspection Operations Manual, PB–95–913399	October 1994	Do	NTIS
Regulatory Procedures Manual, PB95–265534	August 1995	Do	NTIS
Requirements of Laws and Regulations Enforced by the U.S. Food and Drug Administration ''Blue Book''	1997	Do	Superintendent of Documents, Government Printing Office, Washington, DC 20402
Action Levels for Poisonous or Deleterious Substances in Human Food and Animal Feed, PB96–920500	1995	Food and Animal Feed Industries	Industry Activities Staff
Pesticides Analytical Manual, PB94–911899	1994	Food Industry	NTIS
FDA Advisory for Deoxynivanol (DON) in Finished Wheat Products Intended for Human Consumption and in Grain and Grain By-Products for Animal Feed	September 16, 1993	Food and Animal Feed Industries	Office of Plant and Dairy Foods and Beverages, Food and Drug Administration (HFS–306), 200 C St. SW., Washington, DC 20204, 202–205–4681
FDA's Cosmetic Labeling Manual	October 1991	Cosmetic Industry	Office of Colors and Cosmetics (HFS–105), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4493
Statement of Policy: Foods Derived from New Plant Varieties: Notice	May 29, 1992 (57 FR 22984)	Developers of New Plant Food Varieties	Office of Premarket Approval, Food and Drug Administration (HFS–200), 200 C St. SW., Washington, DC 20204, 202–418–3100
A Food Labeling Guide	September 1994	Food Industry	Superintendent of Documents,
Appendix I—Model Small Business Food Labeling Exemption Notice	August 7, 1993	Do	Industry Activities Staff
Food Labeling: Questions and Answers	August 1993	Do	Industry Activities Staff
Food Labeling: Questions and Answers: Volume II	August 1995	Do	Superintendent of Documents
Fair Packaging and Labeling Act Requirements and Interpretations, PB–83–222117	June 1978	Do	NTIS
Bacteriological Analytical Manual, 7th Edition	1992	FDA Regulated Industries	AOAC International, 481 N. Frederick Ave., Suite 500, Gaithersburg, MD 20877–2417, 301–924–7077
FDA Food Importer's Guide for Low-Acid Canned and Acidified Foods	1995	Food Industry	Industry Activities Staff
Fabrication of Single Service Containers and Closures for Milk and Milk Products	1995	States	Milk Safety Branch (HFS–626), Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, 202–205–9175
Evaluation of Milk Laboratories	1995	Do	Do
Methods of Making Sanitation Ratings Of Milk Supplies	1995	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Dry Milk Ordinance	1995	Do	Do
Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers	1995	Dairy Industry	Do
Frozen Dessert Processing Guidelines	1989	Do	Office of Plant and Dairy Foods and Beverages (HFS–302), Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, 202–205–9175
Pasteurized Milk Ordinance	1995	States	Milk Safety Branch
FDA Nutrition Labeling Manual: A Guide for Developing and Using Databases	1993	Food Industry	Office of Food Labeling, Food and Drug Administration (HFS–150), 200 C St. SW., Washington, DC 20204, 202–205–4561
Guidelines for Determining Metric Equivalents of Household Measures	October 1, 1993	Do	Do
List of Food Defect Action Levels (DALS)	1995	Food and Animal Feed Industries	Industry Activities Staff
Action Levels for Poisonous or Deleterious Substances in Human Food and Feed (Also Found in CPG's)	1995	Do	Do
1997 FDA Food Code	1997	States	NTIS
Seafood List	1993	Seafood Industry	Superintendent of Documents
Manual of Operations National Shellfish Sanitation	1992	States	Office of Seafood (HFS–407), Shellfish Sanitation Branch, 200 C St. SW., Washington, DC 20204, 202–418–3150
Fish and Fisheries Products Hazards and Controls Guide	1996	Seafood Industry	Office of Seafood, Food and Drug Administration (HFS–400), 200 C St. SW., Washington, DC 20204, 202–418–3150
Guidance for Submitting Requests under 21 CFR 170.39, Threshold of Regulation for Substances Used in Food Articles	1996	Food Packaging Industry	Office of Premarket Approval
Guidelines for the Preparation of Petition Submissions	1996	Food Ingredient or Packaging Industry	Do
Guidelines for Approval of Color Additives in Contact Lenses Intended as Colors	1996	Color or Contact Lens Industry	Do
FDA Recommendations for Submission of Chemical and Technological Data on Color Additives for Food, Drugs or Cosmetics Use	February 1993	Color Additives Industry	Do
Points to Consider for the Use of Recycled Plastics in Food Packaging: Chemistry Considerations	December 1992	Food Packaging Industry	Do
Recommendations for Submission of Chemical and Technological Data for Direct Food Additive and GRAS Food Ingredient Petitions	May 1993	Do	Do
Recommendations for Chemistry Data for Indirect Food Additive Petitions	June 1995	Do	Do
Enzyme Preparations: Chemistry Recommendations for Food Additive and GRAS Affirmation Petitions	January 1993	Food Enzyme Industry	Do
Estimating Exposure to Direct Food Additive and Chemical Contaminants in the Diet	September 1995	Food and Food Ingredient Industry	Office of Premarket Approval
Toxicological Principles for the Safety Assessment of Direct Food Additives and Color Additives Used in Food (also known as Redbook I), PR–83–170696	1982	Petitioners for Food or Color Additives	NTIS
Environmental Assessment Technical Handbook, PB87175345–AS, A–01	March 1987	Do	Do
Preparing Environmental Assessments: General Suggestions	August 1990	Do	Office of Premarket Approval
Step-by-Step Guidance for Preparing Environmental Assessments	March 1987	Do	Do
Environmental Assessment of Food-packaging Materials with Enhanced Degradation Characteristics	February 1994	Do	Do
Color Additive Petitions Information and Guidance	1996	Petitioners for Color Additives	Do
Toxological Testing of Food Additives	1983	Petitioners for Food or Color Additives	Do
List of Products for Each Product Category	October 8, 1992	Food Industry	Office of Food Labeling

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Label Declaration of Allergenic Substances in Foods; Notice to Manufacturers	June 10, 1996	Do	Do
Guidance on Labeling of Foods that Need Refrigeration by Consumers	February 24, 1997 (62 FR 8248)	Do	Do
Interim Guidance on the Voluntary Labeling of Milk and Milk Products that have not been treated with Recombinant Bovine Somatropin	February 10, 1994 (59 FR 6279)	Do	Do
Guidelines Concerning Notification and Testing of Infant Formula	1985	Infant Formula Manufacturers	Office of Special Nutritionals (HFS–450), Food and Drug Administration, 200 C St. SW., Washington, DC 20204
Clinical Testing of Infant Formulas with Respect to Nutritional Suitability for Term Infants	1985	Do	Do
Guidelines for the Evaluation of the Safety and Suitability of New Infant Formulas for Feeding Infants with Allergic Diseases	1988	Do	Do
Guidelines for the Evaluation of the Safety and Suitability of Infant Formulas for Feeding Infants with Allergic Diseases	1990	Do	Do
Guidelines for the Clinical Evaluation of New Products Used in the Dietary Management of Infants, Children and Pregnant Women with Metabolic Disorders	1987	Do	Do
Guidance Document for Arsenic (Trace Elements in Seafood)	January 1993	States	Office of Seafood (HFS–400) or via Internet: FDA Home Page at http://vm.cfsan.fda.gov/list.html
Guidance Document for Cadmium (Trace Elements in Seafood)	January 1993	Do	Office of Seafood (HFS–400) or via Internet: FDA Home Page at http://vm.cfsan.fda.gov
Guidance Document for Chromium (Trace Elements in Seafood)	January 1993	Do	Do
Guidance Document for Lead (Trace Elements in Seafood)	August 1993	Do	Do
Guidance Document for Nickel (Trace Elements in Seafood)	January 1993	Do	Do
FDA's Policy for Foods Developed by Biotechnology	1995	Food Industry	Office of Premarket Approval or via Internet: FDA Home Page at http://vm.cfsan.fda.gov
Bovine Spongiform Encephalopathy (BSE) In Products for Human Use	1997	Do	Office of Plant and Dairy Foods and Beverages or via Internet: FDA Home Page at http://www.fda.gov/opacom/morechoices /industry/guidance/gelguide.htm
Shellfish Sanitation Model Ordinance	1995	States	Shellfish Program Implementation Branch, Division of Cooperative Programs, Office of Field Programs (HFS–628), 200 C St. SW., Washington, DC 20204, 202–205–8137

VI. Guidance Documents Issued by the Center for Veterinary Medicine (CVM)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Citizen Petitions: Policy and Procedures (Guide No. 1240.2030)	June 7, 1994	Do	Do
CVM's Implementation of the Agency's Fraud, Untrue Statements of Material Facts, Bribery & Illegal Gratuities Policy (Guide No. 1240.2040)	June 15, 1994	Do	Do
Intra-Agency Relationship (Guide No. 1240.2100)	August 11, 1993	Do	Do
Procedures for Resolving Disagreements within CVM (Guide No. 1240.2110)	April 10, 1991	Do	Do
Product Manager (Guide No. 1240.2120)	August 11, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
CVM P & P Manual Utilization and Maintenance (Guide No. 1240.2140)	September 3, 1997	Do	Do
CVM Small Business (Guide No. 1240.2150)	April 10, 1991	Do	Do
CVM Public Affairs Program (Guide No. 1240.2152)	April 7, 1995	Do	Do
Evaluation of Proposed Legislation (Guide No. 1240.2154)	April 7, 1995	Do	Do
Voluntary Compliance (Guide No. 1240.2202)	August 11, 1992	Do	Do
Approval of New Animal Drug Applications and their Supplements (Guide No. 1240.2210)	August 11, 1992	Do	Do
Classification of OTC and Rx Drugs (Guide No. 1240.2220)	January 15, 1985	Do	Do
Processing General Correspondence by Individual Offices in CVM (Guide No. 1240.2300)	June 28, 1993	Do	Do
Routing of Congressional Correspondence (Guide No. 1240.2302)	April 9, 1997	Do	Do
Correspondence to Practicing Veterinarians, Vet Med Associations, and other Scientific Disciplines (Guide No. 1240.2310)	June 28, 1993	Do	Do
Communication and Liaison with other Centers and Agencies (Guide No. 1240.2320)	May 7, 1991	Do	Do
Intercommunication between CVM and Office of Chief Counsel (Guide No. 1240.2322)	June 28, 1993	Do	Do
CVM Guidance on Media Inquiries (Guide No. 1240.2325)	July 1, 1997	Do	Do
Consultative Reviews and Opinions (Guide No. 1240.2330)	May 7, 1991	Do	Do
Freedom of Information Requests (Guide No. 1240.2500)	September 4, 1997	Do	Do
Public Availability of Food Additive Petitions (Guide No. 1240.2501)	June 25, 1993	Do	Do
Advisory Opinions and Informal Requests for Information (Guide No. 1240.2510)	October 23, 1985	Do	Do
Confidentiality of Center Files (Guide No. 1240.2520)	June 25, 1993	Do	Do
Industry Conferences (Guide No. 1240.2600)	June 11, 1990	Do	Do
Meetings with Representatives from Foreign Governments (Guide No. 1240.2601)	September 8, 1994	Do	Do
Trade Media Visits to CVM (Guide No. 1240.2610)	September 8, 1994	Do	Do
New Animal Drugs for Investigational Use (Guide No. 1240.3000)	September 30, 1996	Do	Do
Processing Original Investigational New Animal Drug Applications (Guide No. 1240.3010)	September 30, 1996	Do	Do
Processing Amendments to An Investigational New Animal Drug Application (Guide No. 1240.3020)	September 30, 1996	Do	Do
Non-Routine Invest. New Animal Drugs (Guide No. 1240.3025)	September 30, 1996	Do	Do
Initial Processing of an NADA (Guide No. 1240.3100)	March 25, 1991	Do	Do
Review of Animal Safety and Effectiveness Data (Guide No. 1240.3101)	August 1, 1989	Do	Do
Use of Foreign Non-Clinical and Clinical Data in an NADA (Guide No. 1240.3102)	September 6, 1989	Do	Do
Review of Vet. Med. Guidelines (Guide No. 1240.3103)	November 23, 1993	Do	Do
Specialty Reviews of NADAs (Guide No. 1240.3110)	December 17, 1993	Do	Do
Preparation of NADA Decision Package (Guide No. 1240.3120)	November 23, 1993	Do	Do
Routing of NADA Decision Package (Guide No. 1240.3122)	November 23, 1993	Do	Do
CVM Appeals Procedure Guide (Guide No. 1240.3130)	November 23, 1993	Do	Do
Animal Drug Applications Expedited Review Guideline (Guide No. 1240.3135)	November 23, 1993	Do	Do
Labeling Policy for Animal Drugs that may be Human Carcinogens (Guide No. 1240.3140)	October 13, 1994	Do	Do
NADA Review of Dosage Form Oral Electrolytes (Guide No. 1240.3150)	October 13, 1994	Do	Do
Food Additive Petition Review (Guide No. 1240.3300)	December 7, 1993	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Nutritional Ingredients in Animal Drugs and Feeds (Guide No. 1240.3420)	March 23, 1993	Do	Do
New Animal Drug Determination (Guide No. 1240.3500)	July 24, 1989	Do	Do
New Animal Drug Regulation (Guide No. 1240.3502)	September 4, 1991	Do	Do
Drug Experience Reporting Requirements (Guide No. 1240.3510)	November 23, 1993	Do	Do
Additional Sources of Adverse Reaction and Injury Reports (Guide No. 1240.3512)	November 23, 1993	Do	Do
Drug Experience Reporting by Veterinarians (Guide No. 1240.3514)	May 7, 1997	Do	Do
Adverse Reactions as a Basis for Regulatory Action (Guide No. 1240.3520)	November 23, 1993	Do	Do
Animal Health Hazard Evaluation Committee (Guide No. 1240.3521)	March 28, 1986	Do	Do
Review and Evaluation of Drug Experience Reports (Guide No. 1240.3522)	November 23, 1993	Do	Do
Criteria for Veterinary Medical Review of Establishment Inspection Reports (Guide No. 1240.3524)	November 23, 1993	Do	Do
Procedures for Processing Drug Experience Reports (Guide No. 1240.3530)	November 23, 1993	Do	Do
Consumer Complaint Letters (Guide No. 1240.3532)	September 6, 1989	Do	Do
NADAs, Withdrawal of Approvals (Guide No. 1240.3540)	November 23, 1993	Do	Do
Implementation of Causal Reviews (Guide No. 1240.3542)	November 23, 1993	Do	Do
Surveillance at Professional and Trade Meetings (Guide No. 1240.3550)	November 23, 1993	Do	Do
Registration of Producers of Drugs and Listing Of Drugs in Commercial Distribution (Guide No. 1240.3560)	September 9, 1997	Do	Do
Types of Enforcement Activities (Guide No. 1240.3600)	September 9, 1997	Do	Do
Types of Regulatory Actions (Guide No. 1240.3601)	September 9, 1997	Do	Do
Regulating Animal Foods with Drug Claims (Guide No. 1240.3605)	September 9, 1997	Do	Do
Request for CGMP Establishment Inspections (Guide No. 1240.3620)	September 9, 1997	Do	Do
Good Manufacturing Practice Compliance Status (Guide No. 1240.3622)	September 9, 1997	Do	Do
Tissue Residue Reporting (Guide No. 1240.3630)	September 9, 1997	Do	Do
Diversion of Unfit Food to Animal Use (Guide No. 1240.3650)	September 9, 1997	Do	Do
Development of Compliance Policy Guides Affecting Veterinary Products (Guide No. 1240.3660)	September 9, 1997	Do	Do
Preparation of Compliance Programs and Program Circulars (Guide No. 1240.3661)	September 9, 1997	Do	Do
Management of Formal Evidentiary Hearings (Guide No. 1240.3670)	September 9, 1997	Do	Do
Center for Veterinary Medicine Research Activities (Guide No. 1240.3700)	November 3, 1993	Do	Do
Initiation and Approval of Research Projects (Guide No. 1240.3710)	November 3, 1993	Do	Do
Identification/Promotion of NADA Product Approval (Guide No. 1240.4000)	September 10, 1997	Do	Do
Procedure for Center Recommended Labeling Changes (Guide No. 1240.4005)	September 10, 1997	Do	Do
Antibacterials Labeled for Secondary Infections (Guide No. 1240.4010)	September 10, 1997	Do	Do
Uniformity in Labeling (Guide No. 1240.4020)	September 10, 1997	Do	Do
General Policies for Animal Drug Label Review (Guide No. 1240.4021)	September 10, 1997	Do	Do
Therapeutic Use Directions for Medicated Feed and Drinking Water (Guide No. 1240.4025)	September 10, 1997	Do	Do
Established Names (Guide No. 1240.4030)	September 10, 1997	Do	Do
Clinical Investigator Sanctions & the Videotex Method of Obtaining Information on Ineligible Investigators (Guide No. 1240.4040)	September 10, 1997	Do	Do
Criteria for the Approval of Euthanasia Products (Guide No. 1240.4112)	January 5, 1987	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Sterility of Ophthalmic Products (Guide No. 1240.4120)	December 7, 1993	Do	Do
Sterility and Pyrogen Requirements for Injectable Drug Products (Guide No. 1240.4122)	November 27, 1989	Do	Do
Overformulation in Animal Drug Products (Guide No. 1240.4130)	January 2, 1992	Do	Do
Continuous Use Production Drugs & Short-Term Therapeutic Treatments in Feeds (Guide No. 1240.4145)	April 16, 1990	Do	Do
Ownership Transfer or Corporate Identity Change of an Application (Guide No. 1240.4150)	January 2, 1992	Do	Do
Policy on Sterilization of New Animal Drug Products and Containers by Irradiation (Guide No. 1240.4160)	September 10, 1997	Do	Do
CVM Medically Necessary Veterinary Drug Product Shortage Management (Guide No. 1240.4170)	June 30, 1994	Do	Do
Drug Use in Aquaculture Enforcement Priorities (Guide No. 1240.4200)	October 29, 1997	Do	Do
Extra-label Use of Approved Drugs in Aquaculture (Guide No. 1240.4210)	October 29, 1997	Do	Do
Drug-Pesticide Issues (Guide No. 1240.4220)	October 29, 1997	Do	Do
Regulation of Fish Identification Products (Guide No. 1240.4230)	October 29, 1997	Do	Do
Safe Levels of Unapproved Drugs in Aquaculture (Guide No. 1240.4240)	October 29, 1997	Do	Do
Classification of Aquaculture Species/Population as Food or Non-Food (Guide No. 1240.4260)	October 29, 1997	Do	Do
Use of Drugs in Outdoor Aquatic Research Facilities (Guide No. 1240.4270)	October 29, 1997	Do	Do
Generic Animal Drug and Patent Term Restoration Act (GADPTRA) Policy Letter 1.—Describes patent and exclusivity information to be submitted to FDA by holders of approved NADAs and NADA applicants	November 23, 1988	Animal drug industry	Communications Staff (HFV–12), FDA/CVM, 7500 Standish Pl., Rockville, MD 20855, 301–594–1755, FAX 301–594–1831
GADPTRA Policy Letter 2.—Describes format and content for suitability petitions, format and content for ANADAs, manufacturing requirements for ANADAs, and environmental review of generic animal drugs	June 7, 1989	Do	Do
GADPTRA Policy Letter 3.—''Exclusivity for human food safety data submitted in supplemental application,'' ''Withdrawal period for generic drugs,'' ''Substitution of an active ingredient in a combination drug or in a feed use combination,'' ''Labeling Requirements for Generic Drugs,'' ''Can a generic animal drug sponsor obtain exclusivity for an innovation approved under a supplement to an ANADA and can the pioneer drug sponsor copy the generic innovation without submitting additional data?''	July 2, 1989	Do	Do
GADPTRA Policy Letter 4.—''Actions concerning ANADAs when a pioneer drug has been withdrawn from sale,'' ''Effect of GADPTRA on approval of pre-62 drugs under the DESI program,'' ''Generic feed use combination drugs''	November 2, 1989	Do	Do
GADPTRA Policy Letter 5.—Bioequivalence Guideline	April 12, 1990	Do	Do
GADPTRA Policy Letter 6.—''Withdrawal period for generic animal drug products,'' ''Eligibiliity of a new salt or ester for a pioneer animal drug''	October 17, 1990	Do	Do
GADPTRA Policy Letter 7.—''Guidance for analytical methods for ANADAs,'' ''ANADAs, NADAs and supplemental approvals for subtherapeutic antibiotics,'' ''Hybrid applications,'' ''Waivers of In Vivo bioequivalence studies for topical products''	March 20, 1991	Do	Do
GADPTRA Policy Letter 8.—Generic copying of certain drugs that were subject to review under the Drug Efficacy Study Implementation (DESI) program	July 23,1991	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
GADPTRA Policy Letter 9.—''Policy Statement on Environmental Review of Generic Animal Drugs'' (Revision of a policy statement of the same title in Generic Policy Letter #2	June 27, 1995	Do	Do
Guide for Reporting Drug Shipment(s) for Clinical Trials in Non-Food Animals	June 19, 1992	Do	Do
Guide for Reporting The Details of Clinical Trials Using Investigational New Animal Drug(s) in Food-Producing Animals	no date	Do	Do
Aquaculture Drug Use: Answers to Commonly Asked Questions	June 1995	Do	Do Internet via http://www.cvm.fda.gov/
Guideline 3.—General Principles for Evaluating the Safety of Compounds Used in Food-Producing Animals	July 1994	Do	Do
Guideline 4.—Guidelines for Efficacy Studies for Systemic Sustained Release Sulfonamide Boluses for Cattle	no date	Do	Do
Guideline 5.—Stability Guidelines	December 1990	Do	Do
Guideline 6.—Guidelines for Submitting NADA's for Generic Drugs Reviewed by NAS/NRC	March 1976	Do	Do
Guideline 9.—Preclearance Guidelines for Production Drugs	October 1975	Do	Communications Staff
Guideline 10.—Amendment of Section II(G)(1)(b)(4) of the Preclearance Guidelines	October 1975	Do	Do Internet at http://www.cvm.fda.gov/
Guideline 13.—Guidelines for Evaluation of Effectiveness of New Animal Drugs for Use in Free-Choice Feeds (revision of Medicated Block)	January 1985	Do	Do
Guideline 14.—Guideline and Format for Reporting the Details of Clinical Trials Using An Investigational New Animal Drug in FOOD Producing Animals	no date	Do	Do
Guideline 15.—Guideline and Format for Reporting the Details of Clinical Trials Using An Investigational New Animal Drug in NON–FOOD Producing Animals	February 1977	Do	Do
Guideline 16.—FOI Summary Guideline	May 1985	Do	Do
Guideline 18.—Antibacterial Drugs in Animal Feeds: Human Health Safety Criteria	no date	Do	Do
Guideline 19.—Antibacterial Drugs in Animal Feeds: Animal Health Safety Criteria	no date	Do	Do
Guideline 20.—Antibacterial Drugs in Animal Feeds: Antibacterial Effectiveness Criteria	no date	Do	Do
Guideline 22.—Guideline Labeling of Arecoline Base Drugs Intended for Animal Use	no date	Do	Do
Guideline 23.—Medicated Free Choice Feeds—Manufacturing Control	July 1985	Do	Do
Guideline 24.——Guidelines for Drug Combinations for Use in Animals	October 1983	Do	Do
Guideline 25.—Guidelines for the Efficacy Evaluation of Equine Anthelmintics	January 1979	Do	Do
Guideline 26.—Guidelines for the Preparation of Data to Satisfy the Requirements of Section 512 of the Act Regarding Animal Safety, Effectiveness, Human Food Safety and Environmental Considerations for Minor Use of New Animal Drugs	April 1986	Do	Do
Guideline 29.—Guidelines for the Effectiveness Evaluation of Swine Anthelmintics	September 1980	Do	Do
Guideline 31.—Guidelines for the Evaluation of Bovine Anthelmintics	July 1981	Do	Do
Guideline 33.—Target Animal Safety Guidelines for New Animal Drugs	June 1989	Do	Do
Guideline 35.—Bioequivalence Guideline—Final (1996)	1996	Do	Do
Guideline 36.—Guidelines for Efficacy Evaluation of Canine/Feline Anthelmintics	July 1985	Do	Do
Guideline 37.—Guidelines for Evaluation of Effectiveness of New Animal Drugs for Use in Poultry Feed for Pigmentation	March 1984	Do	Do
Guideline 38.—Guideline for Effectiveness Evaluation of Topical/Otic Animal Drugs	August 1984	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Guideline 40.—Draft Guideline for the Evaluation of the Efficacy of Anticoccidial Drugs and Anticoccidial Drug Combinations in Poultry	April 1992	Do	Do
Guideline 41.—Draft Guideline: Formatting, Assembling, and Submitting New Animal Drug Applications	June 1992	Do	Do
Guideline 42.—Series of four guidelines entitled ''Animal Drug Manufacturing Guidelines, 1994''	1994	Do	Do
Guideline 43.—Guidance on Generic Animal Drug Products Containing Fermentation-Derived Drug Substances	October 1995	Do	Do
Guideline 45.—Guideline for Uniform Labeling of Drugs for Dairy and Beef Cattle	August 1993	Do	Do
Guideline 48.—Guidance for Industry for the Submission of Documentation for Sterilization Process Validation in Applications for Human and Veterinary Drug Products	November 1994	Do	Communications Staff
Guideline 49.—Guidance Document for Target Animal Safety and Drug Effectiveness Studies for Anti-Microbial Bovine Mastitis Products	April 1996	Do	Do
Guideline 50.—Draft Guideline for Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Teat Antiseptic Products	February 1993	Do	Do
Guideline 51.—Points to Consider Guideline—Development of a Pharmacokinetic Guideline Enabling Flexible Labeling of Therapeutic Antimicrobials	1993	Do	Do
Guideline 52.—Guidance—Microbiological Testing of Antimicrobial Drug Residues in Food	January 1996	Do	Do
Guideline 53.—Guideline for the Evaluation of the Utility of Food Additives in Diets Fed to Aquatic Animals	May 1994	Do	Do
Guideline 54.—Draft Guideline for Utility Studies for Anti-Salmonella Chemical Food Additives in Animal Feeds	June 1994	Do	Do
Guideline 55.—Supportive Data for Cat Food Labels Bearing ''Reduces Urinary pH Claims: Guideline in Protocol Development''	June 1994	Do	Do
Guideline 56.—Protocol Development Guideline for Clinical Effectiveness and Target Animal Safety Trials	November 1994	Do	Do
Guideline 57.—Master Files—Guidance for Industry for the Preparation and Submission of Veterinary Master Files	July 1995	Do	Do
Guideline 58.—Guidance for Industry for Good Target Animal Study Practices: Clinical Investigators and Monitors	May 1997	Do	Do
Guideline 59.—Guidance to Industry Submitting Notices of Claimed Investigational Exemption in Electronic Format to CVM Via E-mail	June 1997	Do	Do
Guideline 60.—Guidance for Industry Animal Proteins Prohibited From Animal Feed, Small Entity Compliance Guide	June 1997	Do	Do
Guideline 61.—Draft Guidance for Industry—FDA Approval of Animal Drugs for Minor Uses and for Minor Species	September 1997	Do	Do
Guideline 62.—Draft Guidance for Industry—Consumer-Directed Broadcast Advertisements	August 1997	Do	Do
NADA Pre-approval Inspections (No. 7368.001)	November 1, 1993	FDA investigators and analysts and regulated industry	Freedom of Information Staff (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6310, FAX 301–443–1726
Drug Process and New Animal Drug Inspections (No. 7371.001)	October 8, 1996	Do	Do
Illegal Sales of Veterinary Prescription Drugs (No. 7371.002)	August 17, 1993	Do	Do
Feed Contaminants (No. 7371.003)	November 1, 1993 (July 31, 1996—Partial Revision)	Do	Do
Medicated Feeds (No. 7371.004)	July 7, 1995	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Type A Medicated Articles (No. 7371.005)	January 1, 1992	Do	Do
Illegal Drug Residues in Meat and Poultry (No. 7371.006)	September 9, 1996	Do	Do
Imported Bulk New Animal Drugs (No. 7371.007)	October 1, 1991	Do	Do
Center for Veterinary Medicine Public Affairs Specialist Program (No. 7371.826)	May 3, 1996	Do	Do
CVM Initiates Veterinary Drug Listing Verification	February 3, 1994	Public information	Communications Staff, FDA/CVM, 7500 Standish Pl. (HFV–12), Rockville, MD 20855, 301–594–1755, FAX 301–594–1831
FDA Position on the Extra-Label Use of Fluoroquinolones	September 14, 1995	Do	Do
CVM Announces Opinion on Dipyrone Products	December 6, 1995	Do	Do
Regulation of Animal Electronic Identification Products	January 17, 1996	Do	Do
Update on Extra-Label Use of Fluoroquinolones	July 16, 1996	Do	Do Internet via http://www.cvm.fda.gov/
Caution Urged in Using Warbex	October 4, 1996	Do	Do
Revised Labeling for Some Medicated Feed Products	January 30, 1997	Do	Do
Colloidal Silver Not Approved For Treating Animals	February 12, 1997	Do	Do
CVM Policy on Competitive Exclusion Products	February 21, 1997	Do	Do
Updated Policy on the Use of Animal Electronic Identification Products in Swine	March 14, 1997	Do	Do
Human Drug Product not Equivalent to Veterinary Ceftiofur	July 16, 1997	Do	Do
FDA Requests That Ball Clay Not be Used in Animal Feeds	October 14, 1997	Do	Do

VII. Guidance Documents Issued by the Office of Policy

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
FDA's Development, Issuance and Use of Guidance Documents	February 1997	Internal FDA and regulated industry	Internet via www.fda.gov/opacom/morechoices/moreindu.html or Office of Policy 301–827–3360
Industry Supported Scientific and Educational Activities	December 1997	Regulated industry	Internet via www.fda.gov/cder/guidance/index.htm or Office of Policy 301–827–3360
Draft Guidance on Consumer Directed Broadcast Advertisements	February 1997	Do	Do
Direct Final Rule Guidance	November 1997	Internal FDA	Internet via www.fda.gov/opacom/morechoices/industry/preguide.htm or Marquita Steadman 301–443–3480
Small Entities Compliance Guide On: Regulations to Restrict the Sale and Distribution of Cigarettes and Smokeless Tobacco in Order to Protect Children and Adolescents (21 CFR Part 897)	February 1997	Regulated industry	Internet via www.fda.gov/opacom/campaigns/tobacco/tobret.htm or 1–888–FDA–4KIDS
Children and Tobacco—Frequently Asked Questions About the New Regulations-Draft Guidance	July 1997	Do	Internet via www.fda.gov/opacom/campaigns/tobacco/tobret.htm or 1–888–FDA–4KIDS
Children & Tobacco—A Retailer's Guide to the New Federal Regulations	October 1997	Do	Internet via www.fda.gov/opacom/campaigns/tobacco/tobret.htm or 1–888–FDA–4KIDS
Children & Tobacco—A Guide to the New Federal Regulations	October 1997	Do	Internet via www.fda.gov/opacom/campaigns/tobacco/tobret.htm or 1–888–FDA–4KIDS
FDA's Standards Policy	October 1995	Internal FDA and regulated industry	60 FR 53078, October 11, 1995 or Office of Policy 301–827–3360

VIII. Guidance Documents Issued by the Office of Regulatory Affairs

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Compliance Policy Guides Manual (PB96–915499)	August 1996	FDA Staff Personnel	National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161 or via Internet at www.fda.gov/ora/compliance—ref/cpg/cpgtc.html
FDA/ORA International Inspection Manual and Travel Guide	May 1997	Do	FDA, Division of Emergency and Investigational Operations (HFC–130), 5600 Fishers Lane, Rockville, MD 20857 or via Internet at www.fda.gov/ora/inspect—ref/itob/itob.html
Glossary of Computerized System and Software Development Terminology (PB96–127352)	August 1995	Do	NTIS or via Internet at www.fda.gov/ora/inspect—ref/igs/iglist.html
Import Alerts	continuously	Do	FDA, Freedom of Information Staff (HFI–35), 5600 Fishers Lane, Rockville, MD 20857, or via Internet at www.fda.gov/ora/fiars/ora—import—alerts.html
Investigations Operations Manual (PB96–913399)	May 1996	Do	NTIS or via Internet at www.fda.gov/ora/inspect—ref/iom/iomtc.html
Laboratory Procedures Manual	June 1994	Do	FDA, Division of Field Science (HFC–141), 5600 Fishers Lane, rm. 12–41, Rockville, MD 20857, ATTN: Denise I. Jones or via Internet at www.fda.gov/ora/science—ref/lpm/lpmtc.html
Regulatory Procedures Manual (PB97–196182)	August 1997	Do	NTIS or via Internet at www.fda.gov/ora/compliance—ref/rpm/rpmtc.html
Guide to Inspections of Bulk Pharmaceutical Chemicals (PB96–127154)	May 1994	Do	NTIS or via Internet at www.fda.gov/ora/inspect—ref/igs/iglist.html
Guide to Inspections of Pharmaceutical Quality Control Laboratories (PB96–127279)	July 1993	Do	Do
Guide to Inspections of Microbiological Pharmaceutical Quality Control Laboratories (PB96–127287)	July 1993	Do	Do
Guide to Inspections of Validation of Cleaning Processes (PB96–127246)	July 1993	Do	Do
Guide to Inspections of Lyophilization of Parenterals (PB96–127253)	July 1993	Do	Do
Guide to Inspections of High Purity Water Systems (PB96–127261)	July 1993	Do	Do
Guide to Inspections of Dosage Form Drug Manufacturers-CGMPs (PB96–127212)	October 1993	Do	Do
Guide to Inspections of Oral Solid Dosage Forms Pre/Post Approval Issues for Development and Validation (PB96–127345)	January 1994	Do	Do
Guide to Inspections of Topical Drug Products (PB96–127394)	July 1994	Do	Do
Guide to Inspections of Sterile Drug Substance Manufacturers (PB96–127295)	July 1994	Do	Do
Guide to Inspections of Oral Solutions and Suspensions (PB96–127147)	August 1994	Do	Do
Guide to Inspections of Nutritional Labeling and Education Act (NLEA) Requirements (PB96–127378)	February 1995	Do	Do
Guide to Inspections of Interstate Carriers and Support Facilities (PB96–127386)	April 1995	Do	Do
Guide to Inspections of Dairy Product Manufacturers (PB96–127329)	April 1995	Do	Do
Guide to Inspections of Miscellaneous Foods Vol. I (PB96–127220)	May 1995	Do	Do
Guide to Inspections of Miscellaneous Foods Vol. II (PB97–196133)	September 1996	Do	Do
Guide to Inspections of Low Acid Canned Foods Manufacturers, Part 1—Administrative Procedures/Scheduled Processes (PB97–196141)	November 1996	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Guide to Inspections of Low Acid Canned Foods Manufacturers, Part 2— Processes/Procedures (PB97–196158)	April 1997	Do	Do
Guide to Inspections of Cosmetic Product Manufacturers (PB96–127238)	February 1995	Do	Do
Guide to Inspections of Blood Banks (PB96–127303)	September 1994	Do	Do
Guide to Inspections of Source Plasma Establishments (PB96–127360)	December 1994	Do	Do
Guide to Inspections of Infectious Disease Marker Testing Facilities (PB96–199476)	June 1996	Do	Do
Biotechnology Inspections Guide (PB96–127402)	November 1991	Do	Do
Guide to Inspections of Computerized Systems in Drug Processing (PB96–127337)	February 1983	Do	Do
Guide to Inspections of Foreign Medical Device Manufacturers (PB96–127311)	September 1995	Do	Do
Guide to Inspections of Foreign Pharmaceutical Manufacturers (PB96–199468)	May 1996	Do	Do

IX. International Conference on Harmonization Guidances (CDER)

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
E1A The Extent of Population Exposure to Assess Clinical Safety: for Drugs Intended for Long-Term Treatment of Non-Life-Threatening Conditions	March 1, 1995	Do	Do
E2A Clinical Safety Data Management: Definitions and Standards for Expedited Reporting	March 1, 1995	Do	Do
E2B Data Elements for Transmission of Individual Case Safety Reports	October 1, 1996	Do	Do
E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs	May 19, 1997	Do	Do
E3 Structure and Content of Clinical Study Reports	July 17, 1996	Do	Do
E4 Dose-Response Information to Support Drug Registration	November 9, 1994	Do	Do
E5 Ethnic Factors in the Acceptability of Foreign Clinical Data	July 31, 1997	Do	Do
E6 Good Clinical Practices; Consolidated Guideline	May 9, 1997	Do	Do
E7 Studies in Support of Special Populations: Geriatrics	August 2, 1994	Do	Do
E8 General Considerations for Clinical Trials	May 30, 1997	Do	Do
E9 Statistical Principles for Clinical Trials	May 9, 1997	Do	Do
M3 Timing of Nonclinical Studies for the Conduct of Human Clinical Trials for Pharmaceuticals	May 2, 1997	Do	Do
Q1A Stability Testing of New Drug Substances and Products	September 22, 1994	Do	Do
Q2A Text on Validation of Analytical Procedures	March 1, 1995	Do	Do
Q3A Impurities in New Drug Substances	January 4, 1996	Do	Do
Q5A Biotechnological/Biological Pharmaceutical Products; Viral Safety Evaluation	May 10, 1996	Do	Do
Q6A Specifications; Test Procedures and Acceptance Criteria for New Drug Substances and New Drug Products Chemical Substances	November 25, 1997	Do	Do
Q1B Photostability Testing of New Drug Substances and Products	May 16, 1997	Do	Do
Q1C Stability Testing for New Dosage Forms	May 9, 1997	Do	Do
Q2B Validation of Analytical Procedures: Methodology	May 19,1997	Do	Do
Q3B Impurities in New Drug Products	May 19, 1997	Do	Do
Q5B Quality of Biotechnology Products: Analysis of the Expression Construct in Cells Used for Production of r-DNA Derived Protein Products	February 23, 1996	Do	Do
Q3C Impurities: Residual Solvents	May 2, 1997	Do	Do

Name of Document	Date of Issuance	Grouped by Intended User or Regulatory Activity	How to Obtain a Hard Copy of the Document (Name and Address, Phone, FAX, E-mail, or Internet)
Q5C Quality of Biotechnological Products: Stability Testing of Biotechnology/Biological Products	July 10, 1996	Do	Do
Q5D Quality of Biotechnological/Biological Products: Derivation and Characterization of Cell Substrates Used for Production of Biotechnological/Biological Products	May 2, 1997	Do	Do
S1A The Need for Long-Term Rodent Carcinogenicity Studies of Pharmaceuticals	March 1, 1996	Do	Do
S3A Toxicokinetics: The Assessment of Systemic Exposure in Toxicity Studies	March 1, 1995	Do	Do
S5A Detection of Toxicity to Reproduction for Medicinal Products	September 22, 1994	Do	Do
S1C Dose Selection for Carcinogenicity Studies of Pharmaceuticals	March 1, 1995	Do	Do
S1C (R) Carcinogenicity Studies of Pharmaceuticals: Addendum to Dose Selection	April 2, 1997	Do	Do
S2A Specific Aspects of Regulatory Genotoxicity Tests for Pharmaceuticals	April 24, 1996	Do	Do
S3B Pharmacokinetics: Guidance for Repeated Dose Tissue Distribution Studies	March 1, 1995	Do	Do
S2B Genotoxicity: Standard Battery Testing	April 3, 1997	Do	Do
S4A Duration of Chronic Toxicity Testing in Animals (Rodent and Nonrodent Toxicity)	November 18, 1997	Do	Do
S5B Detection of Toxicity to Reproduction for Medicinal Products: Addendum on Toxicity to Male Fertility	April 5, 1996	Do	Do
S6 Preclinical Testing of Biotechnology-Derived Pharmaceuticals	April 4, 1997	Do	Do

Dated: February 20, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–4916 Filed 2–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–339]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare Provider Cost Report Reimbursement Questionnaire and Supporting Regulations in 42 CFR 405.465, 405.481, 413.20, and 413.24; *Form No.:* HCFA–339 (OMB# 0938–0301); *Use:* The Medicare Provider Cost Report Reimbursement Questionnaire must be completed by all providers to assist in preparing an acceptable cost report, to ensure proper Medicare reimbursement, and to minimize subsequent contact between the provider and its fiscal intermediary; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and State, local and tribal government; *Number of Respondents:* 30,607; *Total Annual Responses:* 30,607; *Total Annual Hours:* 1,239,584.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 18, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–4865 Filed 2–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–229]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (PRA), the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, part 1320. We are requesting emergency clearance so that we can meet the requirements under the Balanced Budget Act (BBA) (section 4421(j)(2)(A)) which requires implementation of a prospective payment system with case mix groups for inpatient rehabilitation hospitals by October 1, 2000.

HCFA is requesting OMB review and approval of this collection by 03/10/98, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by 03/09/98. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Request: New collection.

Title of Information Collection: Development of an Assessment System for Post Acute Care.

Form Number: HCFA–R–229 (OMB approval #: 0938–NEW).

Use: The Minimum Data Set-Post Acute Care (MDS–PAC) will be used to establish patient case mix groups including classes of patients in the rehabilitation facility for the payment system. It will also provide data and seek input from the rehabilitation industry for HCFA to formulate policy and promulgate regulations.

Frequency: On occasion.

Affected Public: Individuals or Households, Business or other for-profit, Not-for-profit.

Number of Respondents: 10,465.

Total Annual Responses: 10,465.

Total Annual Hours Requested: 23,301.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, E-mail your request, including your address, phone number, and HCFA form number(s) referenced above, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by 03/09/98:

Health Care Financing Administration, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Room C2–26–17, 7500 Security Boulevard, Baltimore, MD 21244–1850, Fax Number: (410) 786–1415, Attn: John Rudolph HCFA–R–229,

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: February 13, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–4866 Filed 2–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–216]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Procedures for Advisory Opinions Concerning Physician Referrals and Supporting Regulations in 42 CFR 411.370 through 411.389; *Form No.:* HCFA–R–216 (OMB# 0938–0714); *Use:* Section 4314 of Public Law 105–33, in establishing section 1877(g)(6) of the Act, requires the Department to provide advisory opinions to the public regarding whether a physician's referrals for certain designated health services are prohibited under the other provisions in section 1877 of the Act. These regulations provide the procedures under which members of the public may request advisory opinions from HCFA. Because all requests for advisory opinions are purely voluntary, respondents will only be required to

provide information to us that is relevant to their individual requests; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions, Business or other for-profit, and Individuals and Households; *Number of Respondents:* 200; *Total Annual Responses:* 200; *Total Annual Hours:* 2,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 18, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–4928 Filed 2–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–102/105]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* CLIA Budget Workload Reports and Supporting Regulations in 42 CFR 493.1–.2001; *Form No.:* HCFA–102/105 (OMB# 0938–0599); *Use:* This information will be used by HCFA to determine the amount of Federal reimbursement for compliance surveys. In addition, the HCFA 102/105 is used for program evaluation, budget formulation and budget approval; *Frequency:* Quarterly and Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 2,650.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 19, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–4935 Filed 2–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–372]

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

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Annual Report on Home and Community Based Services Waivers and Supporting Regulations in 42 CFR 440.180 and 441.300–.305; *Form No.:* HCFA–372 (OMB# 0938–0272); *Use:* States request waivers in order for beneficiaries to have the option of receiving hospital services in their homes. States with an approved waiver under section 1915(c) of the Act are required to submit the HCFA–372 or HCFA–372(S) annually in order for HCFA to: (1) Verify that State assurances regarding waiver cost-neutrality are met, and (2) determine the waiver's impact on the type, amount and cost of services provided under the State plan and health and welfare of recipients; *Frequency:* Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 50; *Total Annual Responses:* 223; *Total Annual Hours:* 16,725.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone

number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 18, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–4864 Filed 2–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Opportunity for a Cooperative Research and Development Agreement (CRADA) To Develop Live Attenuated Dengue Viruses for Use as Vaccines in Humans

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) is seeking capability statements from parties interested in entering into a Cooperative Research and Development Agreement (CRADA) on a project to develop live attenuated dengue viruses for use as vaccines to prevent dengue hemorrhagic fever and dengue shock syndrome in humans. This project is part of ongoing vaccine development activities in the Laboratory of Infectious Diseases (LID), Division of Intramural Research, NIAID.

DATES: Only written CRADA capability statements which are received by the NIAID on or before March 30, 1998 will be considered.

ADDRESSES: Capability statements should be submitted to Dr. Michael R. Mowatt, Office of Technology Development, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 31 Center Drive MSC 2137, Building 31, Room 3B62, Bethesda, MD 20892–2137; Tel: 301/496–2644, Fax: 301/402–7123; Electronic mail: mmowatt@nih.gov.

SUPPLEMENTARY INFORMATION: The CRADA will employ attenuated dengue virus strains (types 1 through 4) developed in LID using recombinant DNA methodologies to (1) Identify and characterize the mutations responsible for attenuation, (2) engineer viral strains suitably attenuated for use as human vaccines, and (3) evaluate the attenuated viruses as live vaccines in animals and humans. The Public Health Service (PHS) has filed patent applications both in the U.S. and internationally related to these technologies.

The LID has extensive experience in evaluating the safety, antigenicity, immunogenicity and efficacy of various human viral pathogens and vaccines thereof both in experimental animals and human volunteers. The Collaborator in this endeavor would be required to provide and maintain at least four scientists off-site to support the CRADA Research Plan. These scientists would coordinate the production and release testing of the candidate vaccines, generate monoclonal antibodies needed for manufacture of clinical lots and for their clinical evaluation, and use molecular virologic techniques to generate attenuating mutations suitable for use in live vaccine candidates. In addition, it is expected that the Collaborator would provide funds to supplement LID's research budget for the project and would make a major funding commitment to support the safety, immunogenicity and efficacy studies for candidate vaccines developed and licensed under the CRADA.

The capability statement should include detailed descriptions of: (1) The technical expertise of the Collaborator's Principal Investigator and laboratory group in molecular virology, (2) Ability of Collaborator to manufacture at least four experimental vaccine lots per year, and (3) Ability to provide adequate and sustained funding to support the requisite vaccine safety and efficacy studies.

Dated: February 19, 1998.

Mark L. Rohrbaugh,

Director, Office of Technology Development, NIAID.

[FR Doc. 98–4880 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 National Cancer Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Polyvalent Vaccine Phase III Trial—Stage VI—Melanoma. Telephone Conference Call.

Date: March 17, 1998.

Time: 1 p.m. to Adjournment.

Place: National Cancer Institute, Executive Plaza North, Room 611C, 6130 Executive Boulevard, Bethesda, MD 20892–7403.

Contact Person: John L. Meyer, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, Executive Plaza North, Room 611C, 6130 Executive Boulevard, MSC 7403, Bethesda, MD 20892–7403, Telephone: 301/496–7721.

Purpose/Agenda: To review, discuss and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4869 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2) notice is hereby given of the advisory committee meetings listed below of the National Cancer Institute (NCI).

The meetings will be open to the public as indicated below, with attendance by the public limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Linda Quick-Cameron, Committee Management Officer, at (301) 496–5708, in advance of the meetings.

A portion of the meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B), Title 5 U.S.C., and section 10(d) of the FACA, for the review, discussion and evaluation of individual programs and for discussion of issues pertaining to programmatic areas and/or NCI personnel. These discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning the individuals associated with the programs, including consideration of personnel qualifications and performances, the competence of individual investigators and similar matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy and premature disclosure of recommendations which would likely significantly frustrate the subsequent implementation of recommendations.

The Committee Management Office, National Cancer Institute, National Institutes of Health, Executive Plaza North, Room 609, 6130 Executive Boulevard, MSC 7410, Rockville, Maryland 20892–7410, (301) 496–5708, will provide summaries of the meetings and rosters of the committee members, upon request.

Name of Committee: Advisory Committee to the Director, National Cancer Institute.

Contact Person: Susan J. Waldrop, Executive Secretary, National Cancer Institute, NIH, Federal Building, Room 312, Bethesda, MD 20892, (301) 496–1458.

Date of Meeting: March 1, 1998.

Place of Meeting: Hyatt Regency—Bethesda, One Bethesda Metro Center, Congressional Room, Bethesda, MD 20814.

Open: 7 p.m. to Adjournment.

Agenda: To update the Committee on the activities of the NCI Working Groups and on the groups reporting to the Advisory Committee to the Director, NCI.

Committee Name: Joint Meeting—National Cancer Institute Board of Scientific Advisors and Board of Scientific Counselors, National Cancer Institute.

Date: March 2, 1998.

Place: Building 31C, 6th Floor, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: 8 a.m. to 9:20 a.m.

Agenda: Report of the Director, NCI.

Contact Person: Paulette S. Gray, Ph.D., Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600, 6130 Executive Blvd., MSC 7405, Bethesda, 20892–7405, (301) 496–4218.

Committee Name: National Cancer Institute Board of Scientific Advisors.

Date: March 2–3, 1998.

Place: Building 31C, 6th Floor, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: March 2–9:30 a.m. to Recess; March 3–8 a.m. to Adjournment.

Agenda: RFA Concept Reviews, Report of the Deputy Director for Extramural Science, Status Reports of Implementing Program, Review Group(s) Recommendations, Budget Presentation and Status Reports from the Extramural Divisions.

Contact Person: Paulette S. Gray, Ph.D., Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600, 6130 Executive Blvd., MSC 7405, Bethesda, MD 20892–7405, (301) 496–4218.

Committee Name: Joint Meeting—Board of Scientific Counselors, National Cancer Institute, Clinical Sciences and Epidemiology—Subcommittee A, Basic Sciences—Subcommittee B.

Date: March 2, 1998.

Place: Building 31C, 6th Floor, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 9:20 a.m.–10:15 a.m.

Agenda: Discussion of Intramural Review Issues.

Contact Person: Florence Farber, Ph.D., Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 643G, 6130 Executive Blvd., MSC 7410, Bethesda, MD 20892–7410, (301) 496–2378.

Committee Name: Board of Scientific Counselors, National Cancer Institute, Clinical Sciences and Epidemiology—Subcommittee A.

Date: March 2, 1998.

Place: Building 31C, 6th Floor, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 10:30 a.m. to Adjournment.

Agenda: To discuss administrative confidential matters pertaining to the Division of Clinical Sciences and the Division of Cancer Epidemiology and Genetics.

Contact Person: Judy Mietz, Ph.D., Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600, 6130 Executive Blvd., MCS 7410, Bethesda, MD 20892–7410, (301) 496–2378.

Committee Name: Board of Scientific Counselors, National Cancer Institute Basic Sciences—Subcommittee B.

Date: March 2, 1998.

Place: Building 31C, 6th Floor, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 10:30 a.m. to Adjournment.

Agenda: To discuss administrative confidential matters and site visit reports pertaining to the laboratories in the Division of Basic Sciences.

Contact Person: Florence Farber, Ph.D., Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 643G, 6130 Executive Blvd., MSC 7410, Bethesda, MD 20892–7410, (301) 496–2378.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: February 17, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Heath.

[FR Doc. 98–4881 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 National Center for Research Resources Special Emphasis Panel (SEP) meeting:

Name of SEP: Comparative Medicine.

Date: March 9–10, 1998.

Time: March 9, 7–9 p.m.; March 10, 1–3 p.m.

Place: Clarion Hotel and Conference Center, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, (405) 528–2741.

Contact Person: Dr. Bela J. Gulyas, Scientific Review Administrator, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0811.

Purpose/Agenda: To evaluate and review grant applications.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.306, Laboratory Animal Science and Primate Research, National Institutes of Health, HHS)

Dated: February 18, 1998.

LaVeen M. Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4876 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Sleep Disorders Research Advisory Board, National Heart, Lung, and Blood Institute, March 11, 1998, which was published in the **Federal Register** on February 9, 1998 (63 FR 6575).

In accordance with provisions set forth in section 552(c)(6) of Title 5 U.S.C. and section 10(d) of Pub. L. 92–463, a portion of this meeting will be closed to the public from approximately 3:45 p.m. to adjournment for the discussion of personnel qualifications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4872 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of 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 National Heart, Lung, and Blood Institute Special Emphasis Panel (SEP) meetings:

Name of SEP: PDay Cardiovascular Specimen and Data Library (R24), (Telephone Conference Call).

Date: March 16, 1998.

Time: 1 p.m.

Place: 6701 Rockledge Drive, Room 7214, Bethesda, Maryland 20892.

Contact Person: Joyce A. Hunter, Ph.D., Two Rockledge Center, Room 7192, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0287.

Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: Pediatric Cardiovascular Disease SCOR.

Date: May 18–19, 1998.

Time: 8 a.m.

Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910–3763.

Contact Person: Deborah Beebe, Ph.D., Two Rockledge Center, Room 7178, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0270.

Purpose/Agenda: To review and evaluate grant applications.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 19, 1998.

LaVeen M. Ponds,

Policy Analyst, National Institutes of Health, Committee Management Officer.

[FR Doc. 98–4877 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: The Use of Dual Methods of Protection From Pregnancy and STD/HIV.

Date: April 9–10, 1998.

Time: April 9—6 p.m.–10 p.m.; April 10—8 a.m.–adjournment.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Hameed Khan, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301–496–1485.

Purpose/Agenda: To evaluate and review research grant applications.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussion of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institutes of Health, HHS)

Dated: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4870 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: April 2, 1998.

Time: 7:30 a.m.–5 p.m.

Place: Double Tree Hotel Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Richard S. Fisher, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, Bethesda MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: February 18, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4874 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code

Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: March 25, 1998.

Time: 9 a.m. to adjournment.

Place: Holiday Inn, Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: George M. Barnas, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, Bethesda MD 20892–7180, 301–496–8693.

Purpose/Agenda: To review and evaluate three contract proposals.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: February 18, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4875 Filed 2–25–98; 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 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 of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 19, 1998.

Time: 3 p.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 25, 1998.

Time: 10 a.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 6–April 7, 1998.

Time: 8:30 a.m.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Donna Ricketts, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–3936.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4878 Filed 2–25–98; 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 of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: February 27, 1998.

Time: 8:30 a.m.

Place: One Washington Circle, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Jean G. Noronha, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–6470.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 18, 1998.

LaVeen M. Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4879 Filed 2–25–98; 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 of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 2, 1998.

Time: 4 p.m.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Gloria B. Levin, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–1340.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 17, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4882 Filed 2–25–98; 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 Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: March 3, 1998.
Time: 2 p.m.
Place: NIH, Rockledge 2, Room 4144, Telephone Conference.
Contact Person: Dr. Syed Quadri, Scientific Review Administrator, 6701 Rockledge Drive, Room 4144, Bethesda, Maryland 20892, (301) 435–1211.

Name of SEP: Multidisciplinary Sciences.
Date: March 12, 1998.
Time: 2:30 p.m.
Place: NIH, Rockledge 2, Room 5116, Telephone Conference.
Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5116, Bethesda, Maryland 20892, (301) 435–1171.

Name of SEP: Clinical Sciences.
Date: March 13, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4208, Telephone Conference.
Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 4208, Bethesda, Maryland 20892, (301) 435–1173.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 16, 1998.
Time: 8:30 p.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Bruce Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 5108, Bethesda, Maryland 20892, (301) 435–1167.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.
Date: March 20, 1998.
Time: 1 p.m.
Place: Holiday Inn-National Airport, Crystal City, VA.
Contact Person: Dr. Everett Sinnett, Scientific Review Administrator, 6701 Rockledge Drive, Room 4120, Bethesda, Maryland 20892, (301) 435–1016.

Name of SEP: Behavioral and Neurosciences.
Date: March 27, 1998.
Time: 8:30 a.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Joseph Kimm, Scientific Review Administrator, 6701 Rockledge Drive, Room 5178, Bethesda, Maryland 20892, (301) 435–1249.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 27, 1998.
Time: 8 a.m.
Place: American Inn, Bethesda, MD.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 5106, Bethesda, Maryland 20892, (301) 435–1166.

Name of SEP: Multidisciplinary Sciences.
Date: March 29–31, 1998.
Time: 7 p.m.
Place: Marriott Courtyard, Dallas, TX.
Contact Person: Dr. Nadarajen Vydelingum, Scientific Review Administrator, 6701 Rockledge Drive, Room 5210, Bethesda, Maryland 20892, (301) 435–1176.

Name of SEP: Biological and Physiological Sciences.
Date: April 2–3, 1998.
Time: 8:30 a.m.
Place: Holiday Inn, Bethesda, MD.
Contact Person: Dr. Mushtaq Khan, Scientific Review Administrator, 6701 Rockledge Drive, Room 4124, Bethesda, Maryland 20892, (301) 435–1778.

Name of SEP: Microbiological and Immunological Sciences.
Date: April 13, 1998.
Time: 1:30 p.m.
Place: NIH, Rockledge 2, Room 4182, Telephone Conference.
Contact Person: Dr. William Branche, Scientific Review Administrator, 6701 Rockledge Drive, Room 4182, Bethesda, Maryland 20892, (301) 435–1148.

Name of SEP: Chemistry and Related Sciences.
Date: April 20–22, 1998.
Time: 4 p.m.
Place: Four Points Hotel, Pleasaton, CA.
Contact Person: Dr. Ronald Manning, Scientific Review Administrator, 6701 Rockledge Drive, Room 4158, Bethesda, Maryland 20892, (301) 435–1723.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Microbiological and Immunological Sciences.
Date: March 5, 1998.
Time: 8:30 a.m.
Place: Hilton Resorts, Palm Springs, CA.
Contact Person: Dr. Bruce Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 5108, Bethesda, Maryland 20892, (301) 435–1167.

Name of SEP: Clinical Sciences.
Date: March 10–11, 1998.
Time: 2 p.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Shirley Hilden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4218, Bethesda, Maryland 20892, (301) 435–1198.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 13, 1998.
Time: 8:30 a.m.
Place: Olympia Park Hotel, Park City, UT.
Contact Person: Dr. Mohindar Poonian, Scientific Review Administrator, 6701 Rockledge Drive, Room 5110, Bethesda, Maryland 20892, (301) 435–1168.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 26–27, 1998.
Time: 8:30 a.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Biological and Physiological Sciences.
Date: March 30, 1998.
Time: 8 a.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Abubakar Shaikh, Scientific Review Administrator, 6701 Rockledge Drive, Room 6166, Bethesda, Maryland 20892, (301) 435–1042.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 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: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4871 Filed 2–25–98; 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 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 that is being held to review grant applications:

Health Promotion and Disease Prevention Initial Review Group

Study section/contact person	Mar. 1998 meeting	Time	Location
Epidemiology & Disease Control–1, Dr. Scott Osborne, 301–435–1782.	Mar. 23–25	8:30 a.m	Ramada Inn, Bethesda, MD.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 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: February 19, 1998.

LaVeen Ponds,

Acting Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4873 Filed 2–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 1998 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP) and Center for Substance Abuse Treatment (CSAT) announce the availability of FY 1998 funds for grants and cooperative agreements for the following activities. These activities are discussed in more detail under Section 4 of this notice. This notice is not a complete description of the activities; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA) before preparing an application.

Activity	Application deadline	Estimated funds available (millions)	Estimated number of awards	Project period (years)
SAMHSA Conference Grants	05/11/98	$1.25	25	1
HIV/AIDS Cost Study	05/11/98	6.0	8	5

Note: SAMHSA also published notices of available funding opportunities in FY 1998 in the **Federal Register** (Vol. 63 , No. 3) on January 6, 1998 and (Vol. 63, No. 12) on January 20, 1998.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the volume and quality of applications. Awards are usually made for grant periods from one to three years in duration. FY 1998 funds for activities discussed in this announcement were appropriated by the Congress under Public Law No. 105–78. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

General Instructions Applicants must use application form PHS 5161–1 (Rev. 5/96; OMB No. 0937–0189). The application kit contains the GFA (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for each activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of each of the activities (i.e., the GFA) described in Section 4 are available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission: Unless otherwise stated in the GFA, applications must be submitted to: SAMHSA Programs, Center for Scientific Review, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710.*

(*Applicants who wish to use express mail or courier service should change the zip code to 20817.)

Application Deadlines: The deadlines for receipt of applications are listed in the table above. Please note that the deadlines may differ for the individual activities.

Competing applications must be received by the indicated receipt dates to be accepted for review. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an

address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for each activity covered by this notice (see Section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for each activity covered by this notice (see Section 4).

SUPPLEMENTARY INFORMATION: To facilitate the use of this Notice of Funding Availability, information has been organized as outlined in the Table of Contents below. For each activity, the following information is provided:

- Application Deadline.
- Purpose.
- Priorities.
- Eligible Applicants.
- Grants/Cooperative Agreements/Amounts.
- Catalog of Federal Domestic Assistance Number.
- Contacts.
- Application Kits.

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5. Public Health System Reporting Requirements
6. PHS Non-use of Tobacco Policy Statement
7. Executive Order 12372

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

SAMHSA's FY 1998 Knowledge Development and Application (KD&A) agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 1998 KD&A programs will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and in its question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, preparation of special materials will be used, in addition to normal communications means.

SAMHSA also continues to fund legislatively-mandated services programs for which funds are appropriated.

2. Special Concerns

SAMHSA's legislatively-mandated services programs do provide funds for mental health and/or substance abuse treatment and prevention services. However, SAMHSA's KD&A activities do not provide funds for mental health and/or substance abuse treatment and prevention services except sometimes for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development and application projects. Applications seeking funding for services projects under a KD&A activity will be considered nonresponsive.

Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

Consistent with the statutory mandate for SAMHSA to support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs, competing applications requesting funding under the specific project activities in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures.

3.1 General Review Criteria

As published in the **Federal Register** on July 2, 1993 (Vol. 58, No. 126), SAMHSA's ''Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals,'' peer review groups will take into account, among other factors as may be specified in the application guidance materials, the following general criteria:

- Potential significance of the proposed project;
- Appropriateness of the applicant's proposed objectives to the goals of the specific program;
- Adequacy and appropriateness of the proposed approach and activities;
- Adequacy of available resources, such as facilities and equipment;
- Qualifications and experience of the applicant organization, the project director, and other key personnel; and
- Reasonableness of the proposed budget.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council (if applicable) review process.

Other funding criteria will include:

- Availability of funds.

Additional funding criteria specific to the programmatic activity may be

included in the application guidance materials.

4. Special FY 1998 Mental Health Activities

4.1 Grants

4.1.1 Substance Abuse and Mental Health Services Administration Knowledge Dissemination Conference Grants (SAMHSA Conference Grants—PA No. PA 98–090)

• Initial Application Deadline: May 11, 1998 (and depending on the availability of funds, annual receipts dates of September 10, January 10, and May 10 thereafter).

• Purpose: SAMHSA's Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP), and Center for Substance Abuse Treatment (CSAT) will provide support for up to 75 percent (to a maximum of $50,000) of the total direct costs of domestic conferences for the purpose of knowledge synthesis and dissemination. The goal of SAMHSA's knowledge synthesis and dissemination activities is to improve the quality of the Nation's substance abuse and mental health treatment and prevention services and systems. Conferences supported will involve coordinating, exchanging and dissemination knowledge to improve the provision of effective treatment, recovery, early intervention, and prevention services for individuals who suffer from, or are at risk for, problems related to mental illness and/or substance abuse.

Each of the SAMHSA Centers maintains responsibility for its respective areas of expertise—substance abuse prevention, substance abuse treatment, and treatment and prevention of mental illness. However, many of the topics that the Conference Grant Program solicits are of a cross-cutting nature, such as HIV/AIDS, workplace issues, managed care, co-occurring disorders and special populations. Accordingly, each of the Centers is interested in synthesizing and disseminating conference findings with the broadest application for these fields. To ensure against duplication of effort or funding, when the subject of an application is of interest to more than one Center, SAMHSA program staff will communicate to determine which Center will take lead authority for the grant.

Each conference is expected to yield a product (report or publication) of specific relevance to the particular Center's mission at the national, State or community level. Since the purpose is knowledge synthesis and dissemination, applying for support under this program requires both disseminating treatment/prevention knowledge to conference participants and, once the conference is over, sharing that knowledge with wider audiences.

• Priorities: None.

• *Eligible Applicants:* Applications may be submitted by public and domestic private nonprofit and for-profit entities. An individual is not eligible to receive grant support for a conference.

• *Grants/Amounts:* It is estimated that approximately $250,000 from CMHS, $500,000 from CSAP, and $500,000 from CSAT will be available to support awards under this program in FY 1998. Actual funding levels for future years will depend upon annual appropriations.

• *Catalog of Federal Domestic Assistance Number:* 93.218.

• *Program Contact:* For programmatic or technical assistance contact:

Teddi Fine, M.A., Office of the Director, Center for Mental Health Services, Parklawn Building, Room 15–99, Tele: (301) 443–0553; Fax: (301) 443–1563; E-mail: tfine@samhsa.gov

Terri Stover, Division of Prevention Application and Education, Center for Substance Abuse Prevention, Rockwall II Building, Suite 800, Tele: (301) 443–0378; Fax: (301) 443–5592; E-mail: tstover@samhsa.gov

Roberta Messalle, Office of Scientific Evaluation, Analysis, and Synthesis Center for Substance Abuse Treatment, Rockwall II Building, Room 8A123, Tele: (301) 443–4080; Fax (301) 480–3144; E-mail: rmessall@ngmsmtp.samhsa.gov

• For grants management assistance, contact: Peggy Jones, Grants Management Specialist, Division of Grants Management, OPS, Rockwall II Building, Suite 630, (301) 443–9666.

The complete mailing address for the four individuals listed above is: Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

• Application Kits: Application kits are available from: Center for Mental Health Services, Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, D.C. 20015, Tele: (800) 789–2647

or

• National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Tele: (800) 729–6686; TDD: (800) 487–4889.

4.2 Cooperative Agreements

A major activity for a SAMHSA cooperative agreement program is discussed below. Substantive Federal programmatic involvement is required in cooperative agreement programs. Federal involvement will include planning, guidance, coordination, and participating in programmatic activities (e.g., participation in publication of findings and on steering committees). Periodic meetings, conferences and/or communications with the award recipients may be held to review mutually agreed-upon goals and objectives and to assess progress. Additional details on the degree of Federal programmatic involvement will be included in the application guidance materials.

4.2.1 Cooperative Agreements for an HIV/AIDS Treatment Adherence, Health Outcomes, and Cost Study (Short Title: HIV/AIDS Cost Study—GFA No. SM 98–007)

• *Application Deadline:* May 11, 1998.

• *Purpose:* This is a collaborative program among the following components of the Department of Health and Human Services (DHHS): the Center for Mental Health Services (CMHS) within the Substance Abuse and Mental Health Services Administration (SAMHSA), the HIV/AIDS Bureau (HAB) within the Health Resources and Services Administration (HRSA), the National Institute of Mental Health (NIMH) and the National Institute on Drug Abuse (NIDA) within the National Institutes of Health (NIH).

The purpose of this program is to determine the effectiveness of treatment adherence models, health outcomes, and costs associated with the provision of integrated mental health, substance abuse, and HIV/AIDS primary care services for individuals 14 years and older living with HIV/AIDS who have both a mental and a substance abuse disorder. It is also the intent of this cooperative agreement program to advance scientific knowledge about the effectiveness of mental health, substance abuse, and HIV/AIDS primary care treatment for individuals with HIV/AIDS as it is typically practiced by conducting analyses addressing a wide range of questions of scientific and policy relevance.

Each study site applicant will be expected to implement an intervention model that integrates mental health, substance abuse, and HIV/AIDS primary care treatment, not outreach or engagement, for their target population of individuals living with HIV/AIDS who have both a mental and a substance abuse disorder. Study site applicants should propose studies to investigate well-conceptualized questions. It is

expected that these studies will utilize the most rigorous methodology consistent with the purposes of these studies.

Applications are being solicited for up to seven study sites and a Coordinating Center to provide programmatic and evaluation technical assistance to the study sites.

• *Priorities:* None.

• *Eligible Applicants:* The study sites and Coordinating Center applicants should be public or domestic private non-profit entities, including community-based organizations, units of State or local governments, tribes, universities or for-profit organizations. While not required in order to submit an application, it is expected that applicants will have expertise in large-scale multisite demonstration studies.

Note: Separate applications are being solicited for study sites and a Coordinating Center to participate in this collaborative study. If an institution chooses to apply for multiple awards, there should be no overlap in research/evaluation and support personnel.

• *Cooperative Agreement/Amounts:* It is estimated that up to $6 million (total costs, i.e., direct and indirect costs) will be available to support up to seven study site awards and one Coordinating Center under this GFA in FY 1998. The amount of grant funds used by study sites for mental health and/or substance abuse services cannot exceed one third of the total budget (direct and indirect costs).

• *Catalog of Federal Domestic Assistance:* 93.230.

• *Program Contact:* For programmatic or technical assistance (not for application kits), contact: Elaine Dennis, Senior Health Policy Analyst, Office of the Associate Director for Medical Affairs, Center for Mental Health Services, Substance Abuse and Mental Health Services, Administration, Parklawn Building, Room 15–81, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–7817.

• For grants management assistance, contact: Stephen Hudak, Grants Management Specialist, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 15C–05, 5600 Fishers Lane, (301) 443–4456.

• *Application Kits:* Application kits are available from: Center for Mental Health Services, Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, D.C. 20015, Voice: (800) 789–2647, TTY: (301) 443–9006, FAX: (301) 984–8796.

The full text of the GFA is available electronically via the Center for Mental Health Services Knowledge Exchange Network (KEN) on www.mentalhealth.org, voice line 800–789–2647, or Electronic Bulletin Board 800–790–2647 (please reference GFA No. SM 98–007).

5. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 1998 activity described above is/is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

7. Executive Order 12372

Applications submitted in response to all FY 1998 activities listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Office of Extramural Activities Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: February 22, 1998.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 98–4965 Filed 2–25–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA); Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel II in March 1998.

A summary of the meeting may be obtained from: Ms. Dee Herman, Committee Management Liaison, SAMHSA, Office of Program Planning and Coordination (OPPC), Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: (301) 443–7390.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meeting will include the review, discussion and evaluation of individual contract proposals. These discussions could reveal personal information concerning individuals associated with

the proposals and confidential and financial information about an individual's proposal. The discussion may also reveal information about procurement activities exempt from disclosure by statute and trade secrets and commercial or financial information obtained from a person and privileged and confidential. Accordingly, the meeting is concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c)(3), (4), and (6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel II.

Meeting Date: March 16–18, 1998.

Place: Residence Inn, Calvert Room, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 16–17, 1998, 9:00 a.m.–5:00 p.m.; March 18, 1998, 9:00 a.m.–adjournment.

Contact: Michael S. Backenheimer, Ph.D., Room 17–89, Parklawn Building, Telephone: (301) 443–4783 and FAX: (301) 443–3437.

Dated: February 20, 1998.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 98–4849 Filed 2–25–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel II in March 1998.

A summary of the meeting may be obtained from: Ms. Dee Herman, Committee Management Liaison, SAMHSA, Office of Program Planning and Coordination (OPPC), Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. *Telephone:* (301) 443–7390.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meeting will include the review, discussion and evaluation of individual contract proposals. These discussions could reveal personal information concerning individuals associated with the proposals and confidential and financial information about an individual's proposal. The discussion may also reveal information about procurement activities exempt from disclosure by statute and trade secrets and commercial or financial information obtained from a person and privileged and confidential. Accordingly, the meeting is concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c)(3), (4), and (6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel II

Meeting Date: March 2, 1998

Place: Rockwall II Building 9th Floor, Conference Room #2 5515 Security Boulevard Rockville, MD 20852

Closed: March 2, 1998 9:30 a.m.—Adjournment

Contact: George Lewis, Room 17–89, Parklawn Building, Telephone: (301) 443–3042 and FAX: (301) 443–3437.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: February 20, 1998.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 98–4919 Filed 2–25–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent to Revise and Combine the Alaska Peninsula/Becharof National Wildlife Refuge Complex Comprehensive Conservation Plans and to Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior

ACTION: Notice and solicitation of comments.

SUMMARY: The U.S. Fish and Service (Service) intends to revise and combine the comprehensive conservation plans (comprehensive plans) for the Alaska Peninsula and Becharof National Wildlife Refuges, Alaska. The Service furnishes this notice in compliance with the National Environmental Policy Act (NEPA) and its implementing regulations to advise agencies and the public of its intentions, and to obtain suggestions and information regarding the scope of issues to be addressed in the revised comprehensive management plan and its accompanying environmental impact statement. The outdated plans need to be revised to respond to changed laws, regulations, and circumstances. A revised plan covering the entire refuge complex will enable the Service to better manage the Refuge and will reduce the general management direction to one document from the 12 documents covering the topics today.

DATES: Comments should be received no later than June 1, 1998.

ADDRESSES: Address comments to Bob Steven, Refuge Planning Office, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503, telephone (907) 786–3499; fax (907) 786–3965.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Helen Clough, Refuge Planning, at (907) 586–7240 ext. 239, fax (907) 586–9391.

SUPPLEMENTARY INFORMATION:

The Alaska National Interest Lands Conservation Act (NILCA) (16 U.S.C. 3101 et seq.) was signed into law on December 2, 1980. The broad purpose of this law is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 303 of ANILCA established Alaska Peninsula and Becharof National Wildlife Refuges. ANILCA states that the purposes for which Alaska Peninsula and Becharof Refuges were established and shall be managed include: to conserve fish and wildlife populations and habitats in their natural diversity; to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; to provide the opportunity for continued subsistence uses by local residents; and to ensure water quality and necessary water quantity within the refuge.

The Alaska Peninsula comprehensive plan was completed in 1987. The Becharof comprehensive plan was completed in 1985. In 1988, draft and final supplemental environmental impact statements and records of decision were prepared for the Alaska Peninsula and Becharof comprehensive plans addressing their wilderness reviews.

In 1987, the Service decided to manage the Ugashik and Chignik units of Alaska Peninsula Refuge, the 5,800 acre Seal Cape area of Alaska Maritime Refuge, and Becharof Refuge as a ''complex.'' These units share a contiguous boundary and common resources and resource issues. A public use management plan was prepared for the refuge complex and approved in 1994. All together, there are 12 documents that comprise the comprehensive plan for the refuge complex. The Pavlof Unit of the Alaska Peninsula Refuge is managed as part of the Izembek National Wildlife Refuge Complex and changes to its management will be addressed when that plan is revised.

Section 304(g) of ANILCA states that comprehensive conservation plans shall

be prepared and ''from time to time'' revised for each refuge. Before plans are prepared the following shall be identified and described: the populations and habitats of the fish and wildlife resources of the refuge; the special values of the refuge, as well as any other archaeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge; areas of the refuge that are suitable for use as administrative sites or visitor facilities, or for visitor services; present and potential requirements for access; and significant problems which may adversely affect the populations and habitats of fish and wildlife. Plans shall: designate areas within the refuge according to their respective resources and values; specify programs for conserving fish and wildlife and maintaining the special values of the refuge; specify uses which may be compatible with the major purposes of the refuge; and identify opportunities to be provided for fish and wildlife-oriented recreation, ecological research, environmental education and interpretation of refuge resources and values, if they are compatible with the purposes of the refuge.

In preparing and revising plans consultation is required with appropriate State agencies and Native corporations and public hearing are to be held at ''locations as may be appropriate to insure that residents of local villages and political subdivisions of the State which will be primarily affected by the administration of the refuge concerned have opportunity to present their views with respect to the plan or revisions.'' Before adopting a plan, public notice in the **Federal Register** and an opportunity for public views and comment was required.

The plans state that every three to five years the Service will review public comments, local and state government recommendations, staff recommendations, and research studies to determine if revisions to the plan are necessary. If major changes are proposed, public meetings may be held, or new environmental assessment/environmental impact statements may be necessary. Full review and updating of the plans will occur every 15 to 20 years, more often if necessary.

In 1996 the Service began reviewing the numerous documents that comprise the comprehensive plan for the complex to determine if the ''plan'' should be revised. A number of discrepancies between the two plans were noted including: (1) Conflicting management direction (where one plan allows an activity in a management category and the other plan does not); (2) topics are not addressed by both plans (one plan has management direction for a topic and the other plan does not mention the topic); and (3) format inconsistencies (in some cases the management direction is organized so differently that it is almost impossible to accurately compare). Much of the management direction in the plans is out of date due to changes in laws, regulations, and circumstances (e.g. federal management of subsistence hunting on Alaska refuges which began in 1991). Therefore, the Service decided to revise the plans and prepare one revised comprehensive conservation plan for the refuge complex.

This notice formally begins the revision of the comprehensive plan for the Alaska Peninsula/Becharof National Wildlife Refuge Complex. In addition to soliciting public comments through this notice, public comments on issues to be addressed in the revision will be solicited through a newsletter to be mailed to approximately 6,000 individuals and organizations on the mailing list. The comprehensive plan revision will be one agenda topic during a series of community meetings to be held in Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Naknek, Perryville, Pilot Point, Port Heiden, and South Naknek in March and April 1998. Once issues are identified, the Service will identify options to address the issues and prepare a draft comprehensive plan and draft environmental impact statement. This document is scheduled to be released for public review in the fall of 1999. After public review and comment on the draft plan and environmental impact statement, including public hearings, a final plan and environmental impact statement will be prepared and released.

Electronic Access

Interested persons may submit comments and data by electronic mail (E-mail) to: Bob__Stevens@fws.gov.

Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. WordPerfect file format up to Version 6.1 is also acceptable. Additional information may be obtained electronically by contacting Helen Clough at Helen__Clough@fws.gov.

Dated: February 17, 1998.

David B. Allen,

Regional Director, Anchorage, Alaska.

[FR Doc. 98–4936 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;
2. The accuracy of the Bureau's estimate of the burden of the collection information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: User Survey for National Biological Information Infrastructure.

OMB Approval Number: New Collection.

Abstract: The U.S. Geological Survey is leading the cooperative development of the National Biological Information Infrastructure (NBII). The NBII is a distributed electronic federation of biological data and information which is available publicly on the Internet/World Wide Web (http://www.nbii.gov). Internet users from government agencies, non-government organizations, universities, and from the general public use the NBII to locate and access data and information on biological resources and resource issues. In order to better understand the requirements of NBII users and to continue to make improvements to the NBII system, both in content and in functionality, a voluntary survey will be conducted whereby ''visitors'' to the

NBII World Wide Web site will have the opportunity (optional) to provide feedback on the utility and effectiveness of the NBII operation and contents in meeting their needs.

Bureau Form Number: None.

Frequency: One time per respondent.

Description of Respondents: Individuals or households, Federal Government, State, Local, or Tribal Government, Business or other for-profit, Not-for-profit institutions.

Estimated completion time: 3 minutes per respondent (approximate).

Number of respondents: 320 per month (estimated based on an average of 1600 different visitors to the NBII World Wide Web site each month, and, of the total number of site visitors, an estimated survey response rate of 20 percent).

Burden hours: 192 hours. (Estimate of annual burden hours based on an estimated 20 percent survey response rate for an average of 1600 web site visitors per month, and an estimate of 3 minutes to complete each survey.)

Dated: February 13, 1998.

Dennis B. Fenn,

Chief Biologist.

[FR Doc. 98–4863 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Operation and Maintenance Rate Adjustment: San Carlos Irrigation Project, Arizona

ACTION: Notice of Proposed Irrigation Operation and Maintenance (O&M) Rate Adjustment.

SUMMARY: On September 17, 1997, a notice was published in the **Federal Register**, Volume 62, Number 180, Page 48882 (62 FR 48882), by the Bureau of Indian Affairs proposing to change the assessment rates for operating and maintaining the San Carlos Irrigation Project for 1998 and 1999 and subsequent years. See 62 FR 48882 for additional information concerning the proposed rate change. The notice of proposed rate adjustment provided a 30-day period for public comment. At the written request of the San Carlos Irrigation and Drainage District, a second public comment period is being provided for the proposed change in the assessment date for 1999 and subsequent years.

DATES: Interested parties may submit comments on the proposed rate adjustment. Comments must be submitted on or before March 30, 1998.

ADDRESSES: All comments concerning the proposed rate change must be in writing and addressed to: Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS–4513–MIB, Code 210, 1849 ''C'' Street, NW, Washington, D.C. 20240, Telephone (202) 208–5480.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8.1A, and memorandum dated January 25, 1994, from the Chief of Staff, Department of the Interior, to the Assistant Secretaries and heads of bureaus and offices.

Dated: February 17, 1998.

Kevin Gover,

Assistant Secretary, Indian Affairs.

[FR Doc. 98–4912 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–938–6330–01 24 1A]

Extension of Currently Approved Information Collection; OMB Approval Number: 1004–0173

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 extension of approval to collect information from those contractors who are awarded contracts under the Jobs-in-the-Woods Program. This program was created through the President's Northwest Economic Adjustment Initiative to create jobs in the timber-impacted communities of Washington State, Oregon and northern California. BLM collects this information to gauge the effectiveness of the Jobs-in-the-Woods Program in achieving its intent of employing workers displaced by severe reductions in timber harvests in the northwestern United States in recent years.

DATES: Submit comments on the proposed information collection by April 27, 1998.

ADDRESSES: Comments may be mailed to: Bureau of Land Management, Oregon State Office (OR–910), 1515 SW Th Ave., Portland, Oregon 97201, or by way of Internet to brheiner@or.blm.gov.

FOR FURTHER INFORMATION CONTACT: Robert Rheiner, Jr., (503) 952–6015.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), B.M. is required to provide 60-day notice in the **Federal Register** concerning an approved collection of information to solicit comments on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden of collecting the information, including the validity of 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 collecting the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Jobs-in-the-Woods Program is a result of the President's Northwest Initiative to provide funding for assisting workers displaced by reduced logging activities on public lands in the Pacific northwest. The funding is intended for jobs which would restore forest ecosystems in the region. The Jobs-in-the-Woods Employment Evaluation, which is the subject of this information collection, consists of four items of information to be requested in each Jobs-in-the-Woods contract issued. The BLM Contracting Officer supplies the contractors with these four items before each Jobs-in-the-Woods contract is signed. The four items are: (1) The number of workers employed on the contract, including managers, supervisors and support personnel; (2) the number of days these workers worked on the contract, the total being based on an 8-hour work day; (3) the total amount of wages and benefits paid to these workers; and (4) the number of workers, if any, considered to be displaced timber workers. Each contractor must submit responses to these items to BLM's Contracting Officer, along with the final invoice, before being paid the final contract amount.

BLM and other Federal land management agencies, as well as Administration officials and Congress,

use this information to gauge the effectiveness of the Jobs-in-the-Woods Program in employing displaced timber workers and in restoring damaged forest ecosystems.

Based on past experience, BLM estimates that approximately 125 contractors will spend 8 hours each reading the instructions, collecting the data and reporting the data to BLM. The total estimated information burden is 1,000 hours. The frequency of response is once, as a condition of receiving final payment on each contract.

Dated: February 23, 1998.

Carole J. Smith,

Information Collection Officer.

[FR Doc. 98–4913 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–128–6332–00; GP8–0100]

Establishment of Supplementary Rules

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Proposed establishment of supplementary rules for the Loon Lake Recreation Area.

SUMMARY: The Coos Bay District is proposing to establish new supplementary rules to set new camping limits at the Loon Lake Recreation Area. The rules apply only to the Loon Lake Recreation Area in Douglas County. These rules are designed to augment and further define the existing Code of Federal Regulations, and to ensure safe, orderly, enjoyable and environmentally sound visitation by the public. These rules superseded the camping limit set forth and published April 8, 1996 pertaining to the Loon Lake Recreation Area.

Camping Limits

Maximum length of stay in the campground is 14 days, after which the occupant must vacate the campground for a minimum of 2 days. Occupants may return for an additional stay of 14 days after the minimum 2-day vacancy. Maximum stay is 28 days in any 30-day period.

Reserved reservation campsites will have a maximum length of stay of 10 days after which the occupant must vacate the campground for a minimum of 2 days vacancy. Maximum stay is 20 days in any 30-day period.

Comment Period

This will become effective 45 days after it has been published in the **Federal Register** notices, if no substantiative comments are received from the general public.

Dated: February 17, 1998.

Neal R. Middlebrook,

Acting District Manager.

[FR Doc. 98–4929 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–84–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–1220–00]

Occupancy and Camping Closure on Certain Public Lands Managed by the Bureau of Land Management, Las Vegas Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Occupancy and camping closure on selected public lands in Clark County, Nevada.

SUMMARY: The Manager of the Las Vegas Field Office announces an occupancy and camping closure on selected public lands under its administration. The increase in population and growth in employment in the Las Vegas area, has attracted many short term and transient residents and workers. Many of these individuals set up residence on public lands under the guise of ''camping.'' This problem is particularly prone to occur on public lands within the urban Las Vegas Valley. Trash accumulations and human refuse are impacting public and private lands. There are no public facilities on any of these lands. The existing 14 day camping stay limit has not been effective in correcting this situation. In addition, many of these lands are now adjacent to, or included within, private residential and commercial developments due to the inter-mixed public-private land ownership pattern in Las Vegas Valley. This action is being taken to help ensure public safety, prevent unnecessary environmental degradation and prevent long-term occupancy of public lands.

EFFECTIVE DATE: The closure will be effective March 12, 1998.

Closure Area

Public Lands affected are within the following generally described area and townships: Lake Mead Blvd. (State Route 147), on the South; West to the Red Rock Canyon National Conservation Area Boundary; on the North Lee Canyon (State Route 156) and the southern boundary of the Desert Game Range; and on the East the Lake Mead National Recreation Area Boundary. Including lands within Townships 17 S to T 22 and Ranges 59 E to 63 E MDM.

Maps depicting the area affected by this closure order are available for public inspection at the Las Vegas, Field Office, Bureau of Land Management.

Exceptions to Closure

Camping locations which may be designated by the Las Vegas Field Office Manager for over night use. Such designations may be by posting of appropriate signs, by publications in the federal register, or be made available to the public by other means deemed appropriate by the authorized officer.

Closure Restrictions

Unless otherwise authorized, within the closure area no person shall:

a. Camp or engage in camping.

b. Park, stop, or stand personal property, whether attended or unattended.

c. Park any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement, create a safety hazard, or endanger any person, property, or natural feature. Vehicles so parked are subject to citation and impoundment at the owner's expense.

d. Take, drive, or operate any vehicle through, around or beyond a restrictive sign, barricade, fence, or traffic control barrier or device.

e. Fail to follow orders or directions of an authorized officer relating to this closure order.

f. Obstruct, resist, or attempt to elude a law enforcement officer, or fail to follow their orders or directions.

g. Unless specifically addressed by regulations set forth in 43 CFR, the laws of the State of Nevada shall govern the use and operation of vehicle. Such state law which are now or later may be in effect are here by adopted and made part of this closure.

Definitions

Camp or Camping means the erection of a tent or shelter, preparing a sleeping bag or other bedding material for use, or the parking of a vehicle, motor home, or trailer for the apparent purpose of sleeping or overnight occupancy.

Personal Property includes but is not limited to bicycles, vehicles (whether propelled by living or non-living power sources), motor vehicles, trailers, tents campers, pets, and livestock.

This closure order is issued under the authority of 43 CFR 8364.1. Violation of any of the terms, conditions, or restrictions contained within this closure order, may subject the violator to citation or arrest, with a penalty of fine or imprisonment or both as specified by law.

FOR FURTHER INFORMATION CONTACT: Dave Wolf, Recreation Manager, or Ron Crayton, Ranger, Ken Burger, Ranger, at the Bureau of Land Management, Las Vegas, Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, telephone number (702) 647–5000.

Dated: February 17, 1998.

Michael F. Dwyer,

District Manager.

[FR Doc. 98–4927 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–055–1220–00]

Shooting Closure on Certain Public Lands Managed by the Bureau of Land Management, Las Vegas Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Shooting closure on selected public lands in Clark County, Nevada.

SUMMARY: The Manager of the Las Vegas Field Office announces a Shooting Closure on selected Public Lands, under it's administration within the Las Vegas Valley. The Closure is intended to compliment and supplement an existing Clark County shooting closure. The rapid increase in population and growth of the Las Vegas Valley has created conflicts between new urban areas and traditional public land users accustomed to target shooting on public lands around Las Vegas. There have been incidents of indiscriminate shooting toward residential areas and other public land users, destruction of property, injury, and one fatality. Trash accumulation from items being used as targets are impacting public lands. This action is being taken to help ensure public safety, prevent environmental degradation, and provide consistency with the Clark County shooting closure. This Closure does not apply to hunting under the laws and regulations of the State of Nevada.

EFFECTIVE DATE: The closure will be effective March 12, 1998.

Closure Area

Public Lands affected are within the following generally described area and townships: Lake Mead Blvd. (State Route 147), on the South; West to the Red Rock Canyon National Conservation Area Boundary; on the North Lee Canyon (State Route 156) and the southern boundary of the Desert Game Range; and on the East the Lake Mead National Recreation Area Boundary. Including lands within Townships 17 S to 22 S and Ranges 59 E to 63 E MDM. Also included but not described above are public lands contained within the portions of the existing Clark County Shooting Closure that are outside the above boundaries (Goodsprings Township).

Maps depicting the area affected by this closure order are available for public inspection at the Las Vegas, Field Office, Bureau of Land Management, 4765 W. Vegas Drive, Las Vegas, Nevada.

Exceptions to Closure

(1) Hunting with valid state hunting license and in accordance with the laws and regulations of the State of Nevada; and (2) Areas which may be designated by the Las Vegas Field Office Manager as target shooting areas. Such designation may be made by the publishing of notices in the local media and by the posting of appropriate signs marking the boundary of such area(s).

Closure Restrictions

Unless otherwise authorized, within the closure area no person shall:

a. Discharge any firearm.

b. Possess an unregistered firearm, when registration of firearms is required by the State of Nevada or Clark County.

c. Possess an illegally obtained firearm.

d. Possess any firearm in violation of Federal, State or County regulations.

e. Unless specifically addressed by regulations set forth in 43 CFR, the laws and regulations of the State of Nevada and Clark County shall govern the use and possession of firearms. Such state and county laws and regulations which are now or may later be in effect are here by adopted and made part of this closure.

Definitions

Firearm: Any weapon capable of firing a projectile including but not limited to rifle, shotgun, handgun, BB-gun, pellet gun, etc.

This closure order is issued under the authority of 43 CFR 8364.1. Violations of any of the terms, conditions, or restrictions contained within this closure order, may subject the violator to citation or arrest, with penalty of fine or imprisonment or both as specified by law.

FOR FURTHER INFORMATION CONTACT: Dave Wolf, Assistant District Manager, Recreation; Ron Crayton, Law Enforcement Ranger; and Ken Burger, Law Enforcement Ranger; Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, telephone number (702) 647–5000.

Dated: February 17, 1998.

Michael F. Dwyer,

Field Office Manager.

[FR Doc. 98–4926 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–055–1220–00]

Off-Highway Vehicle Closure of Certain Public Lands in the Las Vegas Valley Managed by the Bureau of Land Management, Las Vegas Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of selected public lands in Clark County, Nevada to use by off highway vehicles.

SUMMARY: The Field Office Manager of the Las Vegas Field Office announces the Closure of certain public lands under its administration in the Las Vegas Valley to Off Highway Vehicle (OHV) use. The lands included are public lands managed by the Bureau of Land Management which, due to urban expansion, are now included with or are immediately adjacent to urban areas developed for residential or business purposes. This action is being taken to reduce the amount of dust and particulate matter generated from the use of the public lands, ensure health and public safety and prevent environmental degradation. This action will assist local governmental efforts to meet Environmental Protection Agency air quality standards and to reduce dust production from unpaved roads within the Las Vegas Valley Non-attainment Area.

EFFECTIVE DATE: March 12, 1998.

Closure Area

Public Lands affected are within the following generally described area and townships: Lake Mead Blvd. (State Route 147), on the South; West to the Red Rock Canyon National Conservation Area Boundary; on the North, Lee Canyon (State Route 156) and the southern boundary of the Desert Game Range; and on the East the Lake Meade National Recreation Area Boundary. Including lands within Townships 17 S to 22 S and Ranges 59 E to 63 E MDM. Maps depicting the area affected by this closure order are available for public inspection at the Las Vegas Field Office, Bureau of Land Management, 4765 W. Vegas Drive, Las Vegas, Nevada.

Exceptions to Closure

(1) OHV use areas which may be designated by the Las Vegas Field Office Manager. Such designations may be made by the publishing of notice in the local media and by the posting of appropriate signs and marked boundaries; (2) Roads and trails designated and signed for OHV use; and (3) Roads included within transportation systems managed by Clark County and/or the cities of Las Vegas, North Las Vegas, and Henderson.

Closure Restrictions

Unless otherwise authorized, within the closure area no person shall:

a. Operate an OHV or motor vehicle off of designated roads and/or trails within the area closure.

b. Take, drive, or operate any OHV or motor vehicle through, around or beyond a restrictive sign, barricade, fence, or traffic control barrier or device.

c. Failure to follow orders or directions of an authorized officer relating to this closure order.

d. Obstruct, resist, or attempt to elude a law enforcement officer, or fail to follow their orders or directions.

e. If under 21 years of age, possess or consume any alcoholic beverages.

f. Unless specifically addressed by regulations set forth in 43 CFR, the laws of the State of Nevada and Clark County shall govern the use and operation of motor vehicles. Such state and county laws which are now in effort or may be added later, are hereby adopted and made part of this closure.

Definitions

Designated Road means a road or roads identified on a map of designated roads which will be available for public inspection at the Las Vegas Field Office, Bureau of Land Management.

Designated Trails means a trail, trails or routes, identified on a map or by appropriate posted signs.

Designated Areas means areas that are designated within the closed area by the Las Vegas Field Office Manager as OHV use areas. These areas will be signed with set boundaries. Maps will be made available at the Las Vegas Field Office. ''Off-Highway Vehicle'' (OHV) means any motorized or non-motorized mechanized vehicle designed for or capable of travel off maintained roadways including but not limited to 2 and 4 wheel drives vehicles, motorcycles, ATVs, and mountain bikes.

This closure order is issued under the authority of 43 CFR 8364.1. Violation of any of the terms, conditions or restrictions contained within this closure order, may subject the violator to citation or arrest, with a penalty of fine or imprisonment or both as specified by law.

FOR FURTHER INFORMATION CONTACT: Dave Wolf, Assistant District Manager, Recreation; Ron Crayton, Law Enforcement Ranger; or Ken Burger, Law Enforcement Ranger, at the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, Telephone Number (702) 647–5000.

Dated: February 17, 1998.

Michael F. Dwyer,

Field Officer Manager.

[FR Doc. 98–4925 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–027–1220–00]

Modification of Firearms Closure To Allow the Use of Shotguns During the Spring Turkey Season on Howrey Island, Treasure County, MT

AGENCY: Bureau of Land Management, Montana, Miles City District, Powder River Resource Area, Interior.

SUMMARY: On May 31, 1994, the Bureau announced, through the **Federal Register**, a rule to close Howrey Island to firearms from December 16 through August 31 annually. During the rulemaking BLM inadvertently overlooked the spring turkey season. Therefore, BLM is proposing to change the rule as follows: The area of public land known as Howrey Island is closed to discharge of firearms from December 16 through August 31 annually, except that shotguns are allowed during the legal spring turkey hunting season. For the purpose of this rule, firearms are rifles, pistols and shotguns. The public land affected by this closure is described as:

Principal Meridian, Montana

T. 6N., R. 35E.,
Sec. 15. Lots 5, 6, 7, 8, 9, SW¼SE¼
Sec. 21. Lot 5
Sec. 22. Lots 1, 2, 6, 7, 8 and 9
Consisting of 864.3 acres of surface estate.

DATES: Comments on the proposed rule change must be submitted on or before April 6, 1998.

ADDRESSES: Comments may be submitted to Area Manager, Powder River Resource Area, 111 Garryowen Rd, Miles City, MT 59301.

FOR FURTHER INFORMATION CONTACT: Todd Christensen, Area Manager, BLM, Powder River Resource Area, 111 Garryowen Rd, Miles City, MT 59301, or call (406) 233–2829.

SUPPLEMENTARY INFORMATION: Barring any comments that cause BLM to reconsider the modification, the proposed rule will become a final rule after the public comment period and without further public notice. Opening this area will require public participation and an opening order published in the **Federal Register**. Authority for this action is outlined in Title 43, Code of Federal Regulations, subpart 8364 (43 CFR 8364.1). Any person who fails to comply with this closure is subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: February 17, 1998.

Todd Christensen,

Powder River Area Manager.

[FR Doc. 98–4930 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–DN–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–00] ES–49341, Group 34, Missouri

Notice of Filing of Plat of Survey; Missouri

The plat, in three sheets, of the survey of the Lock and Dam No. 26 acquisition boundary, Township 48 North, Range 6 East, Fifth Principal Meridian, Missouri, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 30, 1998.

The survey was requested by the U.S. Army Corps of Engineers.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 30, 1998.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $2.75 per copy.

Dated: February 17, 1998.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 98–4920 Filed 2–25–98; 8:45 am]

BILLING CODE 4310–GJ–M

OVERSEAS PRIVATE INVESTMENT CORPORATION MARCH 10, 1998 BOARD OF DIRECTORS MEETING

Sunshine Act Meeting

TIME AND DATE: Tuesday, March 10, 1998, 1:00 PM (OPEN Portion), 1:30 PM (CLOSED Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Meeting OPEN to the Public from 1:00 PM to 1:30 PM. Closed portion will commence at 1:30 PM (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report
2. Approval of December 9, 1997 Minutes (Open Portion)
3. Meeting schedule through December, 1998

FOR FURTHER INFORMATION CONTACT: (Closed to the Public 1:30 PM).

1. Finance Project in Yemen
2. Insurance Project in Thailand
3. Insurance Project in Thailand
4. Insurance Project in Russia
5. Approval of December 9, 1997 Minutes (Closed Portion)
6. Pending Major Projects
7. Report on OPIC's Small Business Initiative

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: February 24, 1998.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 98–5123 Filed 2–24–98; 2:37 pm]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA NUMBER 170M3]

Task Force on Suspicious Orders Meeting

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Suspicious Orders Task Force will be held on April 07–08, 1998. The panel will meet from 9:00 a.m. to 5:00 p.m. both days at Adam's Mark Hotel, Fourth and Chestnut, St. Louis, Missouri 63102.

This meeting will be open to the public on a space available basis. Any interested person may observe meetings or portions thereof and shall be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Designated Federal Official (DFO) in attendance.

In addition to presenting limited verbal statements, interested parties shall be permitted to file written statements with Task Force members. Written statements will be taken at any time during the meeting and distributed to the Task Force as soon as feasible. Presenters of written statements are requested to provide 25 copies of the statement to expedite distribution to the Task Force members. If the presenter does not/can not provide the requested copies, the DFO will arrange for the copies and the Task Force will consider the statement when the copies are available. Verbal comments may be limited in time by the DFO to insure adequate opportunity for testimony by as many presenters as possible. Any person wishing to submit agenda items or desiring to present formal testimony should contact the DFO at least ten (10) days prior to the meeting. This will be the last opportunity for the public to present testimony before the TASK FORCE. Any future meetings will be solely for the purpose of composing the finished report to be submitted to the attorney general.

DATES: April 07, 08, 1998.

FOR FURTHER INFORMATION CONTACT:

Michael Leser, Program Analyst, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–4026, Facsimile (202) 307–8570.

SUPPLEMENTARY INFORMATION:

If you need special accommodations due to a disability, please contact the Office of Diversion Control, Drug Enforcement Administration, 600 Army Navy Drive, Arlington, Virginia, 22202, (202) 307–4026 at least seven (7) days prior to the meeting.

Dated: February 18, 1998.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 98–4943 Filed 2–25–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Request for nominations of persons to serve on MACOSH.

SUMMARY: OSHA announces its intent to renew the charter of the Maritime Advisory Committee for Occupational Safety and Health (MACOSH). MACOSH will advise the Secretary of Labor on matters relating to occupational safety and health programs, policies and standards in the maritime industries of the United States. The Committee will consist of approximately 15 members and will include a cross-section of individuals representing the following affected interests: Employers, employees; federal and state safety and health organizations; professional organizations; and national groups setting standards. OSHA invites interested parties to submit nominations for Committee membership.

DATES: Nominations for MACOSH membership should be postmarked by April 13, 1998.

ADDRESSES: Nominations for MACOSH membership should be sent to: Mr. Larry Liberatore, Office of Maritime Standards, Room N–3621, Occupational Safety and Health Administration (OSHA), U. S. Department of Labor, 200 Constitution Avenue, N. W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, OSHA, Office of Information and Consumer Affairs, Room N–3647, U. S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone:(202) 219–8151.

SUPPLEMENTARY INFORMATION:

I. Background

MACOSH was established to advise the Secretary on various issues pertaining to the maritime industry, including streamlining regulatory efforts and improving training and outreach programs. In addition, MACOSH recommends enforcement initiatives that will help improve the working conditions and the safety and health of men and women working in the maritime industry.

II. Nominations

The agency is seeking men and women with an interest in the safety and health of workers in the maritime industry. Interested persons may submit their own name or the name of another whom they believe to be qualified to serve on MACOSH. The Agency is looking for nominees to represent the following interests:

Employees
Employers
State or Federal Safety and Health Organizations
Professional Organizations or National Standards-Setting Groups

The Agency invites all persons appropriately qualified by experience or training to apply for membership on this important committee. Nominations of women and minorities are encouraged.

Nominations and applications should be submitted to Mr. Larry Liberatore, Office of Maritime Standards, Room N–3621, Occupational Safety and Health Administration (OSHA), U. S. Department of Labor, 200 Constitution Avenue, N. W., Washington, D.C. 20210.

III. Authority

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, N. W., Washington, D.C. 20210, pursuant to Sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 and the Federal Advisory Committee Act, 5 U.S.C. App.2.

Signed at Washington, D.C. this 20th day of February 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–4987 Filed 2–25–98; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. H–372]

RIN: 1218–AB58

Metalworking Fluids Standards Advisory Committee: Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Metalworking Fluids Standards Advisory Committee: Notice of meeting.

SUMMARY: Notice is hereby given that the Metalworking Fluids Standards Advisory Committee (MWFSAC), established under section 7 of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor on appropriate actions to protect workers from the hazards associated with occupational exposure to metalworking fluids, will meet in Sharonville (Cincinnati), Ohio on Wednesday and Thursday, March 25 and 26, 1998 at the Woodfield Suites Hotel, 11029 Dowlin Drive (1–800–338–0008).

DATES: The meeting will be held on March 25 and 26, 1998. On March 25, the meeting will begin at 9:00 A.M. and adjourn at approximately 5:00 P.M. The meeting will reconvene at approximately noon on March 26, after an information gathering visit to the Ford Motor Company Sharonville plant by various working groups of the committee, and will adjourn at approximately 4:00 P.M.

ADDRESSES: The meeting will take place at the Woodfield Suites Hotel, 11029 Dowlin Drive, Sharonville (Cincinnati), Ohio 45211. Mail comments, views or statements in response to this notice to Dr. Peter Infante, U.S. Department of Labor, OSHA, Directorate of Health Standards Programs, Metalworking Fluids Standards Advisory Committee, Room N–3718, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, (202) 219–8151.

SUPPLEMENTARY INFORMATION: All interested persons are invited to attend the public meetings of the Metalworking Fluids Standards Advisory Committee, including this one, at the time and place indicated above. Individuals with disabilities wishing to attend should contact Theresa Berry at (202) 219–8615 ext. 106 (Fax: 202–219–5986) no later than March 20, 1998, to obtain appropriate accommodations.

Meeting Agenda

This meeting will focus on technology used in large plants to control employee exposure to metalworking fluids. There will be presentations and the committee will discuss general techniques used to control metalworking fluid mist; considerations in selecting and implementing metalworking fluid control technology; ventilation considerations for the design, installation and use of machine tools using metalworking fluids; performance evaluation of mist control filtration systems; exposure comparisons between transfer lines with different levels of control technology on mist control performance, problems with maintenance of control technology and economic and technological feasibility of reducing metalworking fluid mist exposure in the American automobile industry. The Metalworking Fluids Standards Advisory Committee will meet as a whole and also in small working groups.

Public Participation

Written data, views or comments for consideration by the MWFSAC on the various agenda items listed above may be submitted, preferably with 20 copies, to Dr. Peter Infante at the address provided above. Submissions received by March 20, 1998 will be provided to the members of the committee and will be included in the record of the meeting. At this meeting it is unlikely that there will be any time for oral presentations by members of the public. However, anyone wishing to make a presentation to the committee should notify Dr. Peter Infante of this fact at the address listed above. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Requests to make oral presentations to the Committee may be granted if time permits.

Authority: This notice is issued under the authority of sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed at Washington, D.C. this 20th day of February, 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–4922 Filed 2–25–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10410, et al.]

Proposed Exemptions; SmartRetirement: The OLDE 401(k) Plan

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. _____, stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

SmartRetirement: The OLDE 401(k) Plan (the Plan) Located in Detroit, MI

[Application No. D–10410]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).[1]

Section I. Covered Transactions

If the exemption is granted, the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) and (F) of the Code, shall not apply, (1) effective October 4, 1996, to the past and continuing receipt, by OLDE Discount Corporation (OLDE Discount), a wholly owned subsidiary of OLDE Financial Corporation (OLDE Financial), the Plan sponsor, of a portion of certain distribution fees that are paid by third party mutual funds (the Funds) to OLDE Discount pursuant to Rule 12b–1 (Rule 12b–1; the 12b–1 Fees) under the Investment Company Act of 1940 (the 1940 Act) and which are attributable to Plan assets that are invested in the Funds; and (2) the proposed cash rebate of such 12b–1 Fees, by OLDE Discount, to either the Plan or to the individually-directed accounts (the Accounts) of the participants in the Plan.[2]

The transactions are conditioned on the requirements set forth below in Section II.

Section II. General Conditions

(a) The decision to invest the assets of an Account in the Funds is made by a Plan participant and not by OLDE nor is OLDE providing ''investment advice'' to the participant within the meaning of section 3(21) of the Act.

(b) No sales commissions, other than 12b–1 Fees, are paid by an Account in connection with the purchase or sale of shares in the Funds and no redemption fees are paid by an Account with respect to the sale of shares of the Funds.

(c) The Plan, or if applicable, Account, receives a rebate from OLDE Discount in the form of cash equal to such Plan's or Account's *pro rata* portion of all 12b–1 Fees charged by OLDE Discount to the Funds under a rebate program (the Rebate Program).

(d) For purposes of the Rebate Program:

(1) During the course of each calendar year, as it receives 12b–1 Fees from the Funds, OLDE Discount calculates that portion of the 12b–1 Fees that are attributable to the Plan, including interest based on the Federal Funds Rate plus 2 percent.

(2) Within 30 days of receipt by OLDE Discount of the 12b–1 Fees, OLDE Discount separates and transfers the Plan's allocable portion of the 12b–1 Fees, together with interest earned on such fees (as determined in Step 1 above), to a money market account that has been established in the Plan's name with an unrelated bank, Comerica Bank of Detroit, Michigan (Comerica).

(3) The Plan may draw upon its Comerica money market account during the course of the year for the purpose of paying the Plan's administrative expenses owed to third parties.

(4) Immediately following the end of each calendar year, any remaining rebated 12b–1 Fees that are not drawn upon, after the payment of the Plan's administrative expenses, are allocated by the Plan to the participant Accounts.

(5) OLDE establishes and maintains a system of internal and external accounting controls for the Rebate Program.

(6) OLDE retains an independent auditor outside of the control of OLDE to audit, on an annual basis, OLDE Discount's rebating of 12b–1 Fees to either the Plan or the Accounts.

(e) Prior to purchasing shares in the Funds, each Plan participant receives full written disclosure of information concerning the Funds, including, but not limited to the following:

(1) Copies of applicable prospectuses for the Funds discussing the investment objectives of the Funds, the policies employed to achieve these objectives, the relationship, if any, existing between OLDE Discount with the parties who act as sponsors, distributors, administrators, investment advisers and sub-advisers, custodians and transfer agents to the Funds and a statement describing the fee structure and the 12b–1 Fees. (OLDE will

[1] For purposes of this proposed exemption, reference to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[2] Unless otherwise noted, OLDE Financial and its affiliates are collectively referred to herein as OLDE.

supplement such disclosures with information describing the Rebate Program.)

(2) Upon written or oral request to OLDE, a statement of additional information supplementing the applicable prospectus, which describes the types of securities and other instruments in which the Funds may invest, the investment policies and strategies that the Funds may utilize, including a description of the risks.

(3) Upon written request to OLDE, a copy of OLDE Discount's distribution agreements pertaining to the various Funds.

(4) Copies of the proposed exemption and grant notice describing the exemptive relief provided herein.

(f) After receiving the disclosures noted above, the participant acknowledges receipt of the documents in writing and provides authorization to OLDE with respect to investing in the Funds.

(g) Each additional purchase or redemption of shares in the Funds is directed by the participant, provided OLDE makes available to the participant, copies of the applicable Fund prospectus and disclosures regarding the fee structure and the 12b–1 Fees.

(h) Each Plan participant receives the following written or oral disclosures from OLDE with respect to ongoing investment in the Funds:

(1) Written confirmations of each purchase or redemption transaction involving shares of a Fund.

(2) Telephone quotations of such participant's Account balance.

(3) A monthly statement of account specifying the net asset value of the assets in a participant's Account, a summary of current year contributions, contributions since inception, beginning and ending account balances, summaries of contributions, purchases and sales during the month, a summary of the participant's final Account portfolio and, to the extent applicable during one month per year only, any rebated fees that are allocated to the participant's Account.

(4) Semiannual and annual reports that include financial statements for the Funds as well as the fees paid to OLDE Discount.

(5) Investment performance histories and other information provided by the Funds to OLDE;

(6) Ratings information received about the Funds from independent sources such as Morningstar;

(7) Responses to oral or written inquiries of participants upon request.

(i) The terms of each purchase or redemption of shares in the Funds remain at least as favorable to an Account as those obtainable in an arm's length transaction with an unrelated party.

(j) OLDE maintains for a period of six years the records necessary to enable the persons described below in paragraph (k) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of OLDE, the records are lost or destroyed prior to the end of the six year period, and (2) no party in interest, other than OLDE, shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975(a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (k) below; and

(k)(1) Except as provided in paragraph (k)(2) and notwithstanding any provisions of section 504(a)(2) and (b) of the Act, the records referred to in paragraph (j) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service or the Securities and Exchange Commission (the SEC), and

(B) Any participant or beneficiary of the Plan or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraph (k)(1)(B) shall be authorized to examine trade secrets of OLDE, or commercial or financial information which is privileged or confidential.

III. Definitions

For purposes of this proposed exemption:

(a) The term ''OLDE'' means OLDE Financial Corporation and any affiliate of OLDE Financial, as defined in paragraph (b) of this Section III.

(b) An ''affiliate'' of OLDE includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with OLDE.

(2) Any officer, director or employee or relative of such person, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(c) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term ''participant'' includes participants in the Plan and their beneficiaries who may invest in the Funds.

(e) The term ''Fund'' or ''Funds'' means any open-end management investment company or companies registered under the 1940 Act for which OLDE Discount provides distribution and related services.

(f) The term ''net asset value'' means the amount calculated by dividing the value of all securities, determined by a method as set forth in a Fund's prospectus and statement of additional information, and other assets belonging to each of the portfolios in such fund, less the liabilities chargeable to each portfolio, by the number of outstanding shares.

(g) The term ''relative'' means a ''relative'' as that term is defined in section 3(15) of the Act (or a ''member of the family'' as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

EFFECTIVE DATE: If granted, this proposed exemption will be effective as of October 4, 1996 with respect to transactions involving the past and continuing receipt, by OLDE Discount, of 12b–1 Fees that are attributable to the Plan from the Funds. However, it will be prospective for transactions involving the cash rebate, by OLDE Discount, of such fees to either the Plan or to the Accounts.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with a 401(k) cash or deferred feature permitting employee pre-tax deferrals. The Plan was established by OLDE Financial, effective July 1, 1995, and it allows participants to direct the investment of their account balances among a menu of investment options. Currently, these investment alternatives consist of a series of ''load-type'' Funds that are offered by parties unrelated to OLDE Financial and whose net asset values are listed daily in financial and other news publications.[3] The Funds have been offered to the Plan at ''no-load'' pursuant to agreements with the Fund sponsors.

The trustees of the Plan are Randal J. Mudge, President of OLDE Financial, and Mack Sutton, Vice President and Chief Financial Officer of OLDE Discount. As of December 31, 1997, the

[3] Among the mutual funds offered to Plan participants are the Franklin Age High Income Fund I, the American Mutual Fund, the Franklin Equity Income Fund, the GT Global International Growth Fund, the Growth Fund of America and the Templeton Global Real Estate Fund.

Plan had 1,146 participants and total assets of approximately $14,872,000.

2. OLDE Financial, the Plan sponsor, is a holding company with several subsidiaries, the largest being OLDE Discount. OLDE Financial maintains its principal place of business in Detroit, Michigan. It generally performs administrative functions relating to the Plan, including recordkeeping, reporting and disclosure and the purchases of investments under the Plan. In this regard, the Plan Administration Committee, which is comprised of five voting members, all of whom are employees of OLDE, has the responsibility as a fiduciary for selecting the investment alternatives that are available under the Plan from which participants may choose, including the subject transactions that are described herein. As such, the Plan Administration Committee is empowered to add or remove mutual fund families that it makes available to the Plan.[4] No fee is charged to the Plan or to any participants and beneficiaries for the services provided by OLDE directly or through the Administration Committee.[5]

3. OLDE Discount is a full service discount broker with offices located throughout the United States. OLDE Discount maintains its principal place of business in Detroit, Michigan and its employees participate in the Plan.

4. In its role as broker, OLDE Discount is often engaged in arrangements whereby it receives certain fees from the Funds for dividend distribution, tax reporting and statement distribution services provided to shareholders who have purchased their Fund shares through OLDE Discount. These 12b–1 Fees, which are paid to OLDE Discount in accordance with Distribution Plans and Related Agreements adopted under Rule 12b–1 of the 1940 Act, are calculated quarterly by the Funds based on the dollar volume of mutual fund shareholders that are customers of a given broker (i.e., who purchased the shares through the broker and who are receiving shareholder services from that broker).[6]

5. OLDE Discount has 12b–1 Fee arrangements with virtually every mutual fund that is utilized by participants as investment alternatives for their Accounts in the Plan.[7] Although OLDE Discount receives no commissions or fees from the Plan, or for that matter, the participant Accounts, the Funds treat such transactions as purchases for which annualized fees (ranging from 0.15 percent to 0.50 percent) are due and payable to OLDE Discount.

6. OLDE Discount has attempted to identify that portion of the 12b–1 Fees it receives which are related to purchases made by it on behalf of the Plan. With nearly every Fund, this is accomplished by coding purchases made by OLDE Discount on behalf of the Plan in a distinct manner. While 12b–1 Fees are received by OLDE Discount from each Fund in a lump sum, these payments are generally accompanied by a detailed breakdown of those fees that are attributable to the Plan. For those Funds which do not provide such a breakdown, OLDE Discount calculates the breakdown of Plan's portion of the 12b–1 Fees based on its own internal coding system. Then, OLDE Discount applies the result to the formula used by the Fund to calculate the 12b–1 Fees.

7. Because there is a time lag between the accrual and payment of 12b–1 Fees, few have been paid to OLDE Discount which are attributable to the Plan. Such fees are, however, being maintained in a segregated account titled ''OLDE Trailer Fee Segregation Account.'' The special purpose account has been established in OLDE Financial's name with Comerica, an unrelated bank. Between October 4, 1996 and December 31, 1997, the amount of 12b–1 Fees and interest held in the segregated account totaled $24,826.

8. Due to potential prohibited transactions that may arise from its receipt of 12b–1 Fees from the Funds which are attributable to the Plan, OLDE has considered a number of options to remove these concerns. First, OLDE considered an option that would allow OLDE Discount to waive the receipt of all 12b–1 Fees, provided the Funds would agree to remove their automatic 12b–1 Fee deductions from the Plan's investments. However, in discussions with representatives for the Funds, it became clear to OLDE that any waiver of 12b–1 Fees by OLDE Discount would not result in the removal of the 12b–1 Fee deduction presumably because the internal system for each Fund could not accommodate this action. Thus, OLDE Discount's waiver of Plan-related 12b–1 Fees, would result in the Fund's retention of the Plan's deduction. In other words, Plan participants would be still paying 12b–1 Fees even if OLDE Discount did not receive them.

As a second option, OLDE considered offering mutual funds to the Plan for which it did not have 12b–1 Fee arrangements. However, OLDE deemed this option to be untenable because it would remove virtually all Funds as investment options for Plan participants.

As a third option, OLDE considered hiring another brokerage firm to facilitate the purchase and sale of Fund shares on behalf of the Plan. Aside from the level of concern this alternative would create in participants regarding the use of a competitor to perform transactions with their Accounts, OLDE noted that this arrangement would result in transaction fees as well as 12b–1 Fees being charged to Plan participants.

Bearing these options in mind, OLDE considered a fourth alternative for Plan participants and beneficiaries which would involve the rebating, to the Plan by OLDE Discount, of the Plan's *pro rata* portion of all 12b–1 Fees received by OLDE Discount. This option is the basis for the exemptive relief that has been requested herein. Specifically, OLDE requests an administrative exemption from the Department, which will be effective as of October 4, 1996, with respect to the past and continuing receipt, by OLDE Discount, of 12b–1 Fees that are attributable to the Plan from the Funds. In addition, OLDE

[4] In ERISA Advisory Opinion 97–15A (May 22, 1997), involving the Frost National Bank, the Department stated, in part, in a footnote reference (see Footnote 9, page 5) to the final regulation regarding participant-directed individual account plans (the ERISA Section 404(c) Plans) (57 FR 46906, 46924, n. 27 (October 12, 1992) that ''the act of limiting or designating investment options which are intended to constitute all or part of the investment universe of an ERISA Section 404(c) Plan is a fiduciary function which, whether achieved through fiduciary designation or express plan language, is not a direct or necessary result of any participant direction of such plan.''

[5] The applicants believe that such services are covered by the statutory exemptive relief provided under section 408(b)(2) of the Act. However, the Department expresses no opinion herein on whether such services are statutorily exempt.

[6] Historically, the SEC has taken the position that section 12(b) of the 1940 Act makes it illegal for a mutual fund to finance the distribution of its shares. Thus, the primary method used by mutual funds to finance sales of their shares has been a front-end sales charge deducted from the offering price of a mutual fund's shares.

In 1980, the SEC adopted Rule 12b–1 under the 1940 Act. Rule 12b–1 allows a mutual fund to use a portion of its assets to pay for charges related to the distribution of its shares. In effect, Rule 12b–1 provides a limited exception to the general principle stated in section 12(b) of the 1940 Act by permitting a mutual fund to bear expenses pursuant to a Rule 12b–1 Plan, provided such plan is adopted and approved by the mutual fund shareholders as well as its board of directors. Once these requirements are met, a mutual fund may pay a percentage of its net assets on a periodic basis in accordance with the Rule 12b–1 Plan the mutual fund has adopted.

[7] In the case of the Plan, OLDE Discount serves in a facilitative role with regard to purchases of Fund shares. Based on instructions received from the Plan, OLDE Discount utilizes participant contributions that have been made to the Plan to acquire Fund shares directly from the Funds on behalf of participant Accounts. Under no circumstances will the Plan purchase Fund shares from existing holdings of OLDE Discount.

requests prospective exemptive relief that would permit OLDE Discount to make cash rebates of such 12b–1 Fees to the Plan or to the Accounts of individual participants.

9. To implement the proposed Rebate Program, OLDE has developed the following procedures:

(a) During the course of each calendar year, as it receives 12b–1 Fees from the Funds, OLDE Discount will calculate that portion of the 12b–1 Fees that are attributable to the Plan, including interest based on the Federal Funds Rate plus 2 percent. (It is represented that this interest rate will approximate the expected returns on the 12b–1 Fees during the period prior to their segregation by OLDE Discount.)

(b) Within 30 days of receipt by OLDE Discount of the 12b–1 Fees, OLDE Discount will separate and transfer the Plan's allocable portion of the 12b–1 Fees, together with interest earned on such fees (as determined in Step (a) above), to a money market account that will be established in the Plan's name with Comerica.

(c) The Plan may draw upon its Comerica money market account during the course of the year for the purpose of paying its administrative expenses owed to unrelated parties.[8]

(d) All facets of the Plan and the use of the Comerica money market account will be subject to audit each year by the Plan's independent auditors.

(e) Immediately following the end of each calendar year, any remaining rebated 12b–1 Fees, after the payment of the administrative expenses, will be allocated to the Accounts of Plan participants (including alternate payees under Qualified Domestic Relations Orders and beneficiaries of deceased participants) who had Account balances in the Plan as of the last day of the calendar year for which the calculation was made. This allocation will be made based on the relative Account balance of each such participant as of the last day of the calendar year for which the calculations was made.

10. As stated above, OLDE will establish a system of internal and external accounting controls with respect to the Rebate Program. In this regard, internal audit employees of OLDE will review the records and statements with respect to the special purpose accounts established by OLDE with Comerica. In addition, OLDE will retain the services of Ernst & Young, an independent accounting firm, to audit, on an annual basis, the OLDE Discount's rebating of 12b–1 Fees to either the Plan or the Accounts. Such audits will provide independent verification of the proper crediting of such fees. Specifically, the independent auditors will be instructed to (a) review and test compliance with the operational controls established by OLDE for purposes of the rebating; (b) verify, on a test basis, the rebates made; (c) verify, on a test basis, the coding system utilized by OLDE in making the rebates; and (d) recompute, on a test basis, rebated amounts at the discretion of the auditors. In the event any shortfalls are uncovered during the audit as a result of errors made by OLDE, OLDE will make a cash payment to the Plan equal to the amount of the error plus interest paid at money market rates under the Comerica money market account for the period of time of the error until the correction is made. Any excess rebates will be corrected by a corresponding adjustment of future rebates to the Plan in the amount of the excess rebate and will not require that the Plan pay any interest.

11. It is represented that participants with Account balances in the Plan will receive full written disclosures from OLDE concerning the Funds, including, but not limited to, the following: (a) copies of applicable prospectuses for the Funds discussing the investment objectives of the Funds, the policies employed to achieve these objectives, the relationship, if any, existing between OLDE Discount and parties who act as sponsors, distributors, administrators, investment advisers and sub-advisers, custodians and transfer agents to the Funds; and (b) a statement describing the fee structure and the 12b–1 Fees. (OLDE will supplement such disclosures with information describing the Rebate Program.); (c) upon written or oral request to OLDE, a statement of additional information supplementing the applicable prospectus, which describes the types of securities and other instruments in which the Funds may invest, the investment policies and strategies that the Funds may utilize, including a description of the risks; (d) upon written request to OLDE, a copy of OLDE Discount's distribution agreements pertaining to the various Funds; and (e) copies of the proposed exemption and grant notice describing the exemptive relief provided herein.

After receiving the foregoing disclosures, the participant will acknowledge receipt of the documents in writing and provide authorization to OLDE with respect to investing in the Funds. Each additional purchase or redemption of shares in the Funds that is directed by the participant will be conditioned on OLDE's making available to the participant, copies of the applicable Fund prospectus and disclosures regarding the fee structure and the 12b–1 Fees.

With respect to ongoing disclosures, OLDE[9] will provide each participant investing in the Funds with (a) written confirmations of each purchase or redemption transaction involving shares of a Fund; (b) telephone quotations of such participant's Account balance; (c) a monthly statement of account specifying the net asset value of the assets in a participant's Account, a summary of current year contributions, contributions since inception, beginning and ending account balances, summaries of contributions, purchases and sales during the month, a summary of the participant's final Account portfolio, and, to the extent applicable during one month per year only, any rebated fees that are allocated to the participant's Account; (d) semiannual and annual reports that include financial statements for the Funds as well as the fees paid to OLDE Discount; (e) investment performance histories and other information provided by the Funds to OLDE; (f) ratings information received about the Funds from independent sources such as Morningstar; and (g) responses to oral or written inquiries of participants upon request.

Finally, OLDE will maintain, for a period of six years, written records that will enable the Department, Plan participants and others to determine whether the conditions of this exemption have been met.

12. In summary, it is represented that the transactions have satisfied or will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The decision to invest in the Funds has been made and will be made by a Plan participant and not by OLDE.

(b) No sales commissions, other than 12b–1 Fees, have been paid or will be paid by an Account in connection with the purchase or sale of shares in the

[8] In this regard, the Department notes that the use of amounts in the Comerica money market account to pay third party expenses would be permissible under section 408(b)(2) of the Act and the corresponding regulations only if such expenses were incurred in connection with a service otherwise exempt under section 408(b)(2) and the Plan is obligated to pay such expenses under applicable Plan provisions.

[9] As noted above, OLDE Financial represents that it is a fiduciary with respect to the Plan by reason of its ability to select investment alternatives for the Plan or to add or remove mutual fund families that it decides to make available to the Plan. However, OLDE Financial represents that neither it nor OLDE Discount provides investment advice to Plan participants that would make either entity a fiduciary with respect to the Plan within the meaning of section 3(21) of the Act.

Funds and no redemption fees have been or will be paid by an Account with respect to the sale of shares of the Funds.

(c) The Plan or, if applicable, an Account, will receive a rebate from OLDE Discount in the form of cash equal to its *pro rata* portion of all 12b–1 Fees charged by OLDE Discount to the Funds under the Rebate Program.

(d) Participants with Accounts in the Plan have received or will receive full written disclosure of information concerning the Funds at the time of, and subsequent to, such investment.

(e) The terms of each purchase or redemption of shares in the Funds have remained and will remain at least as favorable to an Account as those obtainable in an arm's length transaction with an unrelated party.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Consolidated Associations of Railroad Employees Health Care Plan (the Plan) Located in Topeka, Kansas

[Application No. L–10527]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of section 406(a) of the Act shall not apply, effective June 10, 1997 to: (1) The current leasing (the Lease) of certain real property (the Property) by the Plan to Century Health Solutions, Inc. (Century), a party in interest with respect to the Plan; (2) the proposed new leasing of substantially the same Property by the Plan to Century effective April 1, 1998 (the New Lease); and (3) the possible future sale of the Property by the Plan to Century pursuant to a right of first refusal under the terms of the Lease, provided the following conditions are satisfied: (a) The Property represents no more than 25% of the value of the Plan's assets; (b) The terms of the Lease are, and will remain, at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party; (c) the fair market rental value is determined on an annual basis by a qualified, independent appraiser; (d) the Plan's independent fiduciary has determined that the transaction is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries; (e) the Plan's independent fiduciary will continue to monitor the transaction and the conditions of the exemption and take whatever action is necessary to enforce the Plan's rights under the Lease; and (f) the Plan's independent fiduciary acts to ensure that any sale of the Property by the Plan to Century is properly effected under the terms of the Lease, pursuant to Century's right of first refusal in the event the Plan receives a bona fide offer from a third party to purchase the Property, and Century is not in default on any of its obligations under the Lease.

EFFECTIVE DATE: If this proposed exemption is granted, it will be effective June 10, 1997.

Summary of Facts and Representations

1. The Consolidated Associations of Railroad Employees (CARE) and the Plan are the successors to the A.T. & S.F. Employees' Benefit Association (EBA) and the EBA Health Care Plan, respectively. EBA was the entity which, on behalf of the EBA Health Care Plan, initiated the Lease which is the subject of this proposed exemption. EBA was a traditional railroad hospital and medical benefit association whose sole function was to sponsor and maintain a health care arrangement for employees of the Santa Fe Railroad and their dependents. It did so for more than 100 years. By 1993, EBA no longer provided point-of-service hospitalization, but continued to provide point-of-service medical care and pharmaceuticals through a medical clinic and pharmacy located at its Topeka offices, and continued to provide indemnity benefits through its Health Care Plan, which relied exclusively on a comprehensive provider network.

2. EBA had a closely-related sister organization, the Santa Fe Employees Hospital Association (EHA). EHA provided similar medical benefits to Santa Fe Railroad employees in the southern and southwestern United States. To achieve economies of scale, and thereby to provide better benefits, EBA and EHA merged in July 1996, and became CARE, a not-for-profit Kansas corporation. Following the merger, the EBA and EHA Health Care Plans and their related trusts merged (on or about January 1, 1997) so that CARE maintains a single welfare plan, i.e., the Plan. The Plan currently has approximately 18,500 participants, and has assets of approximately $16 million. The Property has a fair market value of approximately $3.6 million, and the Lease, which encompasses 25% of the office space in the Property, thus involves approximately 6% of the assets of the Plan.

3. In late 1992, a group of former (or soon to be former) EBA employees formed Century. Century is a Missouri not-for-profit corporation. The applicant represents that its principals and employees are wholly independent of CARE. Its aim was to provide third party claims administration and other medically related services to employee welfare benefit plans. EBA and Century expected that Century would perform third party claims administration for the EBA Health Care Plan and also provide, directly to plan participants, point-of-service health care in a medical clinic, not just to EBA Health Care participants but to participants in other plans as well.

4. Accordingly, in late 1992, EBA (on behalf of the EBA Health Care Plan) and Century entered into various agreements, including the Lease and a services agreement. The applicant represents that the arrangement for services by Century on behalf of the EBA Health Care Plan are exempt pursuant to the provisions of section 408(b)(2) of the Act and the regulations thereunder.[10] The Lease, which first became effective on April 1, 1993, was for approximately 17,145 square feet of office space in the Property, which consists of an office building located at 620 S.E. Madison, Topeka, Kansas. The Lease was amended effective October 1, 1993, September 1, 1994 and May 1, 1995 for the sole purpose of increasing the space leased to Century and the rent paid to the EBA Health Care Plan, accordingly. The Lease, providing for a three year term with two potential extensions of one year each, will (with the extensions) expire on March 31, 1998. The parties are contemplating entering into the New Lease, with terms that are similar to the terms of the current Lease, to take effect April 1, 1998. The Lease had an initial term of three years and the possibility of two one-year extensions, and the New Lease is expected to have a similar term. The Lease built in increases in rent in each of the first three years and provided for increases based on the Consumer Price Index (CPI) in each of the two one-year extensions. The Plan's independent fiduciary (see rep. 7, below) has recommended a rent schedule for the New Lease that is based in part on CPI increases, as well as increases in operating costs.

5. Except as provided below with respect to storage space, the rent per square foot paid by Century under the Lease was $12 for the first year, $13 for

[10] The Department expresses no opinion herein as to the applicability of Act section 408(b)(2) to the provision of such services by Century.

the second year, and $14 for the third year. The Lease provides for increases, based on the Consumer Price Index, in each of the two one-year extensions. For the first one-year extension, the rate in effect for the last year of the Lease served as the floor rent. For the second one-year extension, the rate in effect for the first one-year extension served as the floor rent. The modifications to the original Lease (the modifications were effective in 1993 and 1994) provided for Century's lease of additional space in the Property at the same rates which applied to the original Lease agreement. The 1995 modification provided for the leasing to Century of 308 square feet of uninhabitable storage space, with the rent for that space set at $2.50 per square foot.

6. The applicant represents that prior to entering into the Lease with Century, EBA had received inquiries from several potential third party tenants, but none was willing to pay more than $8 or $9 per square foot. On August 12, 1996, independent appraisers Kevin Nunnink and Brian Coup of Nunnink Associates, Inc. (Nunnink), Kansas City, Missouri, determined that as of April 1, 1993, a rate of $12 per square foot for the Property, without any escalation, would have been a fair market rental rate for the Property for a five year lease.

7. Effective May 1, 1997, CARE retained KOLL, The Real Estate Services Company (KOLL), Kansas City, Missouri, to act as the Plan's independent fiduciary with respect to the subject transaction. KOLL is an international real estate company based in Newport Beach, California which has 350 offices in the United States with 2,700 employees. The Kansas City office manages over 1 million square feet of space and provides third party brokerage services for local and national clients. KOLL represents that it is not related to CARE or Century nor to any of their principals, nor does KOLL have any business dealings with them. KOLL further represents that it understands and accepts its position as a qualified independent fiduciary with respect to the Plan, and its duties, responsibilities and liabilities as such under the Act. KOLL reviewed the Lease as of June 10, 1997 and made a detailed report as of that date. KOLL represents that it has made a determination, as of that date, that the Lease and retention of Century as a tenant at a market rental rate for an additional Lease term are in the best interests of the Plan and its participants and beneficiaries. KOLL represents that it has reviewed the terms of the Lease document, considered the Lease with respect to the Plan's diversification of investments and also considered Century's performance of its obligations under the Lease. KOLL notes that if Century left the Property, roughly 30% of the Property would need to be re-leased, which could take up to 6–12 months to accomplish. KOLL relied in part on the appraisal performed by Nunnink in light of Nunnink's independence and the quality and timing of the appraisal. KOLL represents that it will perform or cause to be performed an updated fair market rental analysis in the 60 day period preceding the date (April 1, 1998) of the New Lease, and further represents that the terms of the New Lease will be no less favorable to the Plan than the fair market rental rates as indicated by that independent fair market rental analysis. KOLL represents that it will continue to monitor the Lease and confirm the collection by the Plan of rents paid by Century, determine whether it is appropriate to renew, continue or extend the Lease to Century, set the terms and conditions of any renewal or extension of the Lease, and take all actions necessary to ensure that the Lease with Century, and the New Lease, remain in the best interests of the Plan.

8. Under Section 44 of the Lease, Century has a right of first refusal to purchase the Property from the EBA (now CARE) Health Care Plan in the event the Plan receives a bona fide offer from a third party to purchase the Property and Century is not in default of any of its obligations under the Lease. Century's right (and obligation should it choose to exercise its right) is to purchase the Property under the terms and conditions that are contained in the third party's offer. Century also has a right of first refusal over expansion space in the Property. This proposed exemption would extend to the purchase of the Property by Century pursuant to this right of first refusal. KOLL has agreed, as part of its independent fiduciary's responsibilities, to act on behalf of the Plan to ensure that this Section 44 of the Lease is properly effected (or that modifications to the Lease are made if KOLL considers such modifications necessary or advisable). Thus, KOLL will ensure that any offer made to the Plan for the purchase of the Property is, in fact, a bona fide third party purchase offer and that a sale of the Property to Century, upon the exercise of Century's right of first refusal, would be consistent with the rights and obligations of the parties under the Lease.

9. The applicant represents that CB Commercial Real Estate Group, Inc. (CB), has purchased KOLL. CB represents that it agrees to assume, and shall assume, as the successor to KOLL, the duties and responsibilities of the independent fiduciary with respect to the subject transactions. CB endorses, ratifies and affirms all representations made by KOLL with respect to the subject transactions.

10. The applicant represents that not later than 30 days after the grant of the exemption proposed herein is published in the **Federal Register**, notice of the exemption will be sent to the appropriate Regional Office of the Department's Pension and Welfare Benefits Administration. The appropriate parties in interest agree to pay any civil penalty that may be due and owing by them under section 502(i) of the Act with respect to the leasing of the Property by the Plan to Century for the period before the exemption becomes effective.

11. In summary, the applicant represents that the subject transactions satisfy the criteria contained in section 408(a) of the Act for the following reasons: (a) The Lease represents approximately 6% of the Plan's total assets; (b) the rental for the Property has been demonstrated to be in excess of fair market rental terms as established by a qualified, independent appraiser, and future terms for the New Lease will be not less favorable to the Plan than those established by a qualified, independent appraiser; (c) the Plan's independent fiduciary, KOLL, has determined that the Lease is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries; (d) KOLL and its successor independent fiduciary, CB, will continue to monitor the Lease and take whatever action is necessary to protect the Plan's rights under the Lease; (e) before entering into the New Lease, CB will determine that the New Lease is appropriate for the Plan, in the best interests of its participants and beneficiaries and protective of their rights; and (f) CB, as the Plan's independent fiduciary, will ensure that any future sale of the Property by the Plan to Century is properly effected under the terms of the Lease, pursuant to Century's right of first refusal in the event the Plan receives a bona fide third party purchase offer.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Thornton, Hegg, Reif, Johnston & Dolan Profit Sharing Plan and Trust (the Plan) Located in Alexandria, Minnesota

[Application No. D–10563]

Proposed Exemption

The Department of Labor is considering granting an exemption

under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale (the Sale) by the Plan of certain real property (the Property) to Robert M. Hegg (Mr. Hegg), a party in interest with respect to the Plan; provided the following conditions are satisfied:

(A) The terms and conditions of the transaction are no less favorable to the Plan than those which the Plan would receive in an arm's-length transaction with an unrelated party;

(B) The Sale is a one-time transaction for cash;

(C) The Plan incurs no expenses from the Sale; and

(D) The Plan receives as consideration from the Sale the greater of either the fair market value of the Property as determined by a qualified, independent appraiser on the date of the Sale, or an amount equal to the funds expended in acquiring and maintaining the Property, less any income produced by the Property.

Summary of Facts and Representations

1. Thornton, Hegg, Reif, Johnston & Dolan, P. A., a Minnesota professional association, is the sponsoring employer of the Plan (the Employer). The Employer is in the general practice of law in Alexandria, Minnesota, which includes advising clients in various legal matters involving real estate matters.

2. The Plan is a defined contribution plan that is intended to qualify under section 401(a) of the Code. The applicant represents that as of December 31, 1997, the Plan had $1,668,933.96 and 12 participants. The fiduciaries of the Plan, who have investment discretion over all the assets of the Plan, include Mr. Hegg and Messrs. Thomas J. Reif, Scott T. Johnston, and Michael J. Dolan. All the fiduciaries are shareholders and officers of the Employer.

3. The Property is agricultural land, located at 452 County Road 5, Alexandria, Minnesota, approximately 10 miles from Alexandria, Minnesota, and consists of 70 acres of unimproved land with approximately 54 acres in tillable land and the remaining acreage in woodland and pasture. The Property consists of four separate parcels that were acquired over three years beginning in 1981 from an unrelated party for the total sum of $45,000, and the applicant represents that no expenses were incurred by the Plan when purchasing the Property. The applicant represents that the Property has been leased to Daryl R. Krohfeldt, an unrelated person, for farming purposes since 1981 through 1997 for the total sum of $ 23,210. The only expenses the Plan has incurred from owning the Property is $5,602 for real estate taxes for the years from 1981 through December 31, 1997, and $50.00 for fence posts.

The Property was appraised by Virginia M. Swartz, of the Swartz Appraisal Service, located in Alexandria, Minnesota, who determined that the Property had a fair market value of $30,500, as of June 8, 1996. The Property was listed for sale, commencing April 23, 1997, through April 1, 1998, with Jerry-Ginny Swartz Realty, Inc., located in Alexandria, Minnesota. The realtor represents in a letter dated December 31, 1997, that the Property has been advertised by various methods, including signs posted on the site and advertisements in local newspapers. Also, the realtor represents that no serious inquiries have been received regarding the Property, and that at this time the demand is limited for agricultural property in the area.

4. Mr. Hegg proposes to purchase the Property for cash in a one-time transaction with no expenses incurred by the Plan. The applicant represents that the Plan will receive as consideration from the Sale the greater of either the fair market value of the Property as determined on the date of the Sale by a qualified, independent appraiser, or an amount equal to the funds expended by the Plan in acquiring and maintaining the Property, less any income produced by the Property

Mr. Hegg is prompted to take this action because of the decreasing value of the Property since its acquisition by the Plan, and because of the low yields to the Plan from its investment. Also, at this time, Mr. Hegg desires to purchase the Property because of its illiquidity as an investment as demonstrated by the inability of the Plan's realtor to generate interest in the Property from prospective purchasers or to sell the Property in the open market for its fair market value. The applicant represents that the Plan desires to convert the funds from the Sale into more liquid assets with greater yields, and assets requiring less expenses in administration for the Plan.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because (a) the Sale is a one-time transaction for cash; (b) the Plan will not incur any expenses from the transaction; (c) the Plan will be able to convert the funds from the Sale into more liquid and higher yielding assets which will be less expensive to manage and administer for the fiduciaries of the Plan; and (d) the Plan will receive the greater of either the fair market value of the Property as determined on the date of the Sale by a qualified, independent appraiser, or an amount equal to the funds expended by the Plan in acquiring and maintaining the Property, less any income produced by the Property.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express

condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 20th day of February, 1998.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 98–4840 Filed 2–25–98; 8:45 am]

BILLING CODE 4510–29–P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

TIME AND DATE: 8:30 a.m., March 30, 1998.

PLACE: On board MISSISSIPPI V at City Front, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project; and (3) District Commander's report on the Mississippi River and Tributaries project in Memphis District.

TIME AND DATE: 8:30 a.m., March 31, 1998.

PLACE: On board MISSISSIPPI V at City Front, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project.

TIME AND DATE: 8:30 a.m., April 1, 1998.

PLACE: On board MISSISSIPPI V at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project; and (3) District Commander's report on the Mississippi River and Tributaries project in Vicksburg District.

TIME AND DATE: 8:30 a.m., April 3, 1998.

PLACE: On board MISSISSIPPI V at New Orleans District Office, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project; and (3) District Commander's report on the Mississippi River and Tributaries project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Noel D. Caldwell, telephone 601–634–5766.

Noel D. Caldwell,

Executive Assistant, Mississippi River Commission.

[FR Doc. 98–5124 Filed 2–24–98; 2:37 pm]

BILLING CODE 3710–PU–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–025)]

NASA Advisory Council (NAC), Technology and Commercialization Advisory Committee (TCAD); 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, Technology and Commercialization Advisory Committee.

DATES: Thursday, March 5, 1998, 8:30 a.m. to 5:00 p.m. and Friday, March 6, 1998, 8:00 a.m. to 12:30 p.m.

ADDRESSES: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas Building 17, Room 2037.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory M. Reck, Code AF, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4700).

SUPPLEMENTARY INFORMATION: The meeting will be open to the pubic up to the seating capacity of the room. The agenda for the meeting is as follows:

—Report from liaison members with other advisory committees on activities relatives related to technology

—Review of NASA space commercialization activities

—Discussion of charter for review of the Human Exploration and Development Enterprise technology program.

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.

Dated: February 19, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–4852 Filed 2–25–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–024)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that TekQuest, Inc., of Hendersonville, North Carolina, has applied for an exclusive license to practice the invention described and claimed in U.S. Patent No. 5,333,931, entitled ''Portable Seat Lift,'' which 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 a license should be sent to Marshall Space Flight Center.

DATES: Responses to this notice must be received by April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. James J. McGroary, Patent Attorney, Marshall Space Flight Center, Mail Code CC01, Huntsville, Alabama 35812, telephone number (205) 544–0013.

Dated: February 17, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–4851 Filed 2–25–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communication Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer-Computation Research (1192)
Date: March 19 and 20, 1998
Time: 8:00 a.m.–5:00 p.m.
Place: Rooms 1120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed
Contact Person: Dr. Robert Grafton, Program Director, C–CR, room 1155, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 703–306–1910.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.
Agenda: To review and evaluate Design Automation proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4960 Filed 2–25–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Electrical and Communications System (1196).
Date and Time: March 16–19, 1998: 8:30 a.m. to 5:00 p.m.
Place: Room 360 and 330 on 3/16–17, Room 580 on 3/18–19, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Dr. Tien P. Lee and Dr. Magdy Iskander, Program Directors, Physical Foundations of Enabling Technologies (PFET), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230, Telephone: (703) 306–1339.
Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate research proposals in the Physical Foundations of Enabling Technologies program as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4959 Filed 2–25–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for the Experimental Program To Stimulate Competitive Research (EPSCoR); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for the Experimental Program to Stimulate Competitive Research (EPSCoR) #1198.
Dates: March 19–20, 1998.
Times: 11:30 a.m.–6:00 p.m.; March 19, 1998; 8:00 a.m.–12:00 noon; March 20, 1998.
Place: Washington National Airport Hilton, 2399 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 418–6800 FAX (703) 418–3762.
Type of Meeting: Closed.
Contact Person: Dr. Richard J. Anderson, Head, Office of Experimental Program to Stimulate Competitive Research (EPSCoR), National Science Foundation, Suite 875, 4201 Wilson Blvd., Arlington, VA 22230, (703) 306–1683.
Purpose of Meeting: To provide advice and recommendations concerning EPSCoR Grant proposals and EPSCoR Cooperative Agreement proposals submitted to the NSF program for financial support.
Agenda: To review and evaluate EPSCoR proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4961 Filed 2–25–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences (1756).
Date and Time: March 16 1998; 8:00 A.M.–5:00 P.M.
Place: Room #770, 4201 Wilson Blvd., Arlington, VA.
Type of Meeting: Closed.
Contact Person: Dr. Michael Mayhew, Program Director, Education and Human Resources Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone (703) 306–1557.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Postdoctoral Fellowship Panel proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4963 Filed 2–25–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Human Resource Development (#1199).
Date and Time: March 22–25, 1998: 8:00 a.m. to 5:00 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Room 330, Arlington, VA 22230.
Type of Meeting: Closed

Contact Person: Margrete Klein, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 306–1637.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the Women and Girls program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4962 Filed 2–25–98; 8:45 am]

BILLING CODE 7555–01–M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of annual meeting.

SUMMARY: The Compact Commission will hold its first annual meeting. The Commission will consider matters relating to administration, and issues relating to the price regulation.

DATES: The meeting is scheduled for March 4, 1998 commencing at 10:00 a.m. to adjournment.

ADDRESSES: The meeting will be held at the Holiday Inn, Capitol Room, 172 North Main Street, Concord, NH (exit 14 off Interstate 93).

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 43 State Street, PO Box 1058, Montpelier, VT 05601. Telephone (802) 229–1941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Northeast Dairy Compact Commission will hold its first annual meeting. The Commission will consider administration matters, including the annual report, and issues relating to the price regulation, including certain requests for amendment and milk production in the Compact region.

(Authority: (a) Article V, Section 11 of the Northeast Interstate Dairy Compact, and all other applicable Articles and Sections, as approved by Section 147, of the Federal Agriculture Improvement and Reform Act (FAIR ACT), Pub. L. 104–127, and as thereby set forth in S.J. Res. 28(1)(b) of the 104th Congress; Finding of Compelling Public Interest by United States Department of Agriculture Secretary Dan Glickman, August 8, 1996 and March 20, 1997. (b) Bylaws of the Northeast Dairy Compact Commission, adopted November 21, 1996.)

Daniel Smith,

Executive Director.

[FR Doc. 98–4980 Filed 2–25–98; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Company; Notice of Withdrawal of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Commonwealth Edison Company (ComEd, the licensee) to withdraw its November 7, 1996, applications for proposed amendments to Facility Operating License Nos. DPR–39 and DPR–48, issued to the licensee for operation of the Zion Nuclear Power Station, Units 1 and 2, located in Ogle County, Illinois. Notice of Consideration of Issuance for these amendments was published in the **Federal Register** on December 18, 1996 (61 FR 66704–05).

The first proposed amendment would have modified the facility technical specification (TS) surveillance requirements from verifying greater than or equal to 17 percent steam generator secondary side wide range water level to greater than or equal to 17 percent steam generator secondary side narrow range water level. The second proposed amendment would have changed the TS values for the reduced power range neutron flux high setpoint trip that are specified when one or more code main steam safety valves are inoperable. The third proposed amendment would have clarified the TS operability requirements for the residual heat removal loops during core alteration operations. By letter dated February 12, 1998, ComEd withdrew the amendment requests because they are no longer needed. By letter dated February 13, 1998, ComEd certified that they have permanently ceased operations at Zion Nuclear Power Station, Units 1 and 2. Since ComEd has permanently ceased operations at Zion Station, the license amendment requests submitted on November 7, 1996, are no longer needed.

For further details with respect to this action, see (1) The three applications for amendment dated November 7, 1996, and (2) the staff's letter dated February 23, 1998.

These documents are available for public inspection at the Commissions Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 23rd day of February 1998.

For the Nuclear Regulatory Commission.

Lawrence W. Rossbach,

Project Manager, Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–4956 Filed 2–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IES Utilities Inc., Central Iowa Power Cooperative, Corn Belt Power Cooperative; Notice of Consideration of Issuance of Amendment to Facility Operating License Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49 issued to IES Utilities Inc., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (the licensee) for operation of the Duane Arnold Energy Center, located in Linn County, Iowa.

The proposed amendment would change the operability requirement for the Standby Liquid Control system to Run/Power Operations and Startup.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. In STARTUP and RUN/POWER OPERATIONS, the standby liquid control (SLC) system is required to provide shutdown capability. In HOT SHUTDOWN and COLD SHUTDOWN, control rods are not able to be withdrawn since the reactor mode switch is in Shutdown and a control rod block is applied. This provides adequate controls to ensure that the reactor remains subcritical. In REFUELING mode, only a single control rod can be withdrawn from a core cell containing fuel assemblies. Demonstration of adequate SDM (LCO 3.1.1, ''SHUTDOWN MARGIN'') ensures that the reactor will not become critical. The SLC System is not required to be OPERABLE when only a single control rod can be withdrawn. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated above, the SLC system is only required to provide shutdown capability to mitigate accidents in the STARTUP and RUN/POWER OPERATIONS modes. The proposed change does not affect this requirement. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change does not involve a significant reduction in a margin of safety. The proposed change does not affect the ability of the SLC system to achieve plant shutdown under analyzed conditions. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice.

Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 1998 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2.

Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jack Newman, Al Gutterman, Morgan, Lewis & Brockius, 1800 M Street, NW., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 3, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this day of February 1998.

For the Nuclear Regulatory Commission.

John B. Hickman,

Acting Project Manager, Project Directorate III–3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–4957 Filed 2–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IES Utilities Inc. Central Iowa Power Cooperative, Corn Belt Power Cooperative; Notice of Consideration of Issuance of Amendment to Facility Operating License; Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49 issued to IES Utilities Inc., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (the licensee) for operation of the Duane Arnold Energy Center, located in Linn County, Iowa.

The proposed amendment would revise the definitions of Cold Condition and Cold Shutdown and add a new section, 3.17, Vessel Hydrostatic Pressure and Leak Testing, to the Technical Specifications to specifically allow reactor vessel hydrostatic pressure testing to be performed during plant shutdown.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. Under this proposed change the secondary containment, secondary containment automatic isolation valves, and standby gas treatment systems would be required to be operable during the performance of hydrostatic and leak testing and would be capable of handling any airborne radioactivity or steam leaks that could occur. The required pressure testing conditions provide adequate assurance that the consequences of a steam leak will be conservatively bounded by the consequences of the postulated main steam line break outside of primary containment. The proposed change will not result in a significant change in the stored energy in the reactor vessel during the performance of the testing.

(2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change will not alter the way hydrostatic pressure and leak testing is performed or significantly change the temperatures and pressures achieved to perform the test.

3) The proposed amendment will not involve a significant reduction in a margin of safety. The proposed changes and additions result in increased system operability requirements above those that currently exist during the performance of hydrostatic and leak testing and are consistent with the requirements of NUREG 1433 Rev. 1, and the DAEC submittal for Improved Technical Specifications. The incremental increase in stored energy in the vessel during testing will be conservatively bounded by the consequences of the postulated main steam line break outside of primary containment. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will

publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jack Newman, Al Gutterman, Morgan, Lewis & Brockius, 1800 M Street, NW., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 3, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this 20th day of February 1998.

For the Nuclear Regulatory Commission.

John B. Hickman,

Acting Project Manager, Project Directorate III–3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–4958 Filed 2–25–98; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application and Claim for Sickness Benefits.

(2) *Form(s) submitted:* SI–1a, SI–1b, SI–3, SI–7, SI–8, ID–7H, ID–11A.

(3) *OMB Number:* 3220–0039.

(4) *Expiration date of current OMB clearance:* 4/30/1998.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households, business or other for profit.

(7) *Estimated annual number of respondents:* 55,400.

(8) *Total annual responses:* 270,900.

(9) *Total annual reporting hours:* 27,921.

(10) *Collection description:* Under Section 2 of the Railroad Unemployment Insurance Act, sickness benefits are provided for qualified railroad employees. The collection obtains information from employees and physicians needed for determining eligibility for and amount of such benefits.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 98–4942 Filed 2–25–98; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1998, shall be at the rate of 35 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1998, 30.3 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 69.7 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 19, 1998.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98–4931 Filed 2–25–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 23033; 812–10748]

Franklin Floating Rate Trust, et al.; Notice of Application

February 20, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under sections 6(c) and 23(c) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicants seek an order to permit certain registered closed-end investment companies to impose early withdrawal charges (''EWCs'').

APPLICANTS: Franklin Floating Rate Trust (the ''Fund''), Franklin Advisers, Inc. (the ''Adviser''), Franklin/Templeton Distributors, Inc. (the ''Distributor''), and Franklin/Templeton Investor Services, Inc. (the ''Administrator'').

FILING DATES: The application was filed on August 6, 1997. Applicants have agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 16, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, 777 Mariners Island Boulevard, San Mateo, CA 94404.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Senior Attorney, at (202) 942–0572, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee at the SEC's Public Reference Branch, 450 5th Street, N.W., Washington, D.C. 20549 (telephone (202) 942–8090).

Applicants' Representations

1. The Fund is a closed-end management investment company registered under the Act. The Fund invests primarily in senior secured corporate loans and senior secured debt securities that are made or issued by U.S. companies and U.S. subsidiaries of non-U.S. companies and that have floating or variable interest rates. The Adviser, registered under the Investment Advisers Act of 1940, serves as investment adviser for the Fund. The Distributor serves as distributor to the Fund and the Administrator serves as the Fund's administrator. The Adviser, Distributor, and Administrator are wholly-owned subsidiaries of Franklin Resources, Inc.

2. Applicants request that the order apply to any registered closed-end investment company for which the Adviser, the Distributor, the Administrator, or any entity controlling, controlled by, or under common control with the Adviser, the Distributor, or the Administrator acts as principal underwriter, investment adviser, or administrator (collectively with the Fund, the ''Funds''), provided that any

Fund that in the future relies on the order will do so in a manner consistent with the terms and conditions of the application.

3. The Funds intend to continuously offer their shares to the public at net asset value. Initially, the Fund will be sold without a front-end sales charge, but the Fund and certain other Funds may be in the future impose a front-end sales charge. The Funds do not intend to list their shares on any national securities exchange or over-the-counter market and there will be no secondary market for shares of the Funds. The Funds intend to operate as ''interval funds'' pursuant to rule 23c–3 under the Act and make periodic repurchase offers to their shareholders.

4. The Funds propose to impose EWCs on shares accepted for repurchase that have been held for less than a certain period of time. The EWCs will be paid to the Distributor to allow it to recover a portion of its distribution expenses. The EWC to be imposed by the Fund is expected to be 1% of the lesser of the then current net asset value or the original purchase price of the shares being tendered for shares held less than twelve months. The Funds may in the future impose EWCs in different amounts or for different time periods.

5. In the future, the Funds may pay service fees that will meet the requirements of Rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. (the ''NASD'') as if the Fund were an open-end fund.[1] Any service fee payments will be in amounts not to exceed .25% of a Fund's average daily net assets for any fiscal year. Any front-end sales charge imposed by a Fund also will comply with the NASD's Conduct Rule 2830(d) as if the Fund were an open-end fund.

6. The Funds propose to waive the EWC for certain categories of shareholders or transactions to be established in the future. With respect to any waiver of, scheduled variation in, or elimination of the EWC, the Funds will comply with rule 22d–1 under the Act as if the Funds were open-end funds.[2]

[1] The Funds will not impose any distribution fees similar to those charged by open-end funds under rule 12b–1 under the Act.

[2] The Funds may offer their shareholders an option to exchange their shares for shares of registered open-end investment companies in the Franklin/Templeton group of investment companies (as defined in rule 11a–3 under the Act). Any such exchange option will comply with rule 11a–3 as if the Funds were open-end investment companies subject to the rule. In complying with rule 11a–3, the Funds will treat the EWC as if it were a contingent deferred sales charge.

Applicants' Legal Analysis

1. Section 23(c) of the Act provides in relevant part that no registered closed-end fund will purchase any securities of which it is the issuer except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the SEC may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a registered closed-end fund (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the fund. Rule 23c–3(b)(1) provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase. Applicants request relief from this provision pursuant to sections 69(c) and 23(c) to the extent that it would prohibit the imposition of an EWC on tendered shares that have been held for less than a specified period.

3. Rule 6c–10 under the Act permits open-end funds to impose deferred sales charges, subject to certain conditions. Applicants state that EWCs are functionally equivalent to contingent deferred sales charges (''CDSLs'') that open-end funds may charge under rule 6c–10. Applicants believe that EWCs are necessary for the Distributor to recover distribution costs from Fund shareholders who redeem early. The Funds will comply with rule 6c–10 as if the rule were applicable to them. The Funds also will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs. Finally, as permitted under rule 6c–10, any waiver of EWCs will comply with the requirements of rule 22d–1 under the Act.

4. Section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard for the reasons stated above.

5. Section 23(c)(3) provides that the SEC may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicants believe that the requested relief meets this standard. Applicants state that the Funds will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistent with the requirements of rule 22d–1 under the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Funds that impose an EWC will comply with rule 6c–10 under the Act as if the rule were applicable to the Funds.

2. The Funds that impose a service fee will comply with Rule 2830(d) of the NASD's Conduct Rules as if the rule were applicable to the Funds.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4917 Filed 2–25–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23032; 812–10856]

Van Kampen American Capital Distributors, Inc., et al.; Notice of Application

February 20, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 26(a)(2)(D) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit certain unit investment trusts to deposit trust assets in the custody of foreign banks and securities depositories.

APPLICANTS: Van Kampen American Capital Distributors, Inc. (the ''Sponsor''), and Van Kampen American Capital Equity Opportunity Trust (the ''Trust'').

FILING DATES: The application was filed on November 3, 1997 and amended on February 18, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing.

Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 17, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

FOR FURTHER INFORMATION CONTACT: J. Amanda Machen, Senior Counsel, at (202) 942–7120 or Nadya Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202–942–8090).

Applicant's Representations

1. The Sponsor, a wholly-owned indirect subsidiary of Morgan Stanley, Dean Witter, Discover & Co., specializes in the underwriting and distribution of unit investment trusts (''UITs'') and mutual funds. The Sponsor is also a broker-dealer registered under the Securities Exchange Act of 1934.

2. The Trust is registered under the Act and consists of several UITs registered or to be registered under the Securities Act of 1933 (''Series'' or ''Trust Series''). Each Series is created under the laws of the United States pursuant to a trust agreement that will contain information specific to that Trust Series and which will incorporate by reference a master trust indenture (the ''Indenture'') among the Sponsor, a financial institution that is a bank within the meaning of section 2(a)(5) of the Act and that satisfies the criteria of section 26(a) of the Act (the ''Trustee''), an evaluator and a supervisor. Applicants request that any order granted pursuant to the application extend to any future UIT sponsored by the Sponsor or an entity controlled by or under common control with the Sponsor (together with the Trust, the ''Trusts'').

3. Several Series have investment objectives that specify the investment of assets in non-United States securities. To date, the existing Trust Series that invest in foreign securities have been able to deposit those securities in the custody of a foreign branch of a U.S. bank or with the securities clearance and depository facilities operated by Morgan Guaranty Trust Company of New York, in its capacity as operator of the Euroclear System (''Euroclear''), or with Central de Livraison de Valeurs Mobilieres, S.A. (''Cedel''), under an exemptive order granted to the Series' Trustee, the Bank of New York.[1] Applicants currently contemplate creating a Trust Series (the ''EAFE Trust'') that will invest in the twenty companies with the highest dividend yield selected from a subset of the Morgan Stanley Capital International Europe, Australasia, Far East Index. The EAFE Trust will invest in foreign securities traded in several countries (such as Australia, France and New Zealand) that either are not eligible for settlement through Euroclear or Cedel or for which those depositories are not used in the ordinary course of settling transactions in those securities. Applicants therefore request an order to permit the Trust Series to deposit investments, including foreign currencies, for which the primary market is outside the United States and such cash and cash equivalents as necessary to effect the Series' transactions in those investments (collectively, ''Foreign Investments''), with any foreign bank or securities depository that meets the requirements described below.

4. Without the requested relief, purchases of certain foreign securities by the EAFE Trust require that the securities must be physically transported in certificate form for deposit with a foreign branch of a U.S. bank and then retransported and redeposited upon sale. The costs and risks of this process are borne by the Series. Applicants also represent that, increasingly, transactions in foreign securities must be settled by book entry through specified clearing systems with related depositories. In addition, certain countries by law or regulation mandate use of a particular depository as the only means of holding a security. In other markets, maintaining securities outside a depository is not consistent with prevailing custodial practices. In some markets, anticipated time delays, as well as the costs, of maintaining securities with the nearest branch of a qualified U.S. bank have led the Sponsor to determine not to invest in those securities.

Applicants' Legal Analysis

1. Under sections 2(a)(5) and 26(a)(1) of the Act, the trustee of a UIT must be a bank that is subject to regulation by the U.S. government or one of the states. Section 26(a)(2)(D) also requires that the trust indenture provide that the trustee ''shall have possession of all securities and other property in which the funds of the trust are invested * * * and shall segregate and hold the same in trust * * * until distribution thereof to the security holders of the trust.'' Under these provisions, the only foreign entity that qualifies as a UIT custodian is an overseas branch of a U.S. bank.

2. Section 6(c) provides that the SEC may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or any rule or regulation under the Act if, and to the extent that, the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Rule 17f–5 under the Act governs the custody of assets of registered management investment companies overseas. Applicants seek an order under section 6(c) exempting them and any U.S. bank that acts as Trustee for any Trust Series from section 26(a)(2)(D) of the Act to the extent necessary to permit a Trustee to deposit Foreign Investments with an eligible foreign custodian as that term is defined in rule 17f–5 under the Act (''Eligible Foreign Custodian''). Rule 17f–5 defines Eligible Foreign Custodian to include an entity incorporated or organized under the laws of a foreign country that is (i) a banking institution or trust company regulated as a bank or trust company by the foreign country's government or government agency or a majority-owned direct or indirect subsidiary of a U.S. bank or bank holding company; (ii) a securities depository or clearing agency that acts as a system for the central handling of securities or equivalent book-entries in the country that is regulated by a foreign financial regulatory authority; or (iii) a securities depository or clearing agency that acts as a transnational system for the handling of securities or equivalent book-entries.

4. Under the proposed arrangements, a Trust Series would comply with all of the requirements of rule 17f–5, except

[1] Investment Company Act Release Nos. 20444 (August 5, 1994) (notice) and 20521 (August 31, 1994) (order).

that the Trustee would perform the duties that rule 17f–5 requires to be performed by a ''foreign custody manager.'' Rule 17f–5 defines ''Foreign Custody Manager'' as the board of directors of a management investment company or a person serving as the board's delegate.

5. Under the proposed arrangements, the Sponsor, in determining the composition of the Trust Series' portfolio, will evaluate the risks of a Trust Series' investing in a particular country. In making the foreign investment decisions, the Sponsor may seek and rely on the information and opinion of the Trustee who may have information and experience concerning the financial systems and practices of the particular foreign market. The risks associated with the investment, if material, will be disclosed in the Trust Series' prospectus.

6. Consistent with the requirements of rule 17f–5, the Trustee, as Foreign Custody Manager, will select an Eligible Foreign Custodian after determining that the Series's assets will be subject to reasonable care; that the foreign custody contract will provide reasonable care for the Series' assets; and after establishing a system to monitor the appropriateness of maintaining the Series' assets with the custodian. The Trustee will make these determinations according to the requirements of the rule. The Indenture will contain provisions under which the Trustee agrees to indemnify the Trust Series against the risk of loss of Trust Series assets held in accordance with the foreign custody contract. In addition, the Indenture will contain provisions under which the Trustee agrees to exercise reasonable care, prudence and diligence such as a person having responsibility for the safekeeping of Trust Series assets would exercise, and to be liable to the Trust Series for any loss occurring as a result of the Trustee's failure to do so.

7. Applicants believe the Trustee can fulfill the duties of a Foreign Custody Manager under rule 17f–5 to select a foreign custodian and monitor the foreign custody arrangements. Applicants also assert that the Trustee will have the necessary expertise and generally be in the best position to make the determinations required by the rule. Applicants believe that permitting the use of Eligible Foreign Custodians by Trust Series would result in efficiencies, cost savings and enhanced liquidity of the Series' Foreign Investments.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. The Indenture will contain provisions under which the Trustee agrees to indemnify the Trust Series against the risk of loss of Trust Series assets held in accordance with the foreign custody contract.

2. The Indenture will contain provisions under which the Trustee agrees to exercise reasonable care, prudence and diligence such as a person having responsibility for the safekeeping of Trust Series assets would exercise, and to be liable to the Trust Series for any loss occurring as a result of the Trustee's failure to do so.

3. The Indenture will contain provisions under which the Trustee agrees to perform all of the duties assigned by rule 17f–5, as now in effect or as it may be amended in the future, to the Foreign Custody Manager. A Trustee's duties under this condition will not be delegated.

4. The Trust Series' prospectus will contain such disclosure regarding foreign securities and foreign custody as is required for management investment companies by Forms N–1A and N–2.

5. The Trustee will maintain and keep current written records regarding the basis for the choice or continued use of each foreign custodian. These records will be preserved for a period of not less than six years from the end of the fiscal year in which the Trust Series was terminated, the first two years in an easily accessible place. The records will be available for inspection at the Trustee's main office during the Trustee's usual business hours, by unitholders and by the SEC or its staff.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4857 Filed 2–25–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39681; International Series Release No. 1120]

List of Foreign Issuers Which Have Submitted Information Under the Exemption Relating to Certain Foreign Securities

February 19, 1998.

Foreign private issuers with total assets in excess of $10,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more reside in the United States, are subject to registration under Section 12(g) of the Securities Exchange Act of 1934 [1] (the ''Act'').[2]

Rule 12g3–2(b) [3] provides an exemption from registration under Section 12(g) of the Act with respect to a foreign private issuer that submits to the Commission, on a current basis, the material required by the Rule. The informational requirements are designed to give investors access to certain information so they have the opportunity to inform themselves about the issuer. The Rule requires the issuer to provide the Commission with information that it has: (1) Made or is required to make public pursuant to the law of the country of its domicile or in which it is incorporated or organized; (2) filed or is required to file with a stock exchange on which its securities are traded and that was made public by such exchange; and/or, (3) distributed or is required to distribute to its securities holders.

On October 6, 1983, the Commission revised Rule 12g3–2(b) by terminating the availability of the exemptive rule for certain foreign issuers with securities quoted on an automated inter-dealer quotation system—including the Nasdaq stock market.[4] The Commission grandfathered indefinitely securities of non-Canadian issuers that were in compliance with the Rule as of October 6, 1983 and quoted on Nasdaq on that date.[5]

When the Commission adopted Rule 12g3–2(b) and other rules [6] relating to foreign securities, it indicated that from time to time it would publish lists showing those foreign issuers that have claimed exemptions from the registration provisions of Section 12(g) of the Act.[7] The purpose of this release is to call to the attention of brokers, dealers and investors, that some form of relatively current information concerning the issuers included in this list is available in the Commission's

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[1] 15 U.S.C. 78a et seq.

[2] Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States, and may be subject to the reporting requirements of the Act by reason of having registered securities under the Securities Act of 1933, 15 U.S.C. 77a et seq.

[3] 17 CFR 240.12g3–2(b).

[4] Exchange Act Release No. 20264 (Oct. 6, 1983).

[5] If, however, the securities are delisted from an automated inter-dealer quotation system or if the issuer fails to meet the requirements of the Rule, the grandfather provision will cease to apply. In addition, effective April 1, 1998, the securities of foreign private issuers that claim the Rule 12g3–2(b) exemption will no longer be able to be quoted on the OTC Bulletin Board Service. See Exchange Act Release No. 38456 (March 31, 1997).

[6] Exchange Act Release No. 8066 (Apr. 28, 1967).

[7] Exchange Act Release No. 38235 (Feb. 4, 1997) was the last such list.

public files.[8] The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning foreign issuers may not necessarily be available in the United States.[9] The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending those securities to their customers.[10]

Direct any questions regarding Rule 12g3–2 or the list of issuers in this release to Rani Doyle, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, ((202) 942–2990). This release is available on the Commission's Web site: www.sec.gov. Requests for copies may also be directed to the Public Reference Room, Securities and Exchange Commission, Washington, D.C. 20549 ((202) 942–8090).

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

Issuer	Country	File No.
A&B Geoscience Corp	Canada	82–4254
A.C.T. Industrial Corp	Canada	82–1071
AAPC Ltd	Australia	82–3688
AAXIS Ltd	Canada	82–1278
ABB AG	Switzerland	82–2871
ACOM Co. Ltd	Japan	82–4121
AGC Americas Gold Corp	Canada	82–2622
AIC International Resources Corp	Canada	82–1911
AME Resource Capital Corp	Canada	82–3435
AO Mosenergo	Russia	82–4475
AO TD GUM	Russia	82–4132
AO Tatneft	Russia	82–4226
APAC Telecommunications Corp	Canada	82–4157
ATOS	France	82–4323
AUR Resources Inc	Canada	82–4624
AVL Information Systems Inc	Canada	82–4010
Abitibi Mining Corp	Canada	82–4321
Aboitiz Equity Ventures	Phillipines	82–4650
Accor SA	France	82–4672
Adamas Resources Corp	Canada	82–4355
Adex Mining Corp	Canada	82–2796
AdvantEdge International Inc	Canada	82–4658
Agen Ltd	Australia	82–2330
Aggreko PLC	Scotland	82–4659
Ainsworth Lumber Co. Ltd	Canada	82–4608
Airgen Corporation	Canada	82–4731
Alantra Venture Corp	Canada	82–3307
Albert Fisher Group PLC	United Kingdom	82–1020
All Nippon Airways Co. Ltd	Japan	82–1569
Allied Colloids Group plc	United Kingdom	82–4038
Allied Domecq plc	United Kingdom	82–878
Alpargatas, S.A.I.C	Argentina	82–3122
Alpha Airports Group PLC	United Kingdom	82–3694
Altai Resources, Inc	Canada	82–2950
Altair International Inc	Canada	82–1770
AmSteel Corp Berhad	Malaysia	82–3318
Amalgamated Banks of South Africa Ltd	South Africa	82–4569
Amera Industries Corp	Canada	82–3263
American Comstock Exploration Ltd	Canada	82–3283
American Manor Corp	Canada	82–4158
American Mineral Fields Inc	Canada	82–1840
Amoy Properties Ltd	Hong Kong	82–3410
Anderson Exploration Ltd	Canada	82–4169
Andhra Valley Power Supply Co Ltd	India	82–3732
Angkasa Marketing Berhad	Malaysia	82–3319
Anglo American Corp. of South Africa Ltd	South Africa	82–97
Anglo American Gold Investment Co. Ltd	South Africa	82–146
Annova Business Group Inc	Canada	82–2384
Antares Mining and Exploration Corp	Canada	82–3858
Anthian Resources Corp	Canada	82–4096
Apasco SA de CV	Mexico	82–3103
Applied High Technology AHT Corp	Canada	82–4562
Applied Inventions Management Inc	Canada	82–3763
Aqua Pure Ventures Inc	Canada	82–4623

[8] Inclusion of an issuer on the list in this release is not an affirmation by the Commission that the issuer has complied or is complying with all the conditions of Rule 12g3–2(b). The list does identify those issuers that have both claimed the exemption and have submitted relatively current information to the Commission as of February 11, 1997.

[9] Paragraph (a)(4) of Rule 15c2–11 [17 CFR 240.15c2–11] requires a broker-dealer initiating a quotation for securities of a foreign private issuer to review, maintain in its files, and make reasonably available upon request, the information furnished to the Commission pursuant to Rule 12g3–2(b) since the beginning of the issuer's last fiscal year.

[10] See, e.g., *Hanley* v. *SEC*, 415 F.2d 589 (2d Cir. 1969) (broker-dealer cannot recommend a security unless an adequate and reasonable basis exists for such recommendation).

Issuer	Country	File No.
Aquaterre Mineral Development Ltd	Canada	82–3945
Archon Minerals Ltd	Canada	82–4171
Argenta Systems Inc	Canada	82–1320
Arisawa Manufacturing Co	Japan	82–4620
Arisco Produtos Alimenticos SA	Brazil	82–4651
Arjo Wiggins Appleton PLC	United Kingdom	82–4185
Arkona Resources Inc	Canada	82–711
Armada Gold Corp	Canada	82–3965
Arvind Mills Ltd	India	82–3708
Asia Fiber PLC	Thailand	82–2842
Assurances Generales de France	France	82–4517
Astra Compania Argentina de Petroleo SA	Argentina	82–3930
Astris Energi Inc	Canada	82–4325
Athabaska Gold Resources Ltd	Canada	82–1906
Atna Resources Ltd	Canada	82–1556
Augen Capital Corp	Canada	82–4712
Augusta Resource Corp	Canada	82–3529
Auridiam Consolidated NL	Australia	82–3452
Australian National Industries Ltd	Australia	82–3351
Australian Oil & Gas Corp Ltd	Canada	82–4576
Austria Tabak AG	Austria	82–4715
Autoliv AB	Sweden	82–3810
Autumn Industries Inc	Canada	82–3219
Avalon Ventures Ltd	Canada	82–4427
Avmin Limited	South Africa	82–4519
Aztek Technologies Inc	Canada	82–1474
BAT Industries	United Kingdom	82–33
BYG Natural Resources Inc	Canada	82–2038
BASM Resources Corp	Canada	82–4667
BC Gas Inc	Canada	82–3909
BCS Technology Inc	Canada	82–4558
BHF Bank AG	Germany	82–3404
BT Industries AB	Sweden	82–4212
BTR PLC	United Kingdom	82–898
BWI Resources Ltd	Canada	82–2914
Banca Commerciale Italiana	Italy	82–3707
Banca Popolare di Brescia SA	Italy	82–4662
Banco La Previsora SA	Equador	82–4133
Banco Mercantil SA	Bolivia	82–4296
Banco Santander Mexicano	Mexico	82–3508
Banco Venezolano de Credito SACA	Venezuela	82–4422
Bandai Co. Ltd	Japan	82–3919
Bank Handlowy w Warszawie SA	Poland	82–4613
Bank Vozrozhdeniye	Russia	82–4257
Bank of East Asia Ltd	Hong Kong	82–3443
Bank of Nova Scotia	Canada	82–132
Bank of Scotland	United Kingdom	82–3240
BankInter SA	Spain	82–2972
Bayerische Hypotheken-und Wechsel-Bank	Germany	82–3777
Beatrix Mines Ltd	South Africa	82–1054
Bellevue Capital Corp	Canada	82–4687
Benz Energy Ltd	Canada	82–2491
Berjaya Group Berhad	Malaysia	82–2677
Berjaya Industrial Berhad	Malaysia	82–2580
Berkshire Int'l Mining Ltd	Canada	82–1914
Bespak PLC	United Kingdom	82–3349
Beta Systems Software AG	Germany	82–4631
Big Valley Resources Inc	Canada	82–1600
Billiton PLC	United Kingdom	82–4647
Biota Holdings Ltd	Australia	82–3570
Blackrock Ventures Inc	Canada	82–4555
Blackstone Resources Inc	Canada	82–4520
Blue Circle Industries PLC	United Kingdom	82–927
Blue Desert Mining Inc	Canada	82–4386
Blue Power Energy Corp	Canada	82–2213
Blue Range Resource Corp	Canada	82–3302
Body Shop International PLC	United Kingdom	82–3534
Bohler Uddeholm AG	Austria	82–4089
Boliden Limited	Canada	82–4707
Bombardier Inc	Canada	82–3123
Bombril SA	Brazil	82–3651
Bompreco SA Supermercados do Nordeste	Brazil	82–4467
Bonton AS	Czech Republic	82–4684
Borealis Exploration Ltd	Canada	82–1656

Issuer	Country	File No.
Borneo Gold Corp	Canada	82–4702
Bracken Mines Ltd	South Africa	82–219
Braddick Resources Ltd	Canada	82–4414
Braiden Resources Ltd	Canada	82–2121
Brandselite International Corp	Canada	82–4042
Breckenridge Resources Ltd	Canada	82–1647
Bren Mar Resources Ltd	Canada	82–2143
Briana Bio-Tech Inc	Canada	82–3073
Bridgestone Corp	Japan	82–1264
Bright Star Ventures	Canada	82–4737
British Aerospace PLC	United Kingdom	82–3138
British Energy PLC	United Kingdom	82–4426
Brocker Investments Ltd	Canada	82–4186
Bronx Minerals Inc	Equador	82–966
Burmah Castrol PLC	United Kingdom	82–5
Burns Philip & Company Ltd	Australia	82–1565
Burwill Holdings Ltd	Bermuda	82–4266
C.A. Venezolana de Pulpa y Papel SACA	Venezuela	82–3202
CAPEX SA	Argentina	82–3862
CDL Hotels International Ltd	Cayman Islands	82–3667
CSK Corp	Japan	82–781
CSL Ltd	Australia	82–3785
CTM Citras SA	Brazil	82–3555
CVL Resources Ltd	Canada	82–1991
Cadre Resources Ltd	Canada	82–2911
Calais Resources Inc	Canada	82–3525
Calypso Developments Ltd	Canada	82–4692
Cambridge Minerals Ltd	Canada	82–4669
Camelot Resources Ltd	Australia	82–4550
Campagnie Financiere de Paribas	France	82–4559
CanBaikal Resources Inc	Canada	82–4694
Canadian Airlines Corp	Canada	82–3203
Canadian Hydro Developers Inc	Canada	82–3347
Canadian Medical Legacy Corp	Canada	82–4729
Canadian Oil Sands Trust	Canada	82–4726
Canadian Western Bank	Canada	82–4478
Caradon PLC	United Kingdom	82–4542
Carbite Gold Inc	Canada	82–4305
Cardo AB	Sweden	82–4020
Caribbean Cement Company	Jamaica	82–3715
Caribgold Resources Inc	Canada	82–4104
Carlin Resources Corp	Canada	82–4111
Carta Resources Ltd	Canada	82–4553
Casamiro Resources Corp	Canada	82–1431
Cash Resources Ltd	Canada	82–4106
Castello Casino Corp	Canada	82–1918
Castellum AB	Sweden	82–4683
Castle Rock Exploration Corp	Canada	82–2472
Catalyst Ventures Corp	Canada	82–2930
Cathay Pacific Airlines Ltd	Hong Kong	82–1390
Cathedral Gold Corp	Canada	82–1990
Celanese Canada Inc	Canada	82–171
Cementos Lima SA	Peru	82–3911
Cemex SA de CV	Mexico	82–2744
Centaur Mining & Exploration Ltd	Australia	82–4313
Central Costanera SA	Argentina	82–3868
Central Pacific Minerals NL	Australia	82–354
Centrica PLC	United Kingdom	82–4518
Cerveceria Nacional SA	Panama	82–4704
Ceska Sporitelna AS	United Kingdom	82–4384
Challenger Minerals Ltd	Canada	82–3666
Champion Gold Resources Inc	Canada	82–4485
Champion Resources Inc	Canada	82–4286
Charters Towers Gold Mines NL	Australia	82–4493
Chauvco Resources Ltd	Canada	82–3316
Chen Hsong Holding Ltd	Bermuda	82–3953
Chengdu Telecommunications Cable Co Ltd	China	82–4573
Cheung Kong (Holdings) Ltd	Hong Kong	82–4138
China Overseas Land and Investment Ltd	Hong Kong	82–3987
China Pharmaceutical Enterprise & Inv Co	Hong Kong	82–4135
China Resources Enterprise Ltd	Hong Kong	82–4177
China Strategic Holdings Ltd	Hong Kong	82–3596
Cho Hung Bank	Korea	82–4506
Christiana Bank OG Kredithasso	Norway	82–3018

Issuer	Country	File No.
Christies International PLC	United Kingdom	82–1180
Churchill Resources Ltd	Philippines	82–3927
Ciba Specialty Chemicals Holding Inc	Switzerland	82–4541
Cifra SA de CV	Mexico	82–4609
Circle Energy Inc	Canada	82–4586
Circumpacific Energy Corp	Canada	82–3102
Claude Resources Inc	Canada	82–1742
Clear Creek Resources Ltd	Canada	82–4690
Climax International Co	Bermuda	82–4062
Coca-Cola Amatil Ltd	Australia	82–2994
Colony Pacific Explorations Ltd	Canada	82–1115
Columbia Yukon Resources Ltd	Canada	82–4290
Comac Food Group Inc	Canada	82–2456
Commerzbank AG	Germany	82–2523
Compagnie Financiere Richemont AG	Switzerland	82–4102
Companhia Acos Especiais Itabira Acesita	Brazil	82–3769
Companhia Cervejaria Brahma SA	Brazil	82–4352
Companhia Energetica Minas Gerais	Brazil	82–3465
Companhia Energetica de Sao Paulo	Brazil	82–3691
Companhia Suzano De Papel e Celulose	Brazil	82–3550
Companhia de Tecidos Norte	Brazil	82–4714
Companion Building Material (Holding) Ltd	Hong Kong	82–3982
Compass Group PLC	United Kingdom	82–4445
Concept Industries PLC	Canada	82–4003
Concert Industries Ltd	Canada	82–1003
Consolidated Gold City Mining Corp	Canada	82–2753
Consolidated Magna Ventures Ltd	Canada	82–1370
Consolidated Pine Channel Gold Corp	Canada	82–2583
Consolidated Westview Resources Inc	Canada	82–2601
Consorcio Hogar SA de CV	Mexico	82–4604
Consorcio Inversionista Mercantil CIMA	Venezula	82–4377
Continental AG	Germany	82–1357
Continental Precious Minerals Inc	Canada	82–3358
Copene Petroquimica do Nordeste SA	Brazil	82–3367
Cora Resources Ltd	Canada	82–4571
Corner Bay Minerals Inc	Canada	82–4698
Corporacion Financiera del Valle SA	Columbia	82–3437
Corriente Resources Inc	Canada	82–3775
Cream Minerals Ltd	Canada	82–4739
Credit Communai Holding/Dexia Belguim	Belguim	82–4606
Credit Lyonnais SA	France	82–3662
Credit Suisse First Boston	Switzerland	82–4705
Credit Suisse Group	Switzerland	82–3477
Crestar Energy Inc	Canada	82–3641
Cross Lake Minerals Ltd	Canada	82–2636
Crown Ltd	Australia	82–4498
Cultor Ltd	Finland	82–1643
Curion Venture Corp	Canada	82–3602
Curlew Lake Resources Inc	Canada	82–1978
DIS Deutscher Industrie	Germany	82–4716
Da Capo Resources Ltd	Canada	82–3931
Dah Sing Financial Holdings Ltd	Hong Kong	82–4272
Dai'ei Inc	Japan	82–230
Dairy Farm International Holdings Ltd	Hong Kong	82–2962
Daiwa Associate Holding Ltd	Bermuda	82–4402
David Jones Ltd	Australia	82–4230
De Beers Centenary AG	Switzerland	82–3069
De Beers Consolidated Mines Ltd	South Africa	82–91
Debenhams PLC	United Kingdom	82–4747
Debonair Holdings PLC	United Kingdom	82–4634
Deelkraal Gold Mining Co. Ltd	South Africa	82–246
Delpet Resources Ltd	Canada	82–1535
Delphi Group Public Ltd Co.	United Kingdom	82–4424
Den Danske Bank AG	Denmark	82–1263
Den Norske Bank AS	Norway	82–3967
Denstone Resources Ltd	Canada	82–4680
Deutsche Bank AG	Germany	82–334
Deutsche Lufthansa AG	Germany	82–4691
Development Bank of Singapore	Singapore	82–3172
Dixons Group PLC	United Kingdom	82–3331
Dofasco Ltd	Canada	82–3226
Dorel Industries Inc	Canada	82–2800
Dresdner Bank AG	Germany	82–229
Driefontein Consolidated Ltd	South Africa	82–124

Issuer	Country	File No.
Dynamic Ventures Ltd	Canada	82–4080
ED& F Man Group PLC	United Kingdom	82–4214
ERG Australia Ltd	Australia	82–2372
EI Environmental Engineering Concepts Ltd	Canada	82–1598
EMI Group PLC	United Kingdom	82–373
ERG SPA	Italy	82–4745
ERI Ventures Ltd	Canada	82–4430
East Daggafontein Mines Ltd	South Africa	82–42
East India Hotels Ltd	India	82–3921
East Rand Gold & Uranium Co.	South Africa	82–289
East Rand Proprietary Mines Ltd	United Kingdom	82–239
East West Resources Corp	Canada	82–787
Eastman Resources Inc	Canada	82–4421
Egana International Holdings Ltd	Cayman Islands	82–4268
Eisai Co Ltd	Japan	82–4015
Elandsrand Gold Mining Co	South Africa	82–266
Eldorado Gold Corp	Bermuda	82–3578
Electrolux do Brasil SA	Brazil	82–3794
Elektrim SA	Poland	82–4665
Elevadores Atlas SA	Brazil	82–4409
Elite Industries Ltd	Israel	82–2958
Email Limited	Australia	82–2951
Emperor (China Concepts) Inv. Ltd	Bermuda	82–3886
Emperor Mines Ltd	Australia	82–969
Empire Alliance Properties Inc	Canada	82–2215
Energy Africa Limited	South Africa	82–4306
Engil Sociedade Gestora de Participacoes	Portugal	82–4246
Enterra Holdings Ltd	Canada	82–4335
Essex Resource Corp	Canada	82–4410
Evander Gold Mines Ltd	South Africa	82–220
Evergreen Marine Corp Taiwan Ltd	China	82–4420
Exall Resources Ltd	Canada	82–3535
Expatriate Resources Ltd	Canada	82–4603
Exploration Brex Inc	Canada	82–4269
FH Faulding & Company Ltd	Australia	82–2882
FCA International Ltd	Canada	82–1310
FVI Fondo de Valores	Venezuela	82–4695
Fairfield Minerals Ltd	Canada	82–1784
Fairyoung Holdings Ltd	Hong Kong	82–4236
Falcon Point Resources Ltd	Canada	82–1713
Falcon Ventures International Corp	Canada	82–1748
Fancamp Resources Ltd	Canada	82–3929
Far-Ben SA de CV	Mexico	82–3600
Fastighets AB Tornet	Sweden	82–4322
Fedsure Holdings Ltd	South Africa	82–3839
Fenway Resources Ltd	Canada	82–2303
Ferreyos SA	Peru	82–4567
Finance One Public Co Ltd	Thailand	82–3536
Findore Minerals Inc	Canada	82–4163
First Australian Resources NL	Australia	82–3494
First Pacific Co Ltd	Hong Kong	82–836
First Quantum Minerals	Canada	82–4461
First Silver Reserve Inc	Canada	82–3449
Flextech Holdings Ltd	Singapore	82–4539
Flying Disc Entertainment Inc	Canada	82–1931
Footmaxx Holdings Inc	Canada	82–4079
Forbes Medi Tech Inc	Canada	82–3139
Foreningssparbanken AB	Sweden	82–4092
Foschini Ltd	South Africa	82–4044
Founder Resources Inc	Canada	82–3264
Frankie Dominion International Ltd	Bermuda	82–3649
Free State Consolidated Gold Mines Ltd	South Africa	82–44
Frutarom Industries Ltd	Israel	82–4357
Fuji Bank Ltd	Japan	82–4492
Fuji Photo Film Co. Ltd	Japan	82–78
Future Media Technologies Corp	Canada	82–2406
G. Accion SA de CV	Mexico	82–4590
GAR Ltd	Canada	82–3489
GGT Group	United Kingdom	82–2884
GHP Exploration Corp	Canada	82–4600
GKN PLC	United Kingdom	82–1042
GMD Resources Corp	Canada	82–4071
Gala-Bari International Inc	Canada	82–2511
GalaVu Entertainment Inc	Canada	82–4587

Issuer	Country	File No.
Gallery Resources Ltd	Canada	82–2877
Genbel South Africa Ltd	South Africa	82–235
Gencor Ltd	South Africa	82–311
Genetronics Biomedical Ltd	Canada	82–4060
Geo2 Ltd	Australia	82–4499
Gerdav SA	Brazil	82–4663
Gerle Gold Ltd	Canada	82–1209
Gesham Resources Inc	Canada	82–3625
Ghana Gold Mines Ltd	Australia	82–4547
Giordano Holdings Ltd	Hong Kong	82–3780
Gitenne Exploration Inc	Canada	82–4170
Glencar Explorations PLC	Ireland	82–1421
Global Cogenix Industrial Corp	Canada	82–2990
Global Metals Ltd	Canada	82–4676
Globex Mining Enterprises Inc	Canada	82–4025
Glorius Sun Enterprises Ltd	Bermuda	82–4581
Gold Fields of South Africa Ltd	South Africa	82–204
Gold Peak Industries (Holdings) Ltd	Canada	82–3604
Gold Ridge Resources Inc	Canada	82–1903
Goldcliff Resources Corp	Canada	82–2748
Golden Hill Mining Corp	Canada	82–4261
Golden Kootenay Resources Inc	Canada	82–2546
Golden Peaks Resources Ltd	Canada	82–3343
Golden Resources Development Int'l Ltd	Bermuda	82–4026
Golden Thunder Resources Ltd	Canada	82–1052
Goldhill Industries Inc	Canada	82–4162
Goldnev Resources Inc	Canada	82–1080
Goldtex Resources Ltd	Canada	82–4526
Goodman Fielder Ltd	Australia	82–2009
Govett Strategic Investment Trust PLC	United Kingdom	82–287
Gran Cadena de Almacenes Colombianos SA	Colombia	82–3974
Grand Hotel Holdings Ltd	Hong Kong	82–3408
GrandVision SA	France	82–4710
Grande Portage Resources Ltd	Canada	82–1767
Granges AB	Sweden	82–4589
Grasim Industries Ltd	India	82–3322
Great Eagle Holdings Ltd	Bermuda	82–3940
Greenfields Coal Co. Ltd	Australia	82–4227
Groupo Financiero GBM Atlantico SA de CV	Mexico	82–3742
Grupo Continental SA	Mexico	82–4211
Grupo Financiero Banamex Accival SA de CV	Mexico	82–3325
Grupo Financiero Bancomer SA de CV	Mexico	82–3273
Grupo Financiero Bital	Mexico	82–3548
Grupo Financiero Invermexico SA de CV	Mexico	82–3447
Grupo Gigante SA de CV	Mexico	82–3142
Grupo Herdez SA de CV	Mexico	82–3818
Grupo Mexico SA de CV	Mexico	82–4582
Grupo Posadas SA de CV	Mexico	82–3274
Guandong Kelon Electrical Holdings Co	China	82–4374
Guangdon (Holdings) Limited	Hong Kong	82–4725
Guangdong Provincal Expressway Dev	China	82–4570
Guangzhou Investment Co. Ltd	Hong Kong	82–4247
Guangzhou Shipyard Int'l Co. Ltd	China	82–4036
Guardian Enterprises Ltd	Canada	82–857
Guongdong Investments Ltd	Hong Kong	82–3772
Guyana Gold Fields Inc	Canada	82–4532
Gwalia Consolidated Ltd	Australia	82–2126
H.J. Forest Products Inc	Canada	82–4141
H2O Entertainment Corp	Canada	82–4607
HB International Holdings Ltd	Bermuda	82–3949
HSBC Holdings PLC	United Kingdom	82–683
Hai Sun Hup Group Ltd	Singapore	82–3575
Hang Lung Development Co. Ltd	Hong Kong	82–1439
Hang Seng Bank Ltd	Hong Kong	82–1747
Hannover Ruckversicherunge AG	Germany	82–4627
Hanny Holdings Ltd	Bermuda	82–3638
Hansabank Ltd	Estonia	82–4643
Harbour Petroleum Company Ltd	Canada	82–3427
Hardman Resources NL	Australia	82–3472
Harmac Pacific Inc	Canada	82–4122
Hartstone Group PLC	United Kingdom	82–3022
Havas SA	France	82–2879
Henderson Investment Ltd	Hong Kong	82–3964
Henderson Land Development Co. Ltd	Hong Kong	82–1561

Issuer	Country	File No.
Henkel KGAA	Germany	82–4437
Hera Resources Inc	Canada	82–3656
Herald Resources Ltd	Australia	82–4295
Highgrade Ventures Ltd	Canada	82–2257
Highveld Steel & Vanadium Corp. Ltd	South Africa	82–596
Hilasal Mexicana SA de CV	Mexico	82–4743
Hillsdown Holdings PLC	United Kingdom	82–1407
Hilton Petroleum Ltd	Canada	82–4709
Hindalco Industries Ltd	India	82–3428
Hino Motors Ltd	Japan	82–1388
Hoganas AB	Sweden	82–3754
Hokuriku Bank Ltd	Japan	82–1045
Holderbank Financiere Glaris Ltd	Switzerland	82–4093
Hong Kong & China Gas Co. Ltd	Hong Kong	82–1543
Hong Kong Daily News Holding Ltd	Bermuda	82–3887
Hopewell Holdings Ltd	Hong Kong	82–1547
Hornbach-Baumarkt AG	Germany	82–3729
Howard Smith Ltd	Australia	82–4538
Hualing Holdings Ltd	Hong Kong	82–4195
Hunter Douglas NV	Netherlands	82–3741
Hyatt Financial Corp. Ltd	Canada	82–4656
Hysan Development Co	Hong Kong	82–1617
Hyundai Motor Company	Korea	82–3423
I.T.C. Ltd	India	82–3470
I.T.C. Microcomponents Inc	Canada	82–4508
ICI Australia Ltd	Australia	82–4625
IDT Holdings (Singapore) Ltd	Singapore	82–4722
IDT International Limited	Bermuda	82–4727
IGT Pharmaceutical, Inc	Canada	82–4098
Image Power Inc	Canada	82–4641
Image Processing Systems Inc	Canada	82–4244
Imasco Ltd	United Kingdom	82–118
Impala Platinum Holdings Ltd	South Africa	82–359
Imperial Holdings Ltd	South Africa	82–4087
Imperial Metals Corp	Canada	82–1032
Imperial Mining NL	Australia	82–1257
Imperial Tobacco Group	United Kingdom	82–4440
Inca Pacific Resources Inc	Canada	82–1665
Insular Explorations Ltd	Canada	82–1827
Insulpro Industries Inc	Canada	82–3281
Integrated Media Communications Inc	Canada	82–2263
Inter West Energy Corp	Canada	82–4510
Intercontinental Mining Corp	Canada	82–3058
International Ballatar Resources Inc	Canada	82–2237
International Bioremediation Services Inc	Canada	82–3828
International Chargold Resources Ltd	Canada	82–4385
International Curator Resources Ltd	Canada	82–1540
International PBX Ventures Ltd	Canada	82–2635
International Panorama Resource Corp	Canada	82–1965
International Parkside Products Inc	Canada	82–2794
International Pipe Ltd	Hong Kong	82–3850
International Road Dynamics Inc	Canada	82–3899
International Roraima Gold Corp	Canada	82–3988
International Telepresence Canada Inc	Canada	82–4686
International Tower Hill Mines Ltd	Canada	82–3248
International Training Rinks Corp	Canada	82–4626
International Wayside Gold Mines Ltd	Canada	82–1606
International Wex Technologies Inc	Canada	82–3304
Interpump Group SPA	Italy	82–4511
Interstar Mining Group Inc	Canada	82–3759
Iron Carbide Australia Ltd	Australia	82–1386
Iscor Ltd	South Africa	82–3826
Istituto Bancario San Paolo	Italy	82–3265
Ittierre Holding SPA	Italy	82–4728
J Sainsbury PLC	United Kingdom	82–913
JD Group Ltd	South Africa	82–4401
JD Wetherspoon PLC	England	82–4416
JG Summit Holdings Inc	Philippines	82–3572
JNR Resources Inc	Canada	82–4720
JSC Kubanelectrosvyaz	Russia	82–4721
JSC Nizhegorodsvyasinform	Russia	82–4642
JSC Petersburg Telephone Network	Russia	82–4649
JSC Primorsk Shipping Corp	Russia	82–4717
JSC Samaraenergo	Russia	82–4708

Issuer	Country	File No.
JSC Silvinit	Russia	82–4706
JSC Vralsvyasinform	Russia	82–4545
Jamaica Broilers Group Ltd	Jamaica	82–3720
Japan Airlines Company Ltd	Japan	82–122
Japan Telecom Co.	Japan	82–3943
Japan Tobacco Inc	Japan	82–4362
Jardine Matheson Holdings Ltd	Hong Kong	82–2963
Jardine Strategic Holdings Ltd	Bermuda	82–3085
Jilbey Exploration Ltd	Canada	82–1629
Jinhui Holdings Co.	Hong Kong	82–3765
Jinhui Shipping and Transportation Ltd	Bermuda	82–4054
John Keells Holdings Ltd	Sri Lanka	82–3854
Johnson Electric Holdings Ltd	Canada	82–2416
Johnson Matthey Plc	United Kingdom	82–2272
Joint Stock Co. Buryatzoloto	Russia	82–4619
Joint Stock Co. Rosenftegazstroy	Russia	82–4597
Joint Stock Co. Trading House	Russia	82–4563
Joint Stock Co. Aeroflot Russia Int'l Airlines	Russia	82–4592
Jordex Resources Inc	Canada	82–3200
Jot-It Software Corp	Canada	82–4525
Joutel Resources Ltd	Canada	82–502
Julius Meinl International AG	Austria	82–4554
K&M Moebel AG	Germany	82–4572
K. Wah International Holdings Ltd	Bermuda	82–3853
KGHM Polska Miedz SA	Poland	82–4639
Kap Resources Ltd	Canada	82–2319
Karlshamns AB	Sweden	82–4601
Kawasaki Heavy Industries Ltd	Japan	82–4389
Kawasaki Steel Corp	Japan	82–3389
Kelso Technologies Inc	Canada	82–2441
Kettle River Resources Ltd	Canada	82–666
Kidston Gold Mines Ltd	Australia	82–2351
Kik Tire Technologies Inc	Canada	82–2367
King George Development Corp	Canada	82–1446
Kingboard Chemical Holdings Ltd	Caymen Islands	82–4082
Kingfisher PLC	United Kingdom	82–968
Kirin Brewery Co	Japan	82–188
Klondike Gold Corp	Canada	82–3017
Kloof Gold Mining Co Ltd	South Africa	82–205
Kobe Steel Ltd	Japan	82–3371
Komercni Banka AS	Czech Republic	82–4154
Koninklijke Wessanen NV	Netherlands	82–1306
Kookaburra Resources Ltd	Canada	82–2740
Kookmin Bank	Korea	82–4447
Krones AG	Germany	82–3871
Kumagai Gumi (H.K.) Ltd	Hong Kong	82–4029
LG Electronics Inc	Korea	82–3857
Ladbroke Group PLC	United Kingdom	82–1571
Lafarge Coppee	France	82–3369
Lai Sun Development Ltd	Hong Kong	82–3878
Lasermedia Communications Corp	Canada	82–4646
Latas de Aluminos SA	Brazil	82–4598
Laura Ashley Holdings PLC	United Kingdom	82–1356
Leader Mining Corp	Canada	82–2467
Leeward Capital Corp	Canada	82–3640
Legend Holding Ltd	Hong Kong	82–3950
Lenzing AG	Austria	82–3207
Leslie Gold Mines Ltd	South Africa	82–223
Levelland Energy and Resources Ltd	Canada	82–3590
Lion Land Berhad	Malaysia	82–3342
Lloyds Group PLC	United Kingdom	82–4235
London Electricity PLC	United Kingdom	82–3037
Lonrho PLC	United Kingdom	82–191
Louis Dreyfus Citrus SA	France	82–4505
Lucero Resource Corp	Canada	82–1756
Lukoil Co	Russia	82–4006
MCB Investments Corp	Canada	82–3512
MCK Mining Corp	Canada	82–3938
MGI Software Corp	Canada	82–4666
MIM Holdings Ltd	Australia	82–173
Madison Enterprises Corp	Canada	82–4533
Magician Industries Holdings Inc	Bermuda	82–4358
Mahindra & Mahindra	India	82–4479
Malbak Ltd	South Africa	82–3751

Issuer	Country	File No.
Mandarin Oriental International Ltd	Hong Kong	82–2955
Mannesmann AG	Germany	82–4232
Manufacturas De Papel CA	Venezuela	82–4240
Maple Minerals Inc	Canada	82–3650
Mar-West Resources Ltd	Canada	82–4546
Marcopolo SA	Brazil	82–4310
Marks and Spencer PLC	United Kingdom	82–1961
Marubeni Corp	Japan	82–616
Mediaset SPA	Italy	82–4515
Menatep Bank	Russia	82–4155
Menora Resources Inc	Canada	82–4289
Menzies Gold NL	Australia	82–4536
Meranto Technology Ltd	Canada	82–4452
Mercury Scheduling Systems Inc	Canada	82–4531
Merita Ltd	Finland	82–4365
Metrowerks Inc	Canada	82–4049
Metsa Serla OY	Finland	82–3696
Micromedical Industries Ltd	Australia	82–4630
Mill City Gold Mining Corp	Canada	82–3076
Minco Mining & Metals Corp	Canada	82–4160
Minebea Co Ltd	Japan	82–4551
Minera Rayrock Inc	Canada	82–3471
Minorco SA	Luxembourg	82–206
Minto Explorations Ltd	Canada	82–4119
Mishibishu Gold Corp	Canada	82–2682
Mispec Resources Inc	Canada	82–4661
Misr International Bank SAF	Egypt	82–4629
Mitsubishi Chemical Corp	Japan	82–1191
Mitsubishi Corp	Japan	82–3784
Mitsui Trust & Banking Co Ltd	Japan	82–4677
Mol Rt	Hungary	82–4224
Molson Companies Ltd	Canada	82–2954
Moulin International Holding Ltd	Bermuda	82–3970
Mount Burgess Gold Mining Co NL	Australia	82–1235
Mount Real Corp	Canada	82–4689
Mt. Leyshon Gold Mines Ltd	Canada	82–1753
Multivision Communications Corp	Canada	82–2260
Mustang Gold Corp	Canada	82–4724
NCC Mining Corp	Canada	82–3580
NDU Resources Ltd	Canada	82–2292
NTS Computer Systems Ltd	Canada	82–4354
NTT Resources Ltd	Canada	82–3786
NV Verenigd Bezit VNU	Netherlands	82–2876
Nadro SA de CV	Mexico	82–4611
Nampak Ltd	South Africa	82–3714
Naneco Minerals Ltd	Canada	82–2618
National Bank of Canada	Canada	82–3764
National Challenge Systems Inc	Canada	82–4222
National Grid Holding PLC	United Kingdom	82–4207
National Mutual Holdings Ltd	Australia	82–4438
Natsteel Ltd	Singapore	82–4652
Nedcor Ltd	South Africa	82–3893
Nestle SA	Switzerland	82–1252
Net Nanny Software Int'l Inc	Canada	82–2476
New Oji Paper Co Ltd	Japan	82–4112
New World Developments Co	Hong Kong	82–2971
New World Infrastructure Ltd	Hong Kong	82–4218
NewCoast Silver Mines Ltd	Canada	82–4123
Newport Petroleum Corp	Canada	82–4557
Newsquest PLC	United Kingdom	82–4735
Newstar Resources Inc	Canada	82–4400
Nichiei Go Ltd	Japan	82–4664
Nissan Motor Co	Japan	82–207
Nomura Securities Co Ltd	Japan	82–3872
Nora Exploration Inc	Canada	82–3329
Norcan Resources Ltd	Canada	82–3934
Nordbanken AB	Sweden	82–4184
Normandy Mining Ltd	Australia	82–1975
Noront Resources Ltd	Canada	82–2304
North Ltd	Australia	82–2531
Northern Electric PLC	United Kingdom	82–3039
Northpoint Resources Ltd	Canada	82–4645
Northstar Energy Corp	Canada	82–4577
Novartis AG	Switzerland	82–4412

Issuer	Country	File No.
Novawest Resources, Inc	Canada	82–3822
Novogen Ltd	Australia	82–4730
Nu-Apex Energy Corp	British Columbia	82–4425
Nuigini Mining	New Guinea	82–1230
Nuinsco Resources Ltd	Canada	82–1846
OJS Kuzbassenergo	Russia	82–4633
OJSC Tyumentelecom	Russia	82–4535
OTP Nat'l Savings & Commercial Bank Ltd	Hungary	82–4685
Ocean Diamond Mining Holdings Ltd	South Africa	82–4046
Odessa Petroleum Corp	Canada	82–2353
Okak Bay Resources Ltd	Canada	82–4584
Oliver Gold Corp	Canada	82–4537
Olympus Optical Co Ltd	Japan	82–3326
Omni Resources Inc	Canada	82–385
Onfem Holdings Ltd	Bermuda	82–3735
Opawica Explorations	Canada	82–4509
Orbit Oil and Gas Ltd	Canada	82–3107
Orient Telecom and Technology Holdings Ltd	Bermuda	82–3946
Orkla AS	Norway	82–3998
Osterreichische Elcktrizitatswirtschafts	Austria	82–4381
Outokumpu OY	Finland	82–3680
Oxiteno SA	Brazil	82–4148
PT Jakarta Int'l Hotels & Dev	Indonesia	82–4397
PT Hero Supermarket	Indonesia	82–4566
Pacific Andes Int'l Holdings Ltd	Bermuda	82–4031
Pacific Falkon Resources Corp	Canada	82–2204
Pacific Galleon Mining Ltd	Canada	82–3258
Pacific Rim Mining Corp	Canada	82–3611
Pacific Vista Industries Inc	Canada	82–2829
Palmer Resources Ltd	Canada	82–1882
Pangea Goldfields Inc	Canada	82–3917
Pannonplast RT	Hungary	82–4548
Panterra Minerals Inc	Canada	82–3597
Paramount Ventures & Finance Inc	Canada	82–2207
Parkcrest Explorations Ltd	Canada	82–4090
Parkland Industries Ltd	Canada	82–4644
Paul Y ITC Construction Holdings Ltd	Hong Kong	82–4217
Paxton Pacific Resource Products Inc	Canada	82–4614
Pearl Oriental Holdings Ltd	Bermuda	82–4350
Pearson PLC	United Kingdom	82–4019
Peartree Software Inc	Canada	82–4675
Pelorus Navigation Systems Inc	Canada	82–4393
Pender Capital Corp	Canada	82–4405
Pentland Industries PLC	United Kingdom	82–1219
Pepkor Ltd	South Africa	82–3925
Perdigao SA	Brazil	82–4628
Perdigao SA Comercio e Industria	Brazil	82–4431
Peregrine Investments Holdings	Hong Kong	82–3466
Perez Companc SA	Argentina	82–3295
Perfect Fry Corp	Canada	82–1609
Petrolem Brasilerio SA Petrobras	Brazil	82–4448
Phoenix Canada Oil Co. Ltd	Canada	82–3936
Pilat Technologies International	Israel	82–4535
Pioneer International Ltd	Australia	82–2701
Pittencrief Resources PLC	United Kingdom	82–3985
Placer Pacific Ltd	Australia	82–1952
Platexco Inc	Canada	82–4679
Pokphand C.P. Co. Ltd	Bermuda	82–3260
Poly-Pacific International	Canada	82–4596
Polyphalt Inc	Canada	82–4585
Position Inc	Canada	82–4536
Power Corp. of Canada	Canada	82–137
Power Financial Corp	Canada	82–1716
Premier Group Ltd	South Africa	82–3892
Premier Oil PLC	United Kingdom	82–2617
President Enterprises Co	Taiwan	82–3424
Pricer AB	Sweden	82–4723
Prime Resources Group Inc	Canada	82–1503
Princeton Mining Corp	Canada	82–1243
Prokom Software SA	Poland	82–4700
Promatek Industries Ltd	Canada	82–1351
Prosieben Media AG	Germany	82–4621
Prudential Corporation PLC	United Kingdom	82–1477
Puma AG Rudolf Dassler Sport	Germany	82–4369

Issuer	Country	File No.
Python Oil & Gas	Canada	82–4703
QNI Limited	Australia	82–3834
RAO Gazprom	Russia	82–4670
RAO Unified Energy Systems	Russia	82–4077
RBS Participacoes SA	Brazil	82–4338
RBS RV de Florianopolis SA	Brazil	82–4340
RJK Explorations Ltd	Canada	82–2629
RWE AG	Germany	82–4018
Radio Gaucha SA	Brazil	82–4341
Railtrack Group PLC	United Kingdom	82–4282
Raindrop Resources Ltd	Canada	82–4565
Rampton Resource Corp	Canada	82–4579
Rand Mines Ltd	South Africa	82–304
Randfontein Estates Gold Mining	South Africa	82–267
Raptor Capital Corporation	Canada	82–4599
Rautaruukki Oy	Finland	82–3981
Rayrock Yellowknife Resources Inc	Canada	82–378
Raytec Capital Corp	Canada	82–3553
Redex Gold Inc	Canada	82–4529
Redwood Energy Ltd	Canada	82–4349
Regeena Resources Inc	Canada	82–3560
Rembrandt Group Ltd	South Africa	82–3760
Renong Berhad	Malaysia	82–4166
Rentokil Group PLC	United Kingdom	82–3806
Resorts World Berhad	Malaysia	82–3229
Rex Diamond Mining Corp	Canada	82–4719
Rhodia-Ster SA	Argentina	82–3942
Rich Minerals Corp	Canada	82–2832
Richland Mines Inc	Canada	82–3192
Rivera Explorations Inc	Canada	82–2945
Rock Resources Inc	Canada	82–4504
Rolls-Royce PLC	United Kingdom	82–2821
Roly International Holdings Ltd	Bermuda	82–4364
Root Industries Inc	Canada	82–4457
Rossi Residencial SA	Brazil	82–4638
Royal Nedlloyd Group NV	Netherlands	82–1056
Royaledge Resources Inc	Canada	82–4388
Roycefield Resources Ltd	Canada	82–4149
Rustenburg Platinum Holdings Ltd	South Africa	82–241
SAP AG	Germany	82–4045
SEAT SPA	Italy	82–4561
SNG Telecom Inc	Canada	82–4580
Sadia Concordia SA Industria	Brazil	82–4678
Sage Group Ltd	South Africa	82–4241
Sakura Bank Ltd	Japan	82–3055
Salhus Brandon Gold Corp	Canada	82–842
Samsung Heavy Industries Co. Ltd	Korea	82–4091
San Miguel Corp	Philippines	82–306
Sancor Cooperatives Unidas Ltd	Argentina	82–4476
Sandvik AB	Sweden	82–1463
Santos Ltd	Australia	82–34
Sanwa Bank Ltd	Japan	82–4711
Sanyo Electric Co. Ltd	Japan	82–264
Sanyo Securities Co. Ltd	Japan	82–1857
Sao Paulo Alpargatas SA	Brazil	82–3692
Sasol Ltd	South Africa	82–631
Scandinavian Mobility International AS	Sweden	82–4231
Scottish Hydro-Electric PLC	United Kingdom	82–3099
Scottish Power PLC	United Kingdom	82–3100
Sedex Mining Corp	Canada	82–3587
Sega Enterprises Ltd	Japan	82–3439
Seine River Resources Inc	Canada	82–2942
Selecta Group	Switzerland	82–4594
Senco Sensors Inc	Canada	82–3711
Senetek PLC	United Kingdom	82–875
Sennen Resources	Canada	82–2238
Sentrachem Ltd	South Africa	82–3914
Servgro International Ltd	South Africa	82–3898
Sharp Corp	Japan	82–1116
Shenhzen Special Economic Zone Real Estate Group	China	82–3783
Shinawatra Satellite PLC	Thailand	82–4527
Shiseido Company Ltd	Japan	82–3311
Shun Tak Holdings Ltd	Hong Kong	82–3357
Siam Commercial Bank PLC	Thailand	82–4345

Issuer	Country	File No.
Sidel	France	82–4396
Siderar SAIC	Argentina	82–4328
Siebe PLC	United Kingdom	82–2142
Sikaman Gold Resources Ltd	Canada	82–1651
Simsmetal Ltd	Australia	82–3838
Singapore Telecommunications Ltd	Singapore	82–3622
Sino Pacific Development Ltd	Canada	82–1979
Slovnaft AS	Russia	82–3721
Smedvig AS	Norway	82–3551
Societe Generale	France	82–3501
Solomon Resources Ltd	Canada	82–2893
Sons of Gwalia NL	Australia	82–1039
Soranzo International Spirits Inc	Canada	82–4408
South African Breweries Ltd	South Africa	82–303
South African Land & Exploration Co	South Africa	82–59
South China Morning Post Holdings Ltd	Hong Kong	82–3327
Southcorp Holdings Ltd	Australia	82–2692
Southern Pacific Petroleum NL	Australia	82–353
Southern Water PLC	United Kingdom	82–2797
Southvaal Holdings Ltd	South Africa	82–197
Spokane Resources Ltd	Canada	82–4391
Sportsmate International Inc	Canada	82–4356
St. Barbara Mines Ltd	Australia	82–3747
St. Dupont SA	France	82–4552
St. George Bank Ltd	Australia	82–3809
St. Jude Resources Ltd	Canada	82–4014
St. Laurent Paperboard Inc	Canada	82–3896
Stackpal International Corp	Canada	82–4264
Stampede Oils Inc	Canada	82–3605
Star Choice Communications Inc	Canada	82–4136
Star Telecom International Holding Ltd	Bermuda	82–3654
Starlight International Holdings Ltd	Bermuda	82–3594
Starrex Mining Corp	Canada	82–3755
State Bank of India	India	82–4524
Stef International Corp	Canada	82–4070
Stilfontein Gold Mining Co	South Africa	82–301
Stina Resources Ltd	Canada	82–2062
Stirrup Creek Gold Ltd	Canada	82–4464
Stratabound Minerals Corp	Canada	82–3284
Strathmore Resources Ltd	Canada	82–2723
Stryker Resources Ltd	Canada	82–883
Sudamtex de Venezuela SA de CV	Venezuela	82–3653
Sultan Minerals Inc	Canada	82–4741
Sumitomo Bank Ltd	Japan	82–4395
Sumitomo Metal Industries Ltd	Japan	82–3507
Sumitomo Trust & Banking	Japan	82–4617
Summit Resources Ltd	Canada	82–2922
Sun Hung Kai Properties Ltd	Hong Kong	82–1755
Svedala Industri AB	Sweden	82–3593
Swire Pacific Ltd	Hong Kong	82–2184
Synex International Inc	Canada	82–862
Tabcorp Holdings Ltd	Australia	82–3841
Tai Cheung Holdings Ltd	Bermuda	82–3528
Takefuji Corporation	Japan	82–4622
Tapajos Gold Inc	Canada	82–4496
Tappit Resources Ltd	Canada	82–3813
Tata Hydro-Electric Power Supply Co	India	82–3704
Tata Power Company Ltd	India	82–3733
Taylor Nelson AGB PLC	England	82–4668
Technip	France	82–3959
Techtronic Industries Co. Ltd	Hong Kong	82–3648
Telebackup Systems Inc	Canada	82–4701
Telecel Cominicacoes Pessoais	Portugal	82–4528
Televisao Gaucha SA	Brazil	82–4339
Television Broadcasts Ltd	Hong Kong	82–1072
Tenaga Nasional Berhod	Malaysia	82–3677
Tenke Mining Corp	Canada	82–2948
Teollisuuden Voima Oy	Finland	82–2973
Teuton Resources Corp	Canada	82–1394
Thai Telephone and Telecommunications PLC	Thailand	82–3744
Theme International Holdings Ltd	Bermuda	82–4441
Thermal Control Technologies Corp	Canada	82–4280
Thyssen Avtiengesellschaft	Germany	82–4681
Tiberon Minerals Ltd	Canada	82–4488

Issuer	Country	File No.
Tofas Turk Otomobil Fabrikasi A.S	Turkey	82–3699
Tomorrow International Holdings Ltd	Bermuda	82–4256
Tomra Systems A/S	Norway	82–3334
Topper Gold Corp	Canada	82–2694
Toscana Resources Ltd	Canada	82–4434
Totally Hip Software Inc	Canada	82–4556
Totem Sciences Inc	Canada	82–4417
Toyobo Co	Japan	82–1172
Toyota Motor Co., Ltd	Japan	82–208
Trans Hex Group Ltd	South Africa	82–4011
Transportadora de Gas del Norte S.A	Argentina	82–3845
Treminco Resources Ltd	Canada	82–1384
Tri-Vision International Ltd	Canada	82–4501
Triband Resources Corp	Canada	82–4574
Trikem S.A	Brazil	82–4612
Trimin Resources Inc	Canada	82–1833
Trinity International Holdings PLC	United Kingdom	82–3043
Trio Gold Corp	Canada	82–2127
Trivalence Mining Corp	Canada	82–4688
Troymin Resources Ltd	Canada	82–3503
Truly International Holdings Ltd	Cayman Islands	82–3700
Trust Company of Australia Ltd	Australia	82–1443
Tsingtao Brewery Company Ltd	China	82–4021
Tung Fong Hung Holdings Ltd	Cayman Islands	82–4152
Tusk Energy Inc	Canada	82–3297
Twin Star Minerals Ltd	Canada	82–4733
Tyler Resources Inc	Canada	82–3881
UDL Holdings Ltd	Hong Kong	82–4260
UPM Kymmene Corporation	Finland	82–4333
USA Video Interactive Corp	Canada	82–1601
Ungava Minerals Corp	Canada	82–4436
Union Bank of Switzerland	Switzerland	82–3804
United Biscuits PLC	United Kingdom	82–3079
United Film & Video Holdings Ltd	Canada	82–3859
United Reef Ltd	Canada	82–4331
Univa Inc	Canada	82–2570
Universal Gun Loc Industries Ltd	Canada	82–828
Universal SA	Poland	82–4502
Unuk Gold Corp	Canada	82–4653
Upland Global Corp	Canada	82–4346
Upton Resources Inc	Canada	82–3290
Usinas Siderurgicas de Minas Gerais SA	Brazil	82–3902
Vaal Reefs Exploration & Mining Co. Ltd	South Africa	82–56
Vanguard Petroleum Ltd	Australia	82–3478
Vannessa Ventures Ltd	Canada	82–4473
Vantex Oil, Gas & Minerals	Canada	82–4530
Vasogen Inc	Canada	82–4372
Vedior NV	Netherlands	82–4654
Velcro Industries NV	Neth. Ant	82–145
Ventures Resource Corp	Canada	82–4575
Vescan Equities Inc	Canada	82–4516
Vestel Elektronik Sanayi	Turkey	82–4718
Vetta Ventures Ltd	Canada	82–4673
Viag Ag	Germany	82–4343
Viceroy Resource Corp	Canada	82–1193
Vickers PLC	United Kingdom	82–1359
Viking Gold Corporation	Canada	82–4560
Village Roadshow Limited	Australia	82–4513
Voice-It Solutions Inc	Canada	82–1743
Volkswagen AG	Germany	82–2188
Vortex Energy & Minerals Ltd	Canada	82–3462
Vtech Holdings Ltd	Bermuda	82–3565
Wace Group PLC	United Kingdom	82–2369
Waite Dufault Mines Ltd	Canada	82–4324
War Eagle Mining Co Inc	Canada	82–2008
Wattachak Public Co Ltd	Thailand	82–4549
Wayburn Resources Inc	Canada	82–3740
Wedderburn Securities PLC	United Kingdom	82–4696
West Rand Consolidated Mines Ltd	South Africa	82–314
Western Deep Levels Ltd	South Africa	82–58
Western Pacific Gold Inc	Canada	82–4521
Westgold Resources NL	Australia	82–4540
Westley Mines International Inc	Canada	82–1088
Westpine Metals Ltd	Canada	82–3116

Issuer	Country	File No.
Wienerberger Baustoffindustrie AG	Austria	82–4316
Williams Creek Explorations Ltd	Canada	82–3146
Willow Resources Ltd	Canada	82–3843
Windarra Minerals Ltd	Canada	82–561
Wing Tai Holdings Ltd	Singapore	82–4632
Winkelhaak Mines Ltd	South Africa	82–221
Wolford AG	Austria	82–4403
Woolworths Ltd	Australia	82–3544
Wrightson Ltd	New Zealand	82–3646
X-Cal Resources Ltd	Canada	82–1655
Yaletown Entertainment Corp	Canada	82–4336
Yamaichi Securities Co Ltd	Japan	82–4697
Yasuda Trust & Banking Co	Japan	82–4583
Yeebo International Holdings Ltd	Bermuda	82–3869
Yiu Wing International Holdings Ltd	Bermuda	82–3655
Yorkshire Electricity Group PLC	United Kingdom	82–3034
Yorkshire Food Group PLC	United Kingdom	82–4242
Yukong Ltd	Korea	82–3901
Yukos	Russia	82–4209
Zanex N.L.	Australia	82–932
Zero Hora-Editora Jornalistica SA	Brazil	82–4337
Zodiac Hurricane Technologies Inc	Canada	82–1281
Ztest Electronics Inc	Canada	82–4637
Zurich Insurance Company	Switzerland	82–4319

[FR Doc. 98–4918 Filed 2–25–98; 8:45 am]
BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39671; File No. SR–NASD–98–13]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Appointment of Members of the National Adjudicatory Council as Panelists in Appeals of Disciplinary Proceedings

February 17, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 13, 1998, the National Association of Securities Dealers, Inc., through its wholly-owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Item I below, which Item has been prepared by NASD Regulation.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is filing a proposed rule change to Rule 9120(v) and Rule 9331 of the Rules of the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') to clarify that current and former members of the National Adjudicatory Council may serve as Panelists on a Subcommittee or an Extended Proceeding Committee in the appeal or review of disciplinary proceedings undertaken pursuant to the Rule 9300 Series of the newly revised Code of Procedure.[3] During the most recent revisions undertaken to conform the Code of Procedure and related rules to the corporate restructuring of the Association, the Association did not specifically permit former members of the National Adjudicatory Council to serve on National Adjudicatory Council subcommittees. To remedy this omission, the Association is proposing to add in Rule 9331 an explicit reference to the members of the National Adjudicatory Council. A conforming change is required in Rule 9120(v). Below is the text of the proposed rule change; proposed new language is italicized.

* * * * *

9000. CODE OF PROCEDURE

9120. Definitions

(a) through (u)

No change.

(v) ''Panelist''

The term ''Panelist,'' as used in the Rule 9200 Series, means a member of a Hearing Panel or Extended Hearing Panel who is not a Hearing Officer. As used in the Rule 9300 Series, the term means a current *or former member of the National Adjudicatory Council* or *a* former Director or a former Governor who is appointed to serve on a Subcommittee or an Extended Proceeding Committee.

(w) through (bb)

No change.

* * * * *

9331. Appointment of Subcommittee or Extended Proceeding Committee

(a) Appointment by National Adjudicatory Council

No change.

(1) Subcommittee

Except as provided in subparagraph (2), for each disciplinary proceeding appealed or called for review, the National Adjudicatory Council or the Review Subcommittee shall appoint a Subcommittee to participate, subject to Rule 9345, in the appeal or review. A Subcommittee shall be composed of two or more persons who shall be *current or former members of the National Adjudicatory Council or* former Directors or Governors.

[1] 15 U.S.C. 78s(b)(1).

[2] Several additional technical amendments are also included in this Notice. Telephone call between Sharon Zackula, Office of General Counsel, NASD Regulation and Mandy S. Cohen, Office of Market Supervision, Commission dated February 13, 1998.

[3] The most recent changes to the Code of Procedure were approved in Securities Exchange Act Release No. 39470 (December 19, 1997), 62 FR 67927 (Dec. 30, 1997) (approving File No. SR–NASD–97–81). *See also* Securities Exchange Act Release No. 38908 (August 7, 1997), 62 FR 43385 (August 13, 1997) (approving File No. SR–NASD–97–28).

(2) Extended Proceeding Committee

Upon consideration of the volume and complexity of the certified record, or other factors the National Adjudicatory Council or the Review Subcommittee deems material, the National Adjudicatory Council or the Review Subcommittee may determine that a disciplinary proceeding appealed or called for review shall be designated an Extended Proceeding and shall appoint an Extended Proceeding Committee to participate, subject to Rule 9345, in the appeal or review. The Extended Proceeding Committee shall be composed of two or more persons who shall be *current or former members of the National Adjudicatory Council or* former Directors or former Governors. The Review Subcommittee shall have discretion to compensate any or all Panelists of an Extended Proceeding Committee at the rate then in effect for arbitrators appointed under the Rule 10000 Series.

(b) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Association is filing a proposed rule change to Rule 9331 and Rule 9120 (v) to clarify that current and former members of the National Adjudicatory Council may serve as Panelists on Subcommittees or Extended Proceeding Committees in the appeal or review of a disciplinary proceeding undertaken pursuant to the Rule 9300 Series of the recently revised Code of Procedure (the Rule 9000 Series). Members of the National Adjudicatory Council (formerly, the National Business Conduct Committee) have served as the primary pool from which Panelists are drawn to serve on disciplinary Subcommittees or Extended Proceeding Committees. However, due to the reconfiguration of the National Business Conduct Committee as the National Adjudicatory Council, which was part of the corporate restructuring of the Association, an explicit reference to the members of the National Adjudicatory Council as such Panelists is now required in Rule 9331 (a)(1) and (2). The explicit reference in Rule 9331 is now required because formerly, a reference to the members of the NASD Regulation Board included the members of the National Adjudicatory Council. During the most recent revisions to the Code of Procedure, the Association failed to add in Rule 9331 an explicit reference to the members of the National Adjudicatory Council, which was required because another defined term in the rule, ''Director,'' was amended, resulting in the exclusion of members of the National Adjudicatory Council from its scope. A conforming change is required in Rule 9120(v).

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b) of the Act,[4] and, in particular, paragraphs (b)(7) and (b)(8). The proposed rule change is consistent with Section 15A(b)(7) in that it furthers the statutory mandate that the Association establish rules providing that its members and persons associated with its members shall be appropriately disciplined for violation of any provision of this title, the rules or regulations thereunder, the rules of the Municipal Securities Rulemaking Board, or the rules of the Association. The rule change is consistent with Section 15A(b)(8) in that it furthers the statutory goals of providing a fair procedure for disciplining members and persons associated with members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

NASD Regulation has requested that the Commission to find good cause pursuant to Section 19(b)(2) of the Act to approve the proposed rule change prior to the 30th day after its publication in the **Federal Register**. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder. Specifically, the proposed rule change will allow the National Adjudicatory Council to fully and efficiently fulfill its responsibility to consider disciplinary proceedings on appeal or review under the Rule 9300 Series, and the proposed amendments to Rule 9331 and Rule 9120(v) reflect a part of a procedure that the Association's Rules contained in the Code of Procedure prior to the most recent amendments,[5] which the Association intended to continue under the Code of Procedure, as amended. The Commission finds good cause for approving the proposed rule change prior to the 30th day after the publication of notice of filing thereof since immediate approval will allow the Association's disciplinary process to proceed without interruption, and because the substantive concepts underlying this rule change, *i.e.*, creation of the National Adjudicatory Council and the operation thereof, were previously approved, after a full notice and comment period, in SR–NASD–97–71.[6]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in

[4] 15 U.S.C. § 78*o*–3.

[5] The most recent amendments, set forth in File No. SR–NASD–97–81 and approved on December 19, 1997, became effective on January 16, 1998. *See* n. 1, *supra*.

[6] Securities Exchange Act Release No. 39326 (November 14, 1997), 62 FR 62385 (November 21, 1997). No comments were received on this filing.

the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1998.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change ST–NASD–98–13, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

[FR Doc. 98–4860 Filed 2–25–98; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39667; File No. SR–PCX–98–01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Expansion of the LMM Book Pilot Program To Include Non-Multiply-Listed Option Issues

February 13, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 23, 1998, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX.[3] On February 9, 1998, the PCX filed Amendment No. 1 to the rule proposed redesignating the proposal as a ''non-controversial'' rule filing pursuant to Rule 19b–4(e)(6), which constitutes a substantive change in the proposal.[4] This redesignation renders the rule proposed effective upon receipt of Amendment No. 1 by the Commission pursuant to Section 19(b)(3)(A) of the Act and provides that the rule change become operative 30 days after the date of the filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The PCX filed this proposed rule change pursuant to Rule 19b–4(e)(1), designating the rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, and thereby rendering it effective upon filing pursuant to Section 19(b)(3)(A) of the Act.

[4] *See* letter from Michael D. Pierson, Senior Attorney, Regulatory Policy, PCX, to Ann L. Vlcek, Office of Market Supervision, Division, of Market Regulation, Commission, dated February 6, 1998.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to expand its Lead Market Maker (''LMM'') Book Pilot Program by allowing qualified LMMs to trade non-multiply-listed option issues under the pilot program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

On October 11, 1996, the Commission approved an Exchange proposal to adopt a one-year pilot program under which a limited number of LMMs would be able to assume operational responsibility for the options public limit order book (''Book'') in certain option issues.[5] On September 22, 1997, the Commission approved an Exchange proposed to extend the program for one year, so that it is currently set to expire on October 12, 1998.[6]

Under the pilot program, approved LMMs manage the Book function, take responsibility for trading disputes and errors, set rates for Book execution, and pay the Exchange a fee for systems and services.[7] Only multiply-listed option issues are currently eligible to be traded under the pilot program.[8] Initially, the program was limited by allowing no more than three LMMs to participate in the program and no more than 40 option symbols to be used. But on April 1, 1997, the Commission approved an Exchange proposal to expand the program so that up to nine LMMs may participate and up to 150 option symbols may be used.[9]

The Exchange is now proposing to expand the program by allowing LMMs to include non-multiply-listed options within the scope of the program. This change will give program participants greater flexibility in setting Book rates for option issues that they trade, and thus will make the program a better tool for the Exchange to compete with other exchanges for options order flow by lowering transaction costs to the customer.

Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5), in particular, in that it is designed to facilitate transactions in securities, promote just and equitable principles of trade, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The PCX initially filed the proposed rule change with the Commission on January 23, 1998, pursuant to Rule 19b–4(e)(1), designating the proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, and rendering the rule change effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act. However, the PCX filed Amendment No. 1 on February 9, 1998 redesignating the proposal as a ''non-

[5] *See* Exchange Act Release No. 37810 (October 11, 1996), 61 FR 54481 (October 18, 1996) (approved File NO. SR–PSE–96–09).

[6] *See* Exchange Act Release No. 39106 (September 22, 1997), 62 FR 51172 (September 30, 1997) (approving File No. SR–PSE–97–32).

[7] *See* Exchange Act Release No. 37874 (October 28, 1996), 61 FR 56597 (November 1, 1996) (approving File No. SR–PSE–96–38, establishing a staffing charge for LMMs who participate in the pilot program).

[8] *See* Exchange Act Release No. 38462 (April 1, 1997), 62 FR 16886 (April 8, 1997) (approving File No. SR–PSE–96–45).

[9] *See* Exchange Act Release No. 38462, *supra.*

controversial'' rule filing under Rule 19b–4(e)(6). This redesignation constituted a substantive change in the proposal, thus rendering the rule change effective upon filing of Amendment No. 1 and providing that it become operative 30 days after the date of the filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest pursuant to Section 19(b)(3)(A)(iii) of the Act.

Because the foregoing proposed rule change (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) does not become operative for 30 days from February 9, 1998, the date on which Amendment No. 1 was filed; and the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date,[10] the rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(e)(6) thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–98–01 and should be submitted by [insert date 21 days from date of publication].

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4856 Filed 2–25–98; 8:45 am]

BILLING CODE 8010–01–M

[10] The Commission considers the original January 23, 1998 rule filing to be sufficient written notice of PCX's intent to file the proposed rule change that was submitted in the form of Amendment No. 1 on February 9, 1998. The date of the January 23, 1998 rule filing also satisfies the requirement of a minimum prefiling time period of five business days.

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of a currently approved collection. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 17, 1997 [62 FR 66175].

DATES: Comments must be submitted on or before March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Richard Weaver, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2811.

SUPPLEMENTARY INFORMATION:

Maritime Administration

Title: Voluntary Tanker Agreement.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0505.

Affected Public: Tanker companies that operate in international trade and who have agreed to participate in the Voluntary Tanker Agreement.

Abstract: The collection consists of a request from MARAD that each participant in the Voluntary Tanker Agreement submit a list of the names of ships owned, chartered, or contracted for by the participant, and their size and flags of registry. There is not prescribed format for this information.

Need and Use of the Information: The collected information is necessary to evaluate tanker capability and make plans for the use of this capability to meet national emergency requirements. This information will be used by both MARAD and Department of Defense to establish overall contingency plans.

Estimated Annual Burden Hours: 20 hours.

ADDRESS: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on February 19, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–4890 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; Government Industry Meeting to Review RTCA Recommendations on Free Flight Phase I

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 that the FAA will host a Government/Industry meeting to be held March 2, 1998, starting at 2:00 p.m., to review the RTCA recommendations regarding Free Flight Phase I and attendant risk mitigation plans for creating the Century II aviation system. The meeting will be held at The MITRE Corporation, Wilson Building, 7600 Old Springhouse Road, McLean, VA, in Room1B02.

The agenda will include: (1) Welcome/Opening Remarks by RTCA and the FAA; (2) Presentation of the recommendations by the Co-chairs of

the Select Committee on Free Flight Implementation; (3) Closing Remarks.

Attendance is open to the interested public but limited to space availability. With prior approval of the designated Federal representative, members of the public may present oral statements at the meeting. Persons wishing to attend, present statements, or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone), (202) 833–9434 (fax), or electronic mail (dclarke@rtca.org). Members of the public may present a written statement at any time.

Exceptional circumstances and the need to accomplish this review prior to the congressional appropriations hearings necessitate the public notice of this meeting in less than 15 days.

Issued in Washington, DC, on February 23, 1998.

Terry R. Hannah,

Designated Official.

[FR Doc. 98–4955 Filed 2–23–98; 4:17 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3465; Not. 1]

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice; correction.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) published a document in the **Federal Register** of February 19, 1998, concerning emergency processing public information collection request (ICRS) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). NHTSA inadvertently did not include this item in the notice.

FOR FURTHER INFORMATION CONTACT: Michael A. Robinson, (202) 366–6946.

Correction

In the **Federal Register** issue of February 19, 1998, in FR Doc.98–4089, on page 8517–8522, number eighteen was omitted. Number eighteen is the following:

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration (NHTSA)

(18) *Title:* 49 CFR 583 Automobile Parts Content Labeling.

OMB Control Number: 2127–0573.

Affected Public: Business or other for-profits.

Abstract: The American Automobile Labeling Act (AALA) or Section 210 of the Motor Vehicle Information and Cost Savings Act mandates this information collection. The Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or Less), beginning on October 1, 1994, to bear labels providing information about the domestic and foreign content of their equipment. The following information must appear on the label:

(a) The percentage (by Value) of the equipment in the vehicles that originated in the United States and Canada;

(b) Names of the countries, other than the U.S. or Canada, if any, that contributed the two highest Percentages (15 percent or more) to the total value of the equipment that comprises the vehicle and the percentage those countries contributed;

(c) The city, state and country of final assembly of the vehicle;

(d) The country of origin for the transmission of the vehicle (i.e., the country that contributed the greatest percentage to the total value of the equipment in that engine); and

(e) The country of origin for the transmission of the vehicle (i.e., the country that contributed the greatest percentage to the total value of the equipment in the transmission).

The information submitted under this collection provides the justifying rational for labeling content affixation to each new passenger motor.

Estimated Annual Burden: 7080 hours.

Number of Respondents: 70.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 98–4951 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

February 17, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0746.

Regulation Project Number: LR–100–78 Final.

Type of Review: Extension.

Title: Creditability of Foreign Taxes.

Description: The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of § 1.901–2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

Respondents: Business or other for-profit, Individuals or households, Farms.

Estimated Number of Respondents: 110.

Frequency of Response: Other (nonrecurring).

Estimated Total Reporting Burden: 37 hours.

OMB Number: 1545–0768.

Regulation Project Number: EE–178–78 Final (TD 7898).

Type of Review: Extension.

Title: Employers' Qualified Educational Assistance Programs.

Description: Respondents include employers who maintain education assistance programs for their employees. Information verifies that programs are qualified and that employees may exclude educational assistance from their gross incomes.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 5,200.

Estimated Burden Hours Per Respondent/Recordkeeper: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 615 hours.

OMB Number: 1545–1568.

Announcement Number: Announcement 97–122.

Type of Review: Extension.

Title: Interim Guidance for Roth IRAs.

Description: This announcement provides interim guidance concerning the establishment of Roth IRAs (described in section 408A of the Internal Revenue Code as added by section 302 of the Taxpayer Relief Act of 1997). The guidance is directed mainly at banks, etc., that will market prototype Roth IRAs to the public.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 4,000.

Estimated Burden Hours Per Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 8,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–4883 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 17, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before March 30, 1998 to be assured of consideration.

Special Request: In order to begin the focus group interviews described below in early March 1998, the Department of the Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by March 3, 1998. To obtain a copy of this study, please contact the Internal Revenue Service Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1349.

Project Number: SOI–38.

Type of Review: Revision.

Title: Form 1040 Instructions Focus Group Interviews.

Description: The objectives of the focus groups are to:

1. Obtain the initial reactions of taxpayers to the graphic elements of the revised instructions.
2. Obtain the reactions of taxpayers to the wording of the revised instructions.
3. Obtain reactions of taxpayers to other design elements and instructional keys provided, such as headings, algorithms, charts, and decision trees.
4. Determine by actual use of the instructions by taxpayers in hypothetical scenarios if the revised instructions would improve error rates, reduce time spent, increase taxpayer satisfaction, or represent in any other way an improvement over the current instructions.
5. Obtain taxpayer reactions to different envelope arrangements in the tax instruction packages.
6. Identify and evaluate any suggestions taxpayers may have for further improvements to the tax forms instructions.
7. Identify any perceived disadvantages to the proposed revised instructions.

There will be two focus groups in each of the following fives cities across the country, to represent a geographical diversity: San Francisco, California; Dallas, Texas; Richmond, Virginia; St. Louis, Missouri; and Jacksonville, Florida.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Response: 2 hours, 30 minutes (including travel time).

Frequency of Response: Other (one-time only).

Estimated Total Reporting Burden: 250 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–4884 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 19, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 1998 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0500.

Form Number: ATF F 5630.5R and ATF F 5630.5RC.

Type of Review: Extension.

Title: Special Tax ''Renewal'' Registration and Return (5630.5R); and Special Tax Location Registration Listing (5630.5RC).

Description: 26 U.S.C. Chapters 51, 52 and 53 authorize collection of special taxes from persons engaging in certain businesses. ATF Forms 5630.5R and 5630.5RC are used to compute tax and as an application for registry.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 350,000.

Estimated Burden Hours Per Respondent:

ATF F 5630.5R—15 minutes
ATF F 5630.5RC—15 minutes

Frequency of Response: Annually.

Estimated Total Reporting Burden: 100,500 hours.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.

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. 98–4885 Filed 2–25–98; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

February 19, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0735.
Regulation Project Number: LR–189–80 (TD 7927) Final.
Type of Review: Extension.
Title: Amortization of Reforestation Expenditures.
Description: Section 194 allows taxpayers to elect to amortize certain reforestation expenditures over a 7-year period if the expenditures meet certain requirements. The regulations implement this election provision and allow the Service to determine if the election is proper and allowable.
Respondents: Individuals or households, Business or other for-profit, Farms.
Estimated Number of Respondents: 12,000.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 6,001 hours.

OMB Number: 1545–0755.
Regulation Project Number: LR–58–83 Final.
Type of Review: Extension.
Title: Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping Operations.
Description: The computational information required is necessary to assure that the U.S. shareholder correctly reports any shipping income of its controlled foreign corporations which is taxable to that shareholder.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Respondent: 2 hours, 3 minutes.
Frequency of Response: Other (nonrecurring).
Estimated Total Reporting Burden: 205 hours.

OMB Number: 1545–1570.
Notice Number: Notice 97–65.
Type of Review: Extension.
Title: Income Tax Return Preparer Penalties—1997 Federal Income Tax Returns Due Diligence Requirements for Earned Income Credit.
Description: Income tax return preparer who satisfy the due diligence requirements in the notice will avoid the imposition of the penalty under section 6695(g) of the Internal Revenue Code for 1997 returns and claims for refund. The due diligence requirements include soliciting the information necessary to determine a taxpayer's eligibility for the earned income credit (EIC) and the amount of the EIC, and the retention of this information.
Respondents: Business or other for-profit.
Estimated Number of Recordkeepers: 1,200,000.
Estimated Burden Hours Per Recordkeeper: 8 minutes.
Estimated Total Recordkeeping Burden: 160,000 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.

[FR Doc. 98–4886 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

February 19, 1998

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 30, 1998 to be assured of consideration.

INTERNAL REVENUE SERVICE (IRS)

OMB Number: 1545–0007.
Form Number: IRS Form T.
Type of Review: Extension.
Title: Forest Activities Schedules.
Description: Form T is filed by individuals and corporations to report income and deductions from the timber business. The IRS used Form T to determine if the correct amount of income and deductions are claimed.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 37,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—37 hours, 4 minutes
Learning about the law or the form—42 minutes
Preparing and sending the form to the IRS—1 hour, 20 minutes
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 1,446,700 hours.

OMB Number: 545–0045.
Form Number: IRS Form 976.
Type of Review: Extension.
Title: Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

Description: Form 976 is filed by corporations that wish to claim deficiency dividend deduction. The deduction allows the corporation to eliminate all or a portion of a tax deficiency. The IRS uses Form 976 to determine if shareholders have include amounts in gross income.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 500.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—5 hours, 44 minutes
Learning about the law or the form—53 minutes
Preparing, copying, assembling, and sending the form to the IRS—1 hour, 2 minutes
Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 3,830 hours.

OMB Number: 1545–0117
Form Number: IRS Form 1099–OID.
Type of Review: Extension.
Title: Original Issue Discount.
Description: The form is used for reporting original issue discount as required by section 6049 of the Internal Revenue Code. It is used to verify that income earned on discount obligations is properly reported by the recipient.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 9,185.
Estimated Burden Hours Per Respondent/Recordkeeper: 10 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 765,000 hours.

OMB Number: 1545–1161.

Regulation Project Number: CO–8–90 Final.

Type of Review: Extension.

Title: Consolidated Return Regulations—Deferred Gain or Loss.

Description: This regulation requires a statement to be attached to a consolidated federal income tax return by those groups which entered into certain intercompany transaction before the effective date of the temporary regulation (March 15, 1990), and the treatment of these transactions will be different than that of transactions entered into after March 15, 1990.

Respondents: Business or other for-profit, Farms.

Estimated Number of Respondents: 10.

Frequency of Response: Other (one time only).

Estimated Total Reporting Burden: 20 hours.

OMB Number: 1545–1300.

Regulation Project Number: FI–46–89 Final.

Type of Review: Extension.

Title: Treatment of Acquisition of Certain Financial Institutions: Certain Tax Consequences of Federal Assistance to Financial Institutions.

Description: Recipients of Federal financial assistance (''FFA'') must maintain an account of FFA that is deferred from inclusion in gross income and subsequently recaptured. This information is used to determine the recipient's tax liability. Also, tax not subject to collection must be reported and information must be provided if certain elections are made.

Respondents: Business or other for-profit, Federal Government.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper: 4 hours, 24 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 2,200 hours.

OMB Number: 1545–1569.

Form Number: IRS Form 8861.

Type of Review: Revision.

Title: Welfare-to-Work Credit.

Description: Section 51A of the Internal Revenue Code allows employers an income tax credit of 35% of the first $10,000 of first-year wages paid to and 50% of the first $10,000 of second-year's wages paid to long-term family assistance recipients. The credit is part of the general business credit.

Respondents: Business or other for-profit, Farms.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—7 hours, 39 minutes

Learning about the law or the form—1 hour, 5 minutes

Preparing and sending the form to the IRS—1 hour, 16 minutes

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 5,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer

[FR Doc. 98–4888 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Federal Reserve System

Federal Deposit Insurance Corporation

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

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice of information collections submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: On October 2, 1997, the OCC, the Board, and the FDIC (the agencies) requested public comment for 60 days on proposed revisions to the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments the agencies received, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, made several modifications to the proposed revisions.

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid Office of Management and Budget (OMB) control number. Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility; (b) the accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collections on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

DATES: Comments must be submitted on or before March 30, 1998.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC

Written comments should be submitted to the Communications Division, Ninth Floor, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, D.C. 20219; Attention: Paperwork Docket No. 1557–0081 (FAX number (202) 874–5274; Internet address: regs.comments@occ.treas.gov). Comments will be available for inspection and photocopying at that address.

Board

Written comments should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M–P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FDIC

Written comments should be addressed to Robert E. Feldman,

Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. (Fax number: (202) 898–3838; Internet address: comments@fdic.gov). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, N.W., Washington, D.C. between 9:00 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed revised collection of information may be requested from any of the agency clearance officers whose names appear below.

OCC

Jessie Gates, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, D.C. 20219.

Board

Mary M. McLaughlin, Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve Systems, 20th and C Streets, N.W., Washington, D.C. 20551.

FDIC

Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collections of information:

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: FFIEC 031, 032, 033, 034.[1]

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

Type of Review: Revisions of currently approved collections.

For OCC:

OMB Number: 1557–0081.

Estimated Number of Respondents: 2,700 national banks.

Estimated Time per Response: 39.92 hours.

Estimated Total Annual Burden: 431,164 hours.

For Board:

OMB Number: 7100–0036.

Estimated Number of Respondents: 1,002 state member banks.

Estimated Time per Response: 45.80 hours.

Estimated Total Annual Burden: 183,566 hours.

For FDIC:

OMB Number: 3064–0052.

Estimated Number of Respondents: 6,131 insured state nonmember banks.

Estimated Time per Response: 29.67 hours.

Estimated Total Annual Burden: 727,672 hours.

The estimated time per response in an average which varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices). The time per response for a bank is estimated to range from 15 to 400 hours, depending on individual circumstances.

General Description of Report

This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember banks). Except for select sensitive items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract

Banks file Consolidated Reports of Condition and Income with the agencies each quarter for the agencies' use in monitoring the condition and performance of reporting banks and the industry as a whole. Call Reports are also used to calculate banks' deposit insurance and Financing Corporation assessments and for monetary policy and other public policy purposes.

Current Actions

Revisions initially proposed for the Call Report consisted of: reducing the frequency for reporting ''Preferred deposits'' and reducing the level of detail in the trading assets and liabilities schedule filed by larger banks; replacing existing items for ''High-risk mortgage securities'' and ''Structured notes'' with items for securities with significant price volatility; adding new items for reporting on transactions with affiliates, low level recourse transactions, and (for larger banks) capital requirements for market risk; clarifying the reporting requirements relating to allowances and provisions for credit losses; changing the reporting basis used for reporting holdings of available-for-sale securities in the domestic office assets and liabilities schedule completed by banks with foreign offices; and modifying the categorization of securitized consumer loans for the purchase of certain types of vehicles in two items collected annually from larger banks.

After considering the comments, the FFIEC decided not to proceed with the proposed changes relating to securities with significant price volatility and transactions with affiliates at this time. The FFIEC also is revising the instructions for reporting industrial development bonds for conformity with a bank's other public reporting. The comments on the initial proposal and the changes made in response to the comments are discussed below.

Discussion of Comments Received and Changes Made

On October 2, 1997, the FDIC, the OCC, and the Board jointly published a notice soliciting comments for 60 days on proposed revisions to the Call Report (62 FR 51715). The notice described the specific changes that the agencies, with the approval of the FFIEC, were proposing to implement as of March 31, 1998.

In response to this notice, the FDIC, the OCC, and the Board collectively received 14 comment letters: 1 from a community bank, 9 from large banks, and 4 bankers' associations. In general, most of the commenters that specifically addressed the revisions to the Call Report that are being submitted for OMB review were supportive. On the other hand, those commenters who discussed the proposed changes relating to securities with significant price volatility and transactions with affiliates, which the agencies are not currently planning to implement, disagreed with those parts of the proposal. Some commenters urged the FFIEC and the agencies to pursue

[1] The FFIEC 031 report form is filed by banks with domestic and foreign offices. The FFIEC 032 report form is filed by banks with domestic offices only and total assets of $300 million or more. The FFIEC 033 report form is filed by banks with domestic offices only and total assets of $100 million or more but less than $300 million. The FFIEC 034 report form is filed by banks with domestic offices only and total assets of less than $100 million.

greater reductions in reporting burden and to eliminate items not needed for safety and soundness purposes. Three commenters also indicated that the agencies should provide guidance on the regulatory capital treatment of certain transactions that must be recorded as secured borrowings under Financial Accounting Standards Board (FASB) Statement No. 125 because of the effect of this accounting treatment on the amount of assets reported on the balance sheet. The agencies and the FFIEC have considered all of the comments received on the proposal.

More specific information on the comments received is presented below.

Reductions in Frequency and Detail—Four commenters specifically addressed the proposals to reduce the reporting frequency for the ''Preferred deposits'' item from quarterly to annually for all banks and the level of detail collected on trading assets each quarter from large banks. Each commenter supported this proposed change. However, one of these four commenters also suggested that the agencies establish a consistent reporting date for all items collected only once each year, i.e., annually as of December 31. The agencies had not proposed to use a common reporting date for those Call Report items collected once each year. For many of the annual items in the Call Report that are reported at dates other than December 31, the agencies' decision to collect this information at other quarter-end dates was made in response to requests from banks over the years. These banks have indicated that it would be less burdensome for them to have the reporting of various annual items spread throughout the year rather than having them concentrated at year-end when many once-a-year tax and other external reporting requirements demand their attention. Thus, the agencies concluded that they should not change the reporting dates for some or all annual items to a common date without first seeking industry comment. The FFIEC and the agencies are implementing the change in reporting frequency for preferred deposits and the reduction in detail on trading assets as proposed.

Investment Securities with Significant Price Volatility—Five commenters addressed the proposal to replace existing items on ''High-risk mortgage securities'' and ''Structured notes'' with items covering certain mortgage-backed securities and all other securities whose price volatility exceeds a specified threshold level under a specified interest rate scenario. This reporting change was intended to enhance the Call Report data used in the monitoring of interest rate risk. However, the proposal did not describe the specific test that banks would have to use to measure price volatility for purposes of the revised items. Three of the five commenters compared this proposed reporting change to the proposed Supervisory Policy Statement on Investment Securities and End-User Derivatives Activities which the FFIEC had issued for comment on October 3, 1997 (21 FR 51862). These commenters indicated that the proposed Call Report items with their specific test for significant price volatility are inconsistent with the proposed FFIEC supervisory policy statement which would eliminate specific ''high-risk'' tests in favor or broader risk management guidance. According to these commenters, stress test requirements removed by the proposed supervisory policy should not be reinstated through Call Report requirements.

The fourth commenter expressed concern about not having the opportunity to comment on the specific price volatility test to be used for reporting the revised items. This commenter stated that the need to use a specific price test will require systems changes and therefore the test must be defined well in advance of the effective date of revised items. This commenter and the fifth commenter indicated that the specific price volatility test should be issued for public comment to ensure that the test does not result in excessive reporting burden.

After considering the comments, the agencies and the FFIEC decided not to implement the proposed Call Report change in 1998. The existing items on ''high-risk mortgage securities'' and ''structured notes'' will continue to be collected during 1998. Changes to these items can be reconsidered for implementation at some future date after the industry has had an opportunity for notice and comment on a more specific proposal. In the interim, the agencies' staffs will study alternatives for obtaining data on highly price sensitive securities, including the related reporting burden, based on how such data is intended to be used in the agencies' monitoring systems and interest rate risk testing procedures.

Transactions Between Banks and Their Affiliates—The agencies proposed to add four new items to the Call Report that would provide data on a bank's ''covered transactions'' (loans or extensions of credit and other transactions that expose that expose the bank to risk) with affiliates. Section 23A of the Federal Reserve Act regulates certain covered transactions in order to safeguard the resources of banks against misuse for the benefit of organizations under common control with the bank. The four proposed items would collect data on the quarter-end amount and the quarter's maximum amount of covered transactions with transactions subject to Section 23A's collateral requirements and those not subject to the collateral requirements reported separately.

All eight of the commenters that addressed this proposed reporting change opposed it. These commenters were concerned about the additional reporting burden of the proposed items, especially the items collecting data on the maximum amount of covered transactions during the quarter, and did not believe the benefit of the new information would be commensurate with the additional burden. They stated that compliance with Section 23A can be monitored more efficiently through the examination process, which is currently how the agencies evaluate a bank's transactions with affiliates. One commenter noted that the agencies had not presented evidence to show that compliance with this statutory requirement has become a serious problem. Another stated that if compliance is a problem at a few banks, the agencies should resolve this matter with those banks individually rather than by adding new reporting requirements for all banks.

One commenter suggested that, if the agencies decide to collect data on affiliate transactions in the Call Report, banks should report only the quarter-end amounts to limit reporting burden. Two other commenters recommended that, if the data must be reported, that the reporting requirement apply only if covered transactions exceed a specified amount. Two commenters also urged the agencies to treat affiliate transaction information, if it were to be reported at all, as confidential.

After considering the comments, the FFIEC decided that the agencies should not proceed with the implementation of the proposed affiliate transaction items at this time. Further consideration will be given to alternative methods for the collection of information related to Section 23A. Moreover, evaluating the risk of a bank's transactions with its affiliates and its compliance with Section 23A will continue to be an important element of the agencies' examination process.

Reporting of Low Level Recourse Transactions for Risk-Based Capital Purposes—Under the agencies' risk-based capital standards, the amount of risk-based capital that must be maintained for assets transferred with limited recourse should not exceed the maximum amount of recourse for which

a bank is contractually liable under the recourse agreement. The low level recourse rule also may apply to sales and securitizations of assets in which contractual cash flows (e.g., interest-only strips receivable and so-called spread accounts), retained subordinated interests, or other assets (e.g., collateral invested amounts or cash collateral accounts) act as credit enhancements.

Current Call Report instructions require a bank to report its low level recourse transactions in Schedule RC–R—Regulatory Capital using the so-called ''gross-up'' method. In general, this method requires the bank to multiply the maximum amount of its recourse exposure by the reciprocal of the full effective minimum risk-based capital requirement for the assets transferred and to report the resulting dollar amount as an off-balance sheet credit equivalent amount in the risk weight category appropriate to the assets transferred. However, another method of handling the bank's low level recourse transactions—the so-called ''direct reduction'' method—in many cases results in a more accurate measure of the bank's risk-based capital ratios, but this method is not currently permitted. Therefore, the agencies proposed to allow banks to use the ''direct reduction'' method. Under the direct reduction method, a bank generally would reduce its risk-based capital by the maximum amount of its recourse exposure (and would exclude this amount from its assets if the exposure were in the form of an on-balance sheet asset). Banks electing this reporting method would begin to complete a new Schedule RC–R item to disclose the amount by which assets and total risk-based capital have been reduced through the application of the direct reduction method.

Half of the commenters addressed this proposed change and all of them supported it. One commenter requested that the agencies ensure that the Call Report instructions for low level recourse transactions clearly describe the mechanics of the risk-based capital calculation under each method. The FFIEC and the agencies are adding an item for the direct reduction method as proposed and will provide appropriate instructions for reporting low level recourse exposures.

Capital Requirements for Market Risk—Effective January 1, 1998, banks with substantial trading activity must hold capital based on their market risk exposure. The market risk rule supplements the risk-based capital ratio calculations that focus principally on credit risk and adjusts both the risk-based capital ratio denominator and numerator. To enable the agencies and other users of the Call Report to calculate the risk-based capital ratios of those banks subject to the market risk rule, the agencies proposed to add items for ''Market risk equivalent assets'' and ''Tier 3 capital'' to Schedule RC–R—Regulatory Capital on the FFIEC 031 and 032 report forms only.

Two commenters addressed the market risk proposal. One supported the proposed changes while the second did not express an overall opinion. However, the second commenter observed that the Board's interim guidance to bank holding companies for the reporting on the market risk in the FR Y–9C bank holding company report indicates that ''covered positions,'' [2] except those that must also be risk weighted for credit risk, should be reported as zero percent risk weight assets, while the agencies' proposal stated that these covered positions should be reported in the Call Report in ''On-balance sheet asset values excluded from and deducted in the calculation of the risk-based capital ratio'' (Schedule RC–R, item 8) and not as zero percent risk weight assets. The agencies acknowledge this differing treatment for covered positions in the two types of reports. This difference arises because of the different structures of the regulatory capital schedules in these two reports: the bank holding company schedule does not have an item comparable to item 8 of the bank schedule, which is used to capture the amount of all on-balance sheet assets that are not risk-weighted for credit risk. The covered positions that are on-balance sheet assets possess this characteristic. Nevertheless, the difference in report structures has no impact on the overall calculation of risk-based capital.

This commenter also recommended that, with the advent of capital requirements for market risk, the Call Report instructions should be reworded to indicate that a bank's allowance for credit losses can be included in Tier 2 capital up to a maximum of 1.25 percent of risk-weighted assets plus market risk equivalent assets. The FFIEC and the agencies agree with this recommendation and will revise the instructions accordingly.

Reporting by Banks With Foreign Offices of Investment Securities Holdings in the Domestic Office Assets and Liabilities Schedule—The agencies proposed to require banks with foreign offices that file the FFIEC 031 version of the Call Report forms to report all investment securities held in domestic offices on a cost basis in items 10 through 17 of Schedule RC–H—Selected Balance Sheet Items for Domestic Offices. At present, these investment securities are reported in these Schedule RC–H items on the same basis as they are reported on these banks' consolidated balance sheet (Schedule RC), i.e., held-to-maturity securities are reported at amortized cost while available-for-sale securities are reported at fair value.

One commenter stated that this proposed change is contrary to generally accepted accounting principles (GAAP). This commenter also noted that, although the amortized cost data for these securities are available, its existing reporting systems compile cost data only on a consolidated basis and not for domestic offices only. Therefore, for this commenter, the proposed reporting change would require a costly and time consuming collection effort.

While the agencies recognize that adopting this reporting change will cause some banks to adjust their reporting systems, the FFIEC and the agencies are implementing this change as proposed because the revised securities data will better satisfy agency data needs, thereby increasing the utility of the domestic office securities data. These data are used in analyses and comparisons which also include data on securities that are held domestically by nonbank sectors and reported on a cost basis. Thus, the uses for which these Call Report data are collected are not a function of their balance sheet categorization and accounting basis under GAAP.

Allowance for Credit Losses—Accounting guidance issued by the American Institute of Certified Public Accountants in 1996 clarified that a bank must allocate its allowance for credit losses between on-balance sheet financial instruments and off-balance sheet credit exposures. Previously, these allowance components often were reported in the aggregate on the balance sheet in the allowance for loan and lease losses. In 1997, the FFIEC advised banks to allocate their allowance for credit losses on the Call Report balance sheet consistent with their allocation methodology for other financial reporting purposes. Banks were further advised to aggregate these components of the allowance for credit losses when completing Schedule RI–B, part II—Changes in Allowance for Loan and Lease Losses and for risk-based capital purposes.

The agencies proposed to retain this method of reporting the allowance for

[2] The term ''covered positions'' means all positions in the trading account, and all foreign exchange and commodity positions, whether or not in the trading account.

credit losses on the balance sheet, in Schedule RI–B, and in the regulatory capital schedule (Schedule RC–R). For consistency, the agencies also proposed to recaption the items labelled ''Provision for loan and lease losses'' as ''Provision for credit losses'' in the income statement (Schedule RI) and in Schedule RI–B. Two commenters addressed this proposal. One supported it while the second favored only the risk-based capital treatment of the allowance for credit losses, preferring to have Schedule RI–B, part II, cover only the allowance for loan and lease losses. The FFIEC and the agencies considered this suggestion, but did not accept it. There has been an absence of bank objections during 1997 to the reporting method which the agencies proposed to retain for Schedule RI–B, part II.

Reporting of Securitized Consumer Loans for Vehicle Purchases—The agencies proposed to revise the instructions for reporting securitized consumer loans so that loans for the purchase of pickup trucks, other light trucks, and vans for personal use would be included in ''Loans to purchase private passenger automobiles'' rather than in ''All other consumer credit.'' The only commenter commenting on this instructional change agreed with the change. The FFIEC and the agencies are implementing the change as proposed.

Categorization of Industrial Development Bonds on the Balance Sheet—In September 1997, the FFIEC printed and distributed revised, updated Call Report instruction books to all banks and invited comments on the accuracy, adequacy, and clarity of the revised instructions. One commenter recommended that the agencies simplify the instructions for reporting industrial development bonds (IDBs) in the Call Report. More specifically, the commenter suggested that the agencies replace the existing Call Report instructions governing whether a bank should report its IDBs as securities or as loans with instructions stating that IDBs should be reported as securities or as loans on the Call Report consistent with the manner in which the bank reports these instruments on its balance sheet for other financial reporting purposes. The FFIEC and the agencies agree and are revising the instructions accordingly.

Other Comments—Three commenters discussed the effect of the provisions of FASB Statement No. 125, ''Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities,'' that took effect for transfers occurring after December 31, 1997. These newly effective provisions relate to the accounting for collateral and secured borrowings, repurchase agreements, securities lending, and similar transactions. If certain conditions are met, collateral received by a creditor must be recorded as an asset on the creditor's balance sheet. Under previous GAAP, the collateral may not have been recorded on the creditor's balance sheet. As a result of this change in accounting standards, some banks will see their total on-balance sheet assets increase, which would increase the denominators in the calculation of these banks' leverage capital and risk-based capital ratios. The effect of these provisions of FASB Statement No. 125 will appear for the first time in the March 31, 1998, Call Report.

These commenters stated that regulatory capital ratios should be computed using a pre-FASB Statement No. 125 approach to collateralized transactions so that regulatory capital is not allocated twice for the same transaction. These commenters recommended that the FFIEC change the Call Report instructions in 1998 to say that amounts added to the balance sheet because of the collateral provisions of FASB Statement No. 125 should be excluded from average total assets and risk-weighted assets. When it considered these comments, the FFIEC concluded that this was primarily a regulatory capital issue that should be addressed as a supervisory matter under the FFIEC's Task Force on Supervision. The Task Force on Supervision has requested that its capital working group evaluate the issue these commenters have raised.

Five commenters indicated that the proposed changes do not significantly reduce the reporting burden imposed by the Call Report. They urged the FFIEC and the agencies to do more to reduce burden, eliminate items not related to safety and soundness, and work to fulfill the mandate of Section 307 of the Riegle Community Development and Regulatory Improvement Act of 1994. Section 307 requires the four federal banking and thrift agencies to work jointly to develop a single form for the filing of core information by banks, savings associations, and bank holding companies. It also directs the agencies to review the information they collect from these institutions that supplements the core information and eliminate those reporting requirements that are not warranted for safety and soundness or other public purposes. Thus, it is clear from Section 307 that Call Report data should not be collected exclusively to meet the agencies' safety and soundness needs. Nevertheless, the agencies regularly review the existing Call Report requirements in order to identify items that are no longer sufficiently useful to warrant their continued collection. Since 1995 these reviews have led to the elimination of numerous items and reductions in the level of detail in several areas. For 1998, as discussed above, the FFIEC and the agencies also decided not to implement certain proposed revisions about which commenters' expressed concern about burden.

In addition to eliminating a number of items that were considered unnecessary for safety and soundness and other public purposes, the FFIEC and the agencies have, as part of their Section 307 efforts, adopted GAAP as the reporting basis for the Call Report, combined the four sets of Call Report instructions into a single comprehensive set which includes an index, made the Call Report forms and instructions available on the Internet, and implemented an electronic filing requirement for the Call Report. The FFIEC and the agencies are continuing to analyze the specific uses of the individual Call Report items in order to ascertain their relative importance to the agencies and assist in the agencies' ongoing effort to eliminate information with the least practical utility. Furthermore, the banking and thrift agencies are continuing their work on a common core report that will satisfy the requirements of Section 307.

Board of Governors of the Federal Reserve System, February 17, 1998.

William W. Wiles,

Secretary of the Board.

Dated: February 17, 1998.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated at Washington, DC, this 20th day of February, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–4859 Filed 2–25–98; 8:45 am]

BILLING CODE 4810–33–M, 6210–01–M, 6714–01–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–17]

Bonds; Approval To Use Authorized Facsimile Signatures and Seal

The use of facsimile signatures and seal on Customs bonds by the following corporate surety has been approved

effective this date: Aegis Security Insurance Company.

Authorized facsimile signature on file for: Gary C. Bhojwani, Attorney-in-Fact, Deborah A. Briner, Attorney-in-Fact.

The corporate surety has provided the Customs Service with copies of the signatures to be used, a copy of the corporate seal, and a certified copy of the corporate resolution agreeing to be bound by the facsimile signatures and seal. This approval is without prejudice to the surety's right to affix signatures and seals manually.

Dated: February 19, 1998.

Jerry Laderberg,

Chief, Entry Procedures and Carriers Branch.

[FR Doc. 98–4954 Filed 2–25–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning January 1, 1998, the rates will remain at 8 percent for overpayments and 9 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298–1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less, and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter.

The IRS announced December 15, 1997, that the rates of interest for the second quarter of fiscal year (FY) 1998 (the period of January 1–March 31, 1998) will remain at 8 percent for overpayments and 9 percent for underpayments. These interest rates are subject to change for the third quarter of FY–1998 (the period of April 1–June 30, 1998).

For the convenience of the importing public and Customs personnel the following list of Internal Revenue Service interest rates used, since July 1, 1975 to date, to calculate interest on overdue accounts and refunds of Customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)
070175 ..	013176	9	9
020176 ..	013178	7	7
020178 ..	013180	6	6
020180 ..	013182	12	12
020182 ..	123182	20	20
010183 ..	063083	16	16
070183 ..	123184	11	11
010185 ..	063085	13	13
070185 ..	123185	11	11
010186 ..	063086	10	10
070186 ..	123186	9	9
010187 ..	093087	9	8
100187 ..	123187	10	9
010188 ..	033188	11	10
040188 ..	093088	10	9
100188 ..	033189	11	10
040189 ..	093089	12	11
100189 ..	033191	11	10
040191 ..	123191	10	9
010192 ..	033192	9	8
040192 ..	093092	8	7
100192 ..	063094	7	6
070194 ..	093094	8	7
100194 ..	033195	9	8
040195 ..	063095	10	9
070195 ..	033196	9	8
040196 ..	063096	8	7
070196 ..	033198	9	8

Dated: February 23, 1998.

Samuel H. Banks,

Acting Commissioner of Customs.

[FR Doc. 98–4953 Filed 2–25–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6478

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6478, credit for Alcohol Used as Fuel.

DATES: Written comments should be received on or before April 27, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Credit for Alcohol Used as Fuel.

OMB Number: 1545–0231.

Form Number: 6478.

Abstract: IRC section 38(b)(3) allows a nonrefundable income tax credit for businesses that sell or use alcohol mixed with other fuels or sold as straight alcohol. Small ethanol producers are also allowed a nonrefundable credit for production of qualified ethanol. Form 6478 is used to compute the credits.

Current Actions: Line 13c was added for the new child tax credit under Internal Revenue Code section 24, and line 13d was added for the new education credits under Code section 25A.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,600.

Estimated Time Per Respondent: 14 hr., 16 min.

Estimated Total Annual Burden Hours: 79,912.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the 3 collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 18, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–4966 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8586

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8586, Low-Income Housing Credit.

DATES: Written comments should be received on or before April 27, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit.

OMB Number: 1545–0984.

Form Number: 8586.

Abstract: Internal Revenue Code section 42 permits owners of residential rental projects providing low-income housing to claim a tax credit for part of the cost of constructing or rehabilitating such low-income housing. Form 8586 is used by taxpayers to compute the credit and by the IRS to verify that the correct credit has been claimed.

Current Actions: Line 9c was added for the new child tax credit under Internal Revenue Code section 24, and line 9d was added for the new education credits under Code section 25A.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 13 hrs., 4 min.

Estimated Total Annual Burden Hours: 653,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the 3 collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 18, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer

[FR Doc. 98–4967 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5884

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5884, Work Opportunity Credit.

DATES: Written comments should be received on or before April 27, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Work Opportunity Credit.

OMB Number: 1545–0219.

Form Number: 5884.

Abstract: Internal Revenue Code section 38(b)(2) allows a credit against income tax to employers hiring individuals from certain targeted groups such as welfare recipients, etc. The employer uses Form 5884 to compute this credit. The IRS uses the information on the form to verify that the correct amount of credit was claimed.

Current Actions: Line 6(c) was added for the new child tax credit under Internal Revenue Code section 24 and line 6(d) was added for the new education credits under Code section 25A.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 85,000.

Estimated Time Per Respondent: 8 hr., 11 min.

Estimated Total Annual Burden Hours: 696,150.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 19, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–4968 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990–T, Exempt Organization Business Income Tax Return.

DATES: Written comments should be received on or before April 27, 1998, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Exempt Organization Business Income Tax Return.

OMB Number: 1545–0687.

Form Number: 990–T.

Abstract: Form 990–T is used to report and compute the unrelated business income tax imposed on exempt organizations by Internal Revenue Code section 511 and the proxy tax imposed by Code section 6033(e). The form provides the IRS with the information necessary to determine that the tax has been properly computed.

Current Actions: Two new checkboxes have been added to Item B. These additions reflect sections 302 and 213 of the Taxpayer Relief Act of 1997 (TRA), which created Roth IRAs and Educational IRAs and subjected them to the unrelated business income tax.

The ''408(a) trust'' and ''220(d) trust'' checkboxes were deleted from Item G, and a new checkbox titled ''Other trust'' was added. This new checkbox will be used by the former users of the two deleted boxes plus 408A(b) and 530(b) trusts, which were created by sections 302 and 213 of the TRA. The four types of trusts that will check this box are IRA trusts, Roth IRA trusts, Education IRA trusts, and Medical Savings Account Trusts.

Type of Review: Revision of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 37,103.

Estimated Time Per Respondent: 133 hr., 57 min.

Estimated Total Annual Burden Hours: 4,969,947.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 19, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–4969 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–QFT

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1041–QFT, U.S. Income Tax Return for Qualified Funeral Trusts.

DATES: Written comments should be received on or before April 27, 1998, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instruction should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Qualified Funeral Trusts.

OMB Number: 1545–1593.

Form Number: Form 1041–QFT.

Abstract: Internal Revenue Code section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Form 1041–QFT is used for this purpose. The IRS uses the information on the form to determine that the trustee filed the proper return and paid the correct tax.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time Per Respondent: 14 hrs. 34 min.

Estimated Total Annual Burden Hours: 218,550.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 19, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–4970 Filed 2–25–98; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Multi-Regional Project for International Visitors ''Ethics in Government and Business''

ACTION: Notice, request for proposals.

SUMMARY: The Office of International Visitors (IV) of the United States Information Agency's (USIA) Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Public and private nonprofit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply to develop a Multi-Regional Group of International Visitors traveling in the United States for 24 days. The group will be comprised of from 12 to 30 American Embassy contacts in the fields of government officials, business leaders, politicians, civic and community leaders, journalists and educators.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 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 to 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.''.

Program and project must conform with Agency requirements and guidelines outlined in the Solicitation Package. The U.S. Information Agency projects, programs and assistance award are subject to the availability of funds and sufficient number of participant nominations.

Announcement Title and Number: All communications with USIA concerning this announcement should refer to the above title and reference number E/VP–98–1.

To download a solicitation package via Internet: Information about USIA's IV Program is available via Internet at website: http://www.usia.gov. The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps.

To receive a solicitation package via FAX on demand: The entire Solicitation Package may be received via the Bureau's ''Grants Information Fax on Demand System'', which is accessed by calling 202/401–7616. Please request a ''Catalog'' of available documents and order numbers when first entering the system.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time on May 19, 1998. Faxed documents will not be accepted, nor will documents postmarked on the proposal due date but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the due date which has been established for each available project, as follows:

Title: Ethics in Government and Business.

Type: Multi-Regional (English-Speaking).

Proposal Due Date: May 19, 1998.

Project Dates: August 20–September 10, 1998.

Contact: Susan Lockwood.

Telephone: (202) 619–6889, FAX: (202) 205–0792.

Project Goals:

- To enhance knowledge of the structure and function of ethics systems in government and business in the United States.
- To explore how ethical issues impact civil society;
- To explore similarities, contrasts and connections between ethics in government and in the private sector in the U.S.

Participants

This project is intended for government officials, business leaders, politicians, civic and community leaders, journalists and educators.

Summary: For a democratic form of government in a pluralistic society to be effective, citizens must have confidence in its integrity. This program will provide a venue for a diverse group of participants to discuss the meaning and implications of ethical standards and how they are defined, monitored, and enforced. Topics for discussion will include the common ethical values that underlie democratic systems, comparison of administrative structures of ethics programs and the implementation of ethics laws and codes of conduct (e.g., financial disclosure systems, education of employees, methods of enforcement, resolution of conflicts of interest). Through visits with representatives from private industry, participants will explore the link between government and business to discover how this relationship can support democratic values. At a relevant point in the three-week program, the group should be divided into teams to permit more intensive discussions with American colleagues.

The project will open in Washington, DC with an overview of the U.S. political system and economic system. An emphasis will be placed on explaining the principles of separation of powers and accountability of elected officials to the electorate and on the responsibilities of corporate leaders to stockholders and consumers. The role of government and private oversight organizations will be addressed. An appointment with officials of the Federal Election Commission to discuss the issues of election and campaign regulation, including campaign financing and campaign fund raising will be included. A discussion of ethics law will be arranged, perhaps with an official of the American Bar Association's Center for Professional Responsibility. A session will be organized to address practical techniques for establishing and maintaining ethics systems in democracies. Additionally, the uniquely American concept of ''lobbying'' will be the focus of one segment of the Washington program. One-half day of the Washington program should be left free for the participants to pursue specific individual interests (which will be ascertained before their arrival in the U.S.).

Participants will travel outside Washington to meet with and observe ethics officials on the state and local levels. Participants will also meet with corporate ethics officials to understand their responsibilities in dealing with government agencies. Topics for discussion will include: the ''watchdog'' role of the media; citizens' involvement through advocacy organizations; and how businesses promote high ethical conduct among their members and employees.

The itinerary will include a combination of geographically diverse areas of the country as well as communities of varying sizes and ethnic composition. An in-depth orientation tour of each community visited will be arranged at the beginning of each city segment. Opportunities for the participants to attend cultural and social events, met with and address local groups experience local hospitality, will be incorporated throughout the program; these events will relate to the themes of the project to the extent possible.

To receive a solicitation package by mail, contact: The Office of International Visitors, Group Projects Division (E/VP), Room 255, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547 telephone 202/205–3058, fax 202/205–0792. The Solicitation Package contains more detailed information including required application forms, and standard guidelines for preparing proposals, as well as specific criteria for preparation of the proposal budget.

On all inquiries and correspondence, please specify the name of the USIA Program Officer as it appears on the ''Contact'' line of the above project. 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 in any way with applicants until the Bureau proposal review process has been completed.

Submissions: Applicants must follow all instructions given in the Solicitation Package. The original and 12 copies of the application should be sent to: U.S. Information Agency, Ref.: E/VP–98–1, Project Title: Ethics in Government and Business, Contract Officer: Susan Lockwood, Office of Grants Management, E/XE, 301 4th Street, SW., Room 336, Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5'' diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

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. Public Law 204–319 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 account for advancement of this goal in their program contents, to the full extent deemed feasible.

SUPPLEMENTARY INFORMATION:

Overview

Programs must maintain a non-partisan character. Programs and awards must conform to all Agency requirements and guidelines and are subject to final review by the USIA Grants Officer, Bureau of Management, Office of Contracts, Grants Division,

(M/KG).

Guidelines

USIA seeks proposals from non-profit organizations for development and implementation of a professional program for USIA-sponsored International Visitors to the U.S. who will participate in a Multi-Regional Group Project (MRP). Participants in the project will be foreign leaders or potential leaders selected by U.S. embassy committees abroad. The group will typically consist of from 12 to 30 foreign visitors in addition to the two to three American escort officers (ELEOs) selected by USIA, who accompany them. The project will be a 24 days in length and will begin in Washington, DC, with an orientation and overview of the issues and a central examination of federal policies regarding these issues. Well-paced project itineraries include programs in four or five communities. Project itineraries will ideally include urban and rural small communities and diverse geographical and cultural regions of the U.S., as appropriate to the project theme. The project should provide opportunities for participants to experience the diversity of American society and culture. Depending on the size and theme of the project, the participants can be divided into smaller sub-groups for simultaneous visits to different communities, with subsequent opportunities to share their experiences with the full group once it is reunited. The project may provide opportunities for the visitors to share a meal or similar experience (home hospitality) in the homes of Americans of diverse occupational, age, gender and ethnic groups. The participants may be provided opportunities to address student, civic and professional groups in relaxed and informal settings. ''Shadowing'' experiences with American professional colleagues may be proposed. As appropriate, opportunities for site visits and hands-on experiences that are relevant to project themes may be included. Time should also be allowed for participants to reflect on their experiences and share observations with project colleagues. Participants should have opportunities to visit cultural and tourist sites. Arrangements for community visits must be made through affiliates of the National Council for International Visitors (NCIV). (The NCIV is a national network of private citizen organizations located in more than one hundred U.S. communities, which arrange local programs for international visitors.) In cities where there is no such council, the applicant will arrange for coordinator of local programs.

The applicant is expected to have e-mail capability to consult with USIA program officers, and access to internet resources. USIA will provide close coordination and guidance throughout the duration of the award.

Visa Requirements

Program participants will travel on J–1 visas arranged by USIA. The project must comply with J–1 visa regulations.

Please refer to program specific guidelines in the Solicitation Package for further details.

Budget

Organizations are required to submit a comprehensive line-item budget in accordance with the instructions in the Solicitation Package. Cost items must be clearly categorized as administrative costs, group project costs, or program costs. Applicants must use the budget format presented in the ''1998 Guidelines for Proposals Submitted to the USIA Office of International Visitors'' for all budget submissions. There must be a summary budget as well as a detailed breakdown showing the administrative budget, group project budget and program budget. Proposed staffing and costs associated with staffing must be appropriate to fulfillment of all project requirements, which will include close consultation with the responsible E/VP Program Officer throughout development and implementation of the program. Proposed costs may not exceed the guideline amounts. Combined administrative and indirect costs proposed should be controlled and are subject to negotiation. Cost sharing is encouraged and, if applicable, must be shown in the budget presentation. The Agency anticipates that awards to cover administrative and indirect costs (where applicable) will be less than $20,400.

Organizations that have received a renewal assistance award from the Agency for the Office of International Visitors must submit a budget showing all administrative costs associated with the project for which application is made. Any award to such an organization pursuant to this announcement may be adjusted to reflect the status of the renewal award. Renewal award recipients must identify individuals or organizations to who they have already paid honoraria in FY 1998 if they propose to pay an additional honorarium for any project included in this announcement.

The Agency welcomes proposals from organizations that have not received USIA grants or assistance awards in the past. Agency requirements stipulate that ''Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.'' It is not expected that the project in this announcement will cost $60,000 or less. It is, therefore, incumbent on organizations to demonstrate four years of successful experience in conducting international exchange programs to be eligible for an assistance award.

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. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the program office, as well as the USIA's Geographic Area Offices and the USIA post overseas, where appropriate. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA 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:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to Agency mission, and be responsive to all goals and requirements stated in the RFP, Preliminary Project Summaries and the ''1998 Guidelines for Proposals Submitted to the United States Information Agency Office of International Visitors.''

2. Program planning: The proposed program and work plan should include a planning and implementation time-line, describe any preliminary planning undertaken, and demonstrate logistical capability to implement the program as described.

3. Ability to achieve project objectives: Objectives should be well designed, reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the project's objectives.

4. Multiplier effect/impact: The proposed project should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-

term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (program venue and project 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 effective implementation and fulfillment of the 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 Federal assistance awards, if any. The Agency will consider the past performance of prior USIA award recipients and the demonstrated potential of new applicants. All applicants must demonstrate a minimum of four years of successful experience in conducting international exchange programs.

8. Cost-effectiveness: The administrative and indirect cost components of the proposal, including salaries, should be kept as low as possible and should not exceed the amount stated above.

9. Cost-sharing: Consideration will be given to proposed cost-sharing through other private sector support as well as institutional contributions.

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 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: February 19, 1998.

Robert Earle,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 98–4838 Filed 2–25–98; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Future of Long-Term Care Advisory Committee, Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the Future of Long-Term Care Advisory Committee has been renewed for a period beginning February 17, 1998, through September 30, 1998.

Dated: February 17, 1998.

By direction of the Acting Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–4911 Filed 2–25–98; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 63, No. 38

Thursday, February 26, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

National Park Service

REVISION- Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of Tonto National Forest, United States Forest Service, Phoenix, AZ

Correction

In notice document 98–4013 beginning on page 8209, in the issue of Wednesday, February 18, 1998, make the following correction:

On page 8210, in the second column, in the eighth line, ''[thirty days after publication in the **Federal Register**]'' should read ''March 20, 1998''.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AGL-42]

Modification of Class D and Class E Airspace, and Removal of Class E Airspace; Belleville, IL

Correction

In rule document 98–2450 beginning on page 5229, in the issue of Monday, February 2, 1998, make the following corrections:

§ 71.1 [Corrected]

On page 5230, in the second column, in § 71.1:

a. In the second line, under **AGL IL D Belleville, IL [Revised]**, ''long. 89°32′01″W'' should read ''long. 89°50′01″W''.

b. In the fourth line, under **AGL IL E5 Belleville, IL [Revised]**, ''Lat. 38°32′41″N'' should read ''Lat. 38°32′42″N''.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 28743; Notice No. 98-1]

RIN 2120-AG55

Commerical Passenger-Carrying Operations in Single-Engine Aircraft Under Instrument Flight Rules

Correction

In proposed rule notice document 98–3344 beginning on page 6826, in the issue of Tuesday, February 10, 1998, make the following correction:

On page 6826, in the first column, the Docket line should be set forth as above.

BILLING CODE 1505-01-D

federal register

Thursday
February 26, 1998

Part II

Environmental Protection Agency

Science Advisory Board; Emergency Cancellation of a Public Advisory Committee Meeting; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5972–2]

Science Advisory Board; Emergency Cancellation of a Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notification is hereby given that the March 12–13, 1998 meeting of the Drinking Water Committee of the Science Advisory Board (SAB) has been canceled. This meeting had been announced in the **Federal Register**, February 19, 1998 (63 FR 8451). The meeting will be rescheduled as soon as practical. The new meeting date will be announced in the **Federal Register**.

Anyone desiring additional information should contact Mr. Thomas O. Miller, Designated Federal Official, Science Advisory Board (1400), US EPA, 401 M Street, SW, Washington DC 20460, telephone (202) 260–5886, fax (202) 260–7118, or Email on: miller.tom@epamail.epa.gov.

Dated: February 23, 1998.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 98–5088 Filed 2–25–98; 8:45 am]

BILLING CODE 6560–50–P

federal register

Thursday
February 26, 1998

Part III

Department of Transportation

Coast Guard

46 CFR Chapter I

Emergency Response Plans for Passenger Vessels; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Chapter I

[USCG–1998–3473]

RIN 2115–AF61

Emergency Response Plans for Passenger Vessels

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard seeks public comments on potential rules that would require owners or operators of U.S.-flag inspected passenger vessels, including small passenger vessels, operating in domestic service to develop and exercise emergency response plans. These plans would establish ways of mitigating the consequences of collisions, allisions, groundings, fires, and other emergencies. The plans' elements would address possible emergencies, passengers' evacuation, crews' training, and available emergency response and rescue resources both on vessels and in their operating areas.

DATES: Comments must reach the Coast Guard on or before June 26, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility [USCG–1998–3473], U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of NVIC 8–93 and NVIC 1–97, referred to in this advance notice, are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at http://www.uscg.mil/hq/g-m/nmc/genpub.htm.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, call Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329. For information concerning the advance notice of proposed rulemaking provisions, call Lieutenant John G. White, Project Manager, U.S. Coast Guard Headquarters, Office of Standards Evaluation and Development (G–MSR–2), telephone 202–267–6885.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this potential rulemaking by submitting written data, views, or arguments on the questions that follow the analysis of environmental impact. Persons submitting comments should include their names and addresses, identify this advance notice [USCG–1998–3473] and the specific section or question in this notice to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you want acknowledgment of receipt of your comments, you should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. If it proposes a rule, it will both consider these and invite more.

The Coast Guard may schedule a public meeting depending on the response to this advance notice. You may request a public meeting by submitting a comment requesting one to the address under **ADDRESSES.** The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a meeting should be held, we will announce the time and place in a later notice in the **Federal Register**.

Purpose

The Coast Guard needs your feedback on the issues addressed in this advance notice to help it define the scope of potential rules requiring emergency response plans and exercises for inspected passenger vessels operating in domestic service. Passenger vessels operate in diverse environments and face hazards that may result in what are referred to as ''low-probability—high-consequence'' incidents. While the overall safety record for inspected passenger vessels is very good, their operations are not risk-free. Emergency response planning is a cornerstone in developing effective safety management systems that address ''low-probability—high-consequence'' incidents. It offers a systematic means by which to constantly balance the interaction among the elements of management, the work environment, individual behavior, and appropriate technology. The primary goal of this potential rulemaking would be to obtain industry participation in efforts toward emergency planning and coordination. The need for planning is clear in light of the pressures and multiple tasks facing personnel when confronted by an emergency. Effective planning will prevent confusion, mistakes, and the failure to advise key people. Without it—and practice—a single incident could easily overwhelm the emergency response resources of a vessel and a local community, resulting in passengers' injuries.

Developing universal planning criteria for passenger vessels is difficult because of the diversity of the vessel population and operating environments. Among the affected vessels are ferries of various types, sport-fishing vessels, dinner excursion vessels, cruise vessels, riverboat gaming vessels, and offshore gaming vessels. These vessels operate everywhere from busy commercial ports located in major metropolitan areas to remote sections of rivers or interstate lakes away from large cities. Some operate in the same port or municipal jurisdiction, while others travel to several ports and routinely cross political jurisdictions. Any rulemaking would address these differences and provide flexibility according to type and size of vessel, passenger capacity, shore-based management structure, availability of resources and facilities for search and rescue, routes, number of municipalities involved, and traffic and weather.

The Coast Guard recognizes that many owners and operators of passenger vessels have already engaged in contingency planning. For example, many owners and operators of cruise vessels have engaged in emergency planning by preparing planning documents and by participating in related training and exercises. Others, such as riverboat gaming vessel operators, have also engaged in the planning process. Furthermore, there are cooperative efforts under way between the Coast Guard and representatives of the industry to address risk management for the industry, of which contingency planning may be one component. The Coast Guard intends to build upon such

efforts during this potential rulemaking by incorporating lessons learned from current plans and past exercises and gathering significant public input. The Coast Guard is particularly interested in information that you can provide on current planning—its scope, successes, problems, and so forth. Any rules that resulted would aim at assisting the maritime community by clarifying authority and expectations for plans and exercises, and by providing a level of consistency between ports. Your input will be particularly useful during the early stage of any rulemaking arising from this advance notice.

Hazards Faced by Passenger Vessels

The Coast Guard estimates that there are about 6,100 inspected passenger vessels operating in the United States. Of these, about 5,100 are small passenger vessels inspected under 46 CFR Subchapter T; most of these vessels carry fewer than 50 passengers.

Although the safety record for domestic passenger vessels is very good, it cannot reliably predict an absence of serious accidents. Passenger vessels do experience fires, groundings, collisions, allisions, loss of propulsion, loss of steering control, and other equipment failures. For example, from the end of 1992 until the end of 1996, passenger vessels experienced an average of over 575 such incidents a year. Most of these were minor, and very few resulted in injuries. However, such incidents—aggravated by other factors such as bad weather, strong currents, or heavy vessel traffic—could lead to serious injuries indeed. It is difficult to make a general statement about risk to passenger vessels because of the variables involved. However, the key to effective planning is determining the level of risk and taking appropriate steps to address that risk. The Coast Guard is interested in your feedback regarding that level and those steps.

Existing Guidance for Planning

A key component of any future rulemaking would be requirements on the scope and content of emergency response plans. The Coast Guard would like to learn about any existing guidance for the development of plans or other information relevant to preparing plans. There are two Coast Guard Navigation and Inspection Circulars (NVICs) that address emergency response plans for passenger vessels. Both NVICs provide options or alternatives for compliance with certain rules for the safety of passenger vessels.

NVIC 8–93, ''Equivalent Alternatives to 46 CFR Subchapter H Requirements Related to Means of Escape, Safe Refuge Areas, and Main Vertical Zone Length,'' elaborates equivalent means of egress, safe refuge areas, and limitations of length of main vertical zones for certain passenger vessels required to meet 46 CFR Subchapter H on structural fire protection. Some passenger vessels built to the standards of Subchapter H after the publication of NVIC 8–93 practice the alternatives provided by the NVIC.

One alternative provided by NVIC 8–93 involves the preparation of an Emergency Evacuation Plan (EEP). The EEP tells the master and crew what procedures they must carry out in the event of a shipboard fire. An EEP is generally in the form of a pamphlet describing the various safety features and emergency procedures. It sets out simplified diagrams of the vessel's emergency egress and refuge systems and explains fire protection equipment. Each member of the crew should be familiar with these systems and equipment so they can direct passengers to safe refuge in an emergency and can help to contain and combat the fire. The Coast Guard verifies the crew's performance during fire and lifesaving drills conducted as part of regularly scheduled vessel inspections.

EEPs address issues such as the number of persons in each enclosed space and on each part of the weather deck, possible fire scenarios, dimensions and capacities of egress components, characteristics and capacities of refuge areas, identity of embarkation areas and how passengers would be evacuated from those areas, and how passengers would be informed of emergency procedures. Because many gaming vessels have passengers on board while the vessels are moored, some Officers in Charge of Marine Inspection (OCMIs) require addenda to EEPs for gaming vessels to address passengers' egress in case of an emergency evacuation when moored.

Although EEPs deal only with fires and need not cover availability of and coordination with local emergency resources, passengers' egress under EEPs may apply to more comprehensive emergency response plans. The Coast Guard is interested in comments from the public regarding EEPs and their applicability to these more comprehensive plans. Copies of NVIC 8–93 are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at http://www.uscg.mil/hq/g-m/nmc/genpub.htm.

NVIC 1–97, ''Shipboard Safety Management and Contingency Plan for Passenger Vessels,'' may be another valuable model for developing emergency response plans. The NVIC was developed to provide guidance on preparing a Shipboard Safety Management and Contingency Plan for some passenger vessels as an alternative to certain survival craft requirements specified in 46 CFR Subchapter W. This alternative is discussed in the Interim Rule on Lifesaving Equipment published in the **Federal Register** on May 20, 1996 [61 FR 25272].

NVIC 1–97 offers guidance on preparing plans that address contingencies such as medical emergencies, oil spills, fires, collisions, allisions, and groundings. It stresses that planners should conduct an initial risk assessment addressing navigation and safety in a vessel's operating environment (distance from shore, depth of water, temperature, current, visibility, proximity of other vessels, availability and suitability of onshore or offshore facilities, etc.). In general, plans should identify local facilities for firefighting, ambulances, and search and rescue, including local telephone numbers and contact points, for both underway and dockside situations. Plans should also contain protocols for company drills and crew training. The NVIC stresses that a plan is necessary because of the multiple tasks a vessel's crew may encounter in an emergency. If a crew is properly prepared, passengers will more likely be aware of the environment, be informed of emergency procedures, and be prepared to follow directions.

NVIC 1–97 recommends that any plan should be tailored to a particular vessel, be easy to use, be understood by management personnel of the vessel both on board and ashore, and be updated regularly. According to the NVIC, any plan should comprise: Guidance assisting a vessel's crew to deal with catastrophic vessel damage; procedures to mobilize emergency response teams; procedures for moving passengers off the vessel; lists of external organizations that may assist; communications; arrangements for passengers with physical or mental impairments; and training for personnel with identified roles in the plan.

NVIC 1–97 recommends the following specific components and characteristics for plans:

- Plans should inform the vessel's master and crew how to handle an emergency and to stop or minimize damage and the effects of an emergency.
- Plans should fit the particular vessels for which they are developed.
- Plans should establish procedures to get passengers from various spaces on

the vessel to an assembly station (stage 1 egress); direct them on to the embarkation stations (stage 2 egress); and evacuate them to points of safety (stage 3 egress) in an emergency.

- Plans should describe the method and procedure for providing timely instructions to passengers.
- Plans should list external organizations that the plan-holder would call for assistance in emergencies. Among the organizations may be governmental agencies, fire departments, hospitals, vessel or equipment providers, and contractors offering specialized services such as towing and barge services, and trained personnel related to control, triage, or recovery.
- Plans should describe the different kinds of training to prepare the crew for handling various emergencies.
- Plans should be realistic, practical, and easy to use, and understood by company personnel, both on board and ashore.
- Plans should have a designated space to allow for recording lessons learned during exercises.
- Plans should be reviewed, evaluated, exercised, and updated regularly.
- Plans should be kept in loose-leaf binders to facilitate updating.
- Plans should have flow charts or checklists to guide personnel through various actions and decisions required during incidents.
- Plans should be readily available on board and located throughout the vessel so that crew members are aware of their responsibilities during each type of emergency.
- Plans should discuss and practice the means of providing safety information to passengers such as emergency signals and announcements; announcements of evacuation procedures; announcements of assistance for disabled, elderly, or young passengers; identification of crew members; life jacket instructions; and announcements of procedures for disembarking from the vessels in emergencies.
- Plans should include lists of specific acts, taken sequentially or concurrently, to counteract each potential emergency and prevent or minimize damage. The NVIC recommends acts for the following scenarios: vessel's loss of steering or control; collision and grounding; fire and explosion; oil spill; bomb threat; flooding; abandonment of ship; person overboard; emergency on another vessel; and medical emergency.

NVIC 1–97 also provides guidance on how plans should be exercised. It establishes three levels of exercises to ensure the practice of main components on a regular basis.

Level 1 exercises involve the vessel's crew. They emphasize developing and practicing the vessel's initial response such as alerting key personnel, starting emergency systems, securing nonessential machinery, starting evacuation procedures, controlling and directing passengers, and deploying on-site personal protective and lifesaving equipment. The NVIC recommends conducting *Level 1* exercises at least once a month.

Level 2 exercises involve the local response community. Plan holders should drill with some or all of the external organizations listed in their plans. Tabletop exercises focusing on organizations' response management teams are appropriate. Although several organizations may participate, plan holders usually design, control, exercise, and evaluate their own plans. The NVIC recommends the conduct of *Level 2* exercises once a year.

Level 3 exercises involve several plan holders' coming together as equals to cooperatively design and execute a response exercise to a marine incident.

The Coast Guard encourages you to review NVIC 1–97 and provide feedback on its applicability to comprehensive emergency response planning for passenger vessels. Copies of NVIC 1–97 are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at http://www.uscg.mil/hq/g-m/nmc/genpub.htm. The Coast Guard is also interested in other planning guidance that you think may be useful in the development of any potential rulemaking.

Crews' Training

As discussed in NVIC 1–97, crews' training is an important component of emergency response planning. If crew members are properly trained in emergency procedures, they will likely help evacuate passengers from the vessel and mitigate the emergency. It is important that crew members be familiar with their positions and roles during an emergency, and have the opportunity to practice these roles on a routine basis. The Coast Guard is interested in learning about training programs you may be involved in that address the safety of passengers, and what you believe are key components of such programs.

Regulatory Assessment

At this early stage in what is still just a potential rulemaking, the Coast Guard has not determined whether any future rulemaking may be considered a significant regulatory action under section 3(f) of E.O. 12866 or the regulatory policies and procedures of the Department of Transportation [44 FR 11030 (February 26, 1979)]. The Coast Guard anticipates that any future rulemaking will require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866.

Any future rulemaking may have substantial effects on owners and operators of passenger vessels who have yet to develop and implement emergency response plans, and it may generate substantial public interest. The primary economic impact of any rule would be on those owners and operators who would have to comply with any new requirements. Because there are no such requirements now, we cannot quantify the full extent of the economic and operational impacts now. A primary purpose of this advance notice is to help the Coast Guard develop a proposal and determine the costs and benefits of any new requirements, to the extent that they exceed current statutory and regulatory requirements or current industry practices. We expect that the public response to the questions and issues addressed in this notice will help us in writing a proposed rule and a draft regulatory assessment. We seek your feedback on what costs you incur by developing and exercising emergency response plans as well as what economic incentives you envision for complying with such requirements.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the Coast Guard must consider whether any potential rulemaking, if it led to an actual rule, would have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Because there are not yet any new requirements, the Coast Guard cannot yet determine potential effects upon small entities. Accordingly, an initial Regulatory Flexibility Analysis discussing the impact of this potential rulemaking on small entities has not been prepared. However, the Coast Guard anticipates that any future rulemaking may have potential impacts on small businesses, and State and local

governments. The Coast Guard expects that comments received on this advance notice will help it in determining the number of potentially affected small entities, and in weighing the impacts of various regulatory alternatives for the purpose of drafting new requirements.

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 advance notice so that they can better evaluate the potential effects of any future rulemaking on them and participate in the rulemaking. If you believe that your small business, organization, or agency may be affected by any future rulemaking, and if you have questions concerning this notice, please consult the Coast Guard point of contact designated in **FOR FURTHER INFORMATION**. The Coast Guard is particularly interested in how any future rulemaking may affect small entities. If you are a small entity and believe you may be affected by such a rulemaking, please tell how, and what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on small entities while promoting passenger safety.

Collection of Information

Under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*], the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. As defined in 5 CFR 1320.3(c), ''collection of information'' includes reporting, record-keeping, monitoring, posting, labeling, and other, similar actions.

The Coast Guard cannot yet estimate the paperwork burden associated with this potential rulemaking because it has not yet proposed any new requirements. However, at a future stage, it may require that owners and operators of certain passenger vessels develop and maintain emergency response plans. It expects that comments received in response to this advance notice will help it in estimating the potential paperwork burden, as required under the Paperwork Reduction Act. After estimating the burden and deciding to go ahead with the rulemaking, it would submit the proposed record-keeping requirement to the Office of Management and Budget (OMB) for approval. The Coast Guard is interested in your input regarding potential collection-of-information burdens imposed by any future rulemaking.

Federalism

The Coast Guard has analyzed this advance notice under the principles and criteria contained in Executive Order 12612. From the information available at this time, the Coast Guard cannot determine whether this potential rulemaking would have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Potential issues include introducing some level of standardization of requirements for emergency response plans among Federal, State, and local governments. Because some passenger vessels move from port to port in the national marketplace, separate requirements for each port could be economically burdensome and even unsafe. The Coast Guard specifically seeks public comment on the federalism implications of this potential rulemaking.

Unfunded Mandates

Under the Unfunded Mandates Reform Act [Pub. L. 104–4], the Coast Guard must consider whether this potential rulemaking would result in an annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation). The Act also requires (in Section 205) that the Coast Guard identify and consider a reasonable number of regulatory alternatives and, from those alternatives, select the least costly, most cost-effective, or least burdensome alternative that achieves the objective.

Currently, several States and local governments operate passenger ferries and may have to comply with any future requirements. They could bear unfunded mandates in that they would incur costs to develop and exercise emergency response plans for those ferries. Privately-owned vessels, fire departments, ambulances, police, etc., could incur costs as well. The Coast Guard is interested in comments addressing the import of any such requirements for unfunded mandates.

Environment

The Coast Guard anticipates that any potential rulemaking would be categorically excluded from further environmental documentation in accordance with Commandant Instruction M16475.1B. Any such rulemaking should enhance the safety and survivability of passengers on board passenger vessels, and should enhance the effectiveness of search and rescue. Therefore, this potential rulemaking should have no environmental impact. The Coast Guard invites comments addressing possible effects that any such rulemaking may have on the human environment, or addressing possible inconsistencies with any Federal, State, or local law or administrative determinations relating to the environment. It will reach a final determination regarding the need for an environmental assessment after receipt of relevant comments.

Questions

We especially need your help in answering the following questions, although additional information is welcome. In responding to each question, please explain your reasons for each answer so that we can carefully weigh the consequences and impacts of any future requirements we may propose.

1. What are the primary hazards faced by passenger vessels? Do current regulations, industry programs, and voluntary initiatives for emergency response planning adequately address them? Why or why not?

2. Which vessels currently have emergency response plans?

3. What vessels should have emergency response plans? What factors determine whether or not a passenger vessel should have an emergency response plan? (Possible factors to consider may include, but are not limited to, availability of local resources for emergency response, vessel type, vessel route, local weather, vessel traffic, passenger capacity, etc.)

4. What information should a response plan contain? Should vessels that face different levels of risk (passenger capacity, vessel route, vessel traffic, etc.) have different types of plans?

5. Should vessels that operate in larger metropolitan areas with many available resources for emergency response have plans like those vessels operating in relatively isolated areas? Or should port and routes determine the scope and content of plans but not affect the requirement to have them?

6. Have you already prepared an emergency response plan for a passenger vessel? If so, please describe the planning process. If possible, please cover the following issues: (a) what prompted the preparation of the plan; (b) what guidance you used to develop the plan; (c) what contingencies the plan addresses; (d) how the plan addresses coordination with shoreside resources for emergency response; (e) what kind of training is in place for the vessel's crew and its shoreside support personnel; (f) how often you have

exercised the plan during the last 5 years; (g) who participated in these exercises; (h) what was the nature of the exercises (table-top, full-scale, etc.); (i) how exercise performance was evaluated; (j) how often you update the plan; and (k) whether the plan fits with a broader plan (port-level plan, company-wide plan, etc.)?

7. If you have already prepared a plan, how many pages long is it? How long did it take you to prepare?

8. What impacts would any future rulemaking have on existing State-mandated or voluntary initiatives for emergency response planning? Are there non-regulatory alternatives that the Coast Guard should consider? If so, what are they, and how would they promote an adequate level of passenger safety?

9. Should a plan developer conduct a risk assessment to focus the emergency response plan? Should the plan center on the hazards a particular vessel will most likely face rather than on hazards common to all passenger vessels?

10. Should a vessel on a route that crosses several political jurisdictions identify emergency resources in each jurisdiction rather than prepare a basic plan with a port-specific annex for each port it visits?

11. Are NVICs 8–93 and 1–97 good models for developing plans and exercises? Why or why not? Is the information addressed in the NVICs similar to that in existing plans? What are the significant differences, if any? Are there different standards or guidelines that the Coast Guard should rely on when developing any future rulemaking, as from States?

12. Should any future rulemaking prescribe a particular format for plans rather than simply focus on elements of plans? Why or why not? If any format, which?

13. When developing any future rulemaking, how should the Coast Guard address owners and operators of passenger vessels who have already prepared plans? Should it give them credit for these plan? If so, how and how much?

14. What agencies or organizations should review emergency response plans to ensure that they meet minimum standards? Should an agency or organization approve plans? If so, which agencies or organizations? Should State or local authorities conduct reviews or issue approvals of emergency response plans for passenger vessels?

15. Should performance standards that plan holders should be able to meet through planning, such as mandatory evacuation times, be established? If so, who should establish them (Coast Guard, third parties, plan holders, etc.)?

16. What lessons have you learned when developing and exercising existing emergency response plans? Which components of the plans work well and which need improvement?

17. Should ports prepare emergency response plans that address risks to passenger vessels from their perspectives? If so, what information should be included in such plans? How should such plans relate to vessel-specific plans? How should a port-level planning program be implemented?

18. How often should plans be reviewed and updated? What actions or events should trigger plans' reviews and updates (time interval, drill evaluations, actual incidents, changes in operating area, changes in personnel, etc.)?

19. Should any future rules include requirements that plans be exercised? If so, what should be the scope and frequency of the exercises and who should participate? Should these requirements differ according to vessels' classes, operating areas, etc.? If so, how?

20. What might induce diverse jurisdictions and agencies to participate in exercises? What problems might a vessel's operator face in getting full participation in exercises?

21. Who should organize and control exercises (third parties, plan holders, the Coast Guard, etc.)?

22. How should exercise performance be measured (i.e., time to notify resources for response, time to mobilize response, etc.)? Should exercise records be maintained? If so, what information should they contain?

23. Should lessons learned from exercises be shared? If so, how? Should a system of lessons learned be administered at the national rather than the local level? By whom?

24. How should exercises be scheduled? Who should do the scheduling? Should scheduling be done at the local level? At the national? At both?

25. Should there be specific requirements on training for vessels' crews and shoreside emergency response personnel? Why or why not? If so, what should be the components of the training (passenger safety, crowd management, human behavior, etc.)? Who should conduct the training?

26. Should the issuance of a Certificate of Inspection (COI) be contingent upon submission of an acceptable emergency response plan and participation in emergency response exercises?

27. Should any future rulemaking require that plans include evidence of a commitment of shore-based resources to respond? Is obtaining such a commitment practical? Why or why not?

28. What are the potential costs associated with preparing, implementing, and exercising emergency response plans? If possible, please break down costs according to different components of planning (preparing, drafting, distributing, and updating plans; preparing and conducting exercises; incorporating lessons learned; training crews and whole companies; etc.).

29. How would costs vary depending on a vessel's type and size, its operating area, and other factors? Would the per-vessel cost to develop plans for a fleet of passenger vessels be lower than the cost to prepare a plan for a single vessel? What would be the per-vessel cost of periodic review and updating of emergency response plans? What would be the per-fleet cost?

30. Is data available regarding the effectiveness of existing emergency response plans in improving search and rescue and avoiding or minimizing passengers' casualties?

31. What would be the economic impact of potential requirements for planning on ''small entities'', as defined by section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605(b)]? What flexibility or alternatives for compliance should any future rulemaking incorporate to minimize the burden on small entities while promoting passengers' safety?

32. What would be the economic impact of potential requirements for planning on State and local governments (especially small ones) and on tribes? What flexibility or alternatives for compliance should the Coast Guard consider that would minimize the cost and burden of such requirements while promoting passengers' safety?

Dated: February 19, 1998.

R.C. North,

Read Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–4825 Filed 2–25–98; 8:45 am]

BILLING CODE 4910–14–P

federal register

Thursday
February 26, 1998

Part IV

The President

Notice of February 25, 1998—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 63, No. 38
Thursday, February 26, 1998

Presidential Documents

Title 3—

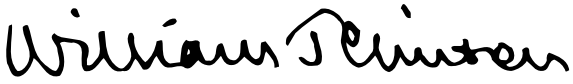
The President

Notice of February 25, 1998

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, I declared a national emergency to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1995, the Government of Cuba demonstrated a ready and reckless use of force against U.S.-registered vessels that entered into Cuban territorial waters that resulted in damage and injury to persons on board. In July 1996, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a memorial flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
February 25, 1998.

[FR Doc. 98–5242
Filed 2–25–98; 11:09 am]
Billing code 3195–01–M

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