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Friday
March 13, 1998

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 96–046–5]

Importation of Fruits and Vegetables; Papayas From Brazil and Costa Rica

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of fruits and vegetables into the United States to allow, under certain conditions, the importation of papayas from Brazil. The conditions for the importation of papayas from Brazil include requirements for growing, treating, packing, and shipping the papayas; for field sanitation; and for fruit fly trapping in papaya production areas. We are also amending the regulations to apply these same conditions to the importation of papayas from Costa Rica. These actions will allow for the importation of papayas from Brazil and Costa Rica while continuing to provide protection against the introduction of injurious plant pests into the United States. This rule provides importers and consumers in the United States with an additional source of papayas.

EFFECTIVE DATE: March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Campbell, Import Specialist, Phytosanitary Issues Management Team (PIMT), PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 through 319.56–8 (referred to below as ''the regulations'') prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within and throughout the United States.

On March 25, 1997, we published in the **Federal Register** (62 FR 14037–14044, Docket No. 96–046–1) a proposal to amend the regulations by allowing certain previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world under specified conditions.

One of the fruits that we proposed to allow to be imported into the United States was the Solo type papaya *(Carica papaya)* from Brazil. Because fully ripe papayas can be hosts of several serious plant pests, including the Mediterranean fruit fly *(Ceritatis capitata)* (Medfly) and the South American fruit fly *(Anastrepha fraterculus)*, we proposed to allow the importation of Solo type papayas from Brazil only under certain conditions. The proposed conditions were based on research conducted in Brazil, Costa Rica, and Hawaii and were modeled after the provisions in § 319.56–2w of the regulations for papayas from Costa Rica. The conditions proposed were as follows:

1. The papayas were grown and packed for shipment to the United States in the State of Espirito Santo.

2. Beginning at least 30 days before harvest began and continuing through the completion of harvest, all trees in the area where the papayas were grown were kept free of papayas that were one-half or more ripe (more than one-quarter of shell surface yellow), and all culled and fallen fruit were removed from the field at least twice a week.

3. When packed, the papayas were less than one-half ripe (shell surface no more than one-quarter yellow, surrounded by light green) and appeared to be free of all injurious plant pests.

4. The papayas were packaged so as to prevent access by fruit flies or other injurious plant pests, and the package does not contain any other fruit, including papayas not qualified for importation into the United States.

5. All activities described in provisions 1 through 4 above were carried out under the supervision and direction of plant health officials of the national Ministry of Agriculture.

6. Beginning at least 1 year before harvest began and continuing through the completion of harvest, fruit fly traps were maintained in the field where the papayas were grown. The traps were placed at the rate of 1 trap per hectare and were checked for fruit flies at least once a week by plant health officials of the national Ministry of Agriculture. Fifty percent of the traps were of the McPhail type, and 50 percent of the traps were of the Jackson type. The national Ministry of Agriculture kept records of the fruit fly finds for each trap, updating the records each time the traps were checked, and made the records available to the Animal and Plant Health Inspection Service (APHIS) upon request. The records were maintained for at least 1 year.

7. All shipments of papayas must be accompanied by a phytosanitary certificate issued by the national Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions of this section.

We solicited comments concerning our proposal for 60 days ending May 27, 1997. We received 11 comments by that date. They were from representatives of industry and State governments. Six of the commenters supported the proposed rule in its entirety. The remaining 5 commenters had reservations about specific provisions of the proposed rule. Of those 5 commenters, 3 commenters had concerns about the proposed importation of papayas from Brazil. Upon further review and consideration of this issue, we decided to finalize all portions of our March 27, 1997, proposed rule except the portion concerning papayas from Brazil. (See Docket No. 96–046–3 at 62 FR 50231–50237, September 25, 1997.)

We published another document in the **Federal Register** on September 25, 1997, (Docket No. 96–046–2, 62 FR 50260–50262) that reopened and extended the comment period on that portion of the proposed rule concerning the importation of papayas from Brazil, and also proposed additional conditions for the importation of papayas from Brazil and Costa Rica. These additional conditions included hot water treatment and a requirement that certain actions be taken if Medfly captures reached certain levels in papaya production areas. These additional conditions were proposed to help further prevent the

introduction into the United States of plant pests, including fruit flies, that may be associated with the papayas.

Comments on the proposed conditions for importing papayas from Brazil and Costa Rica, including the additional conditions, were required to be received on or before October 27, 1997. We received 32 comments by that date. They were from representatives of industry, universities, and State governments, and from a member of Congress. Eight commenters supported the provisions of the proposal, including the additional conditions. The remaining 24 commenters expressed various concerns about the proposal. Their concerns are discussed below.

Comment: APHIS acknowledges that Medfly and South American fruit fly pose a significant risk to American agriculture. APHIS also acknowledges that these pests meet the international criteria for designation as quarantine pests. Further, APHIS recognizes that papayas from Brazil are coming from an area infested with Medfly and South American fruit fly. Therefore, because of the pest risk posed by the importation into the United States of papayas from Brazil, the proposal should be withdrawn.

Response: The North American Plant Protection Organization (NAPPO) defines ''quarantine pest'' as a ''pest of potential economic importance to the area endangered thereby and not present in that area, or present there but not widely distributed and being officially controlled.'' [1] Based on this definition, we agree that Medfly and South American fruit fly are quarantine pests that, if established in the United States, could cause economic losses to U.S. producers of fruit fly host crops. Therefore, in order to prevent the introduction and establishment in the United States of Medfly and South American fruit fly, we allow foreign fruit fly host crops to be imported into the United States only under the following conditions: (1) If those crops originate from a fruit fly-free area; or (2) if those crops are treated with an approved treatment that has been determined to prevent the adult emergence of fruit flies; or (3) if those crops are subject to other appropriate and effective mitigation measures, such as a combination of phytosanitary measures, taken to prevent the introduction of fruit flies into the United States.

The State of Espirito Santo, Brazil, where papayas for importation into the United States will be grown, does have established populations of both Medfly and South American fruit fly. However, in order to be eligible for importation into the United States, papayas from Espirito Santo, Brazil, must be grown, treated, packed, and shipped in accordance with certain phytosanitary requirements imposed to ensure that the papayas do not introduce these pests into the United States. The most important of these requirements is that the papayas for importation must be less than one-half ripe. Research conducted in Brazil, as well as other research, including surveys and studies conducted prior to the papaya import program in Costa Rica, and our experience conducting the Costa Rican papaya import program, demonstrates that papayas in any stage of ripeness are not a preferred host for Medfly or South American fruit fly. This research also shows that papayas that are less than one-half ripe are not a host for Medfly or South American fruit fly. For example, in a study conducted in Brazil, more than 100,000 papayas of all ripeness degrees, green to fully ripe (entirely yellow), were collected in commercial groves in Espirito Santo. Under these natural conditions, none of the papayas, not even fully ripe papayas, contained fruit fly larvae. Under forced conditions (e.g., cage tests, where Medfly and South American fruit fly are confined in cages with ripening papayas), Medfly and South American fruit fly only attacked fully ripe papayas. Therefore, we are confident that papayas from Brazil that are less than one-half ripe present a negligible risk of introducing Medfly or South American fruit fly into the United States.

As an additional precaution, however, we proposed other mitigation measures, in the form of phytosanitary requirements, for papayas from Brazil before they may be imported into the United States. These mitigation measures include field sanitation measures to ensure that culls or fallen fruit, which may attract Medfly or South American fruit fly, are kept out of papaya production areas; packing requirements to ensure that once the papayas are picked and packed, they will not be susceptible to fruit fly infestation; hot water treatment to further reduce the pest risk associated with the papayas; and trapping requirements to monitor the fruit fly population in papaya production areas and to take action if that population exceeds a certain level. These additional phytosanitary requirements form a systems approach to pest mitigation; that is, these conditions constitute a framework of overlapping, redundant safeguards that together minimize the pest risk associated with papayas from Brazil.

In light of all of these factors, we believe that there is an insignificant risk of introducing Medfly or South American fruit fly in shipments of papayas imported into the United States from Brazil. Therefore, we are making no changes to the proposal in response to this comment.

Comment: If the risk of pest introduction associated with Brazilian papayas is so great as to prohibit their movement into Hawaii, then the fruit should also be barred from entering other States that have crops and climates adequate to support the establishment of Medfly and South American fruit fly populations. Examples of such States are Florida, California, Texas, and Arizona. We believe that the proposal discriminates against the continental growers of papayas in favor of Hawaiian growers.

Response: Papayas from Brazil will not be allowed to move into Hawaii because of the papaya fruit fly (*Toxotrypana curvicauda*). Papaya fruit fly does not occur in Hawaii, but it is reported to occur in other U.S. papaya production areas. As such, papaya fruit fly is not a quarantine pest for most places in the United States, but it is for Hawaii. Papaya fruit fly occurs in Brazil, but has only been reported in areas outside of commercial papaya production areas. However, Brazil does not have any official controls in place to prevent the spread of papaya fruit fly into commercial papaya production areas. As such, we are prohibiting the movement of papayas from Brazil and Costa Rica into Hawaii as a precautionary measure to prevent the introduction of papaya fruit fly into Hawaii. This final rule includes a requirement at § 319.56–2w(f) that all cartons in which papayas are packed must be stamped ''Not for importation into or distribution in HI.'' However, for the reason discussed above, we are not restricting the movement of papayas from Brazil into papaya-producing areas on the mainland United States.

Comment: Why, if Hawaii is required to spend several hundreds of thousands of dollars on treatment chambers in order to move Hawaiian papayas interstate to the mainland United States, are locations like Brazil and Costa Rica free to send papayas to the mainland United States without treatments?

Response: Because of the occurrence of Oriental fruit fly, a pest that will attack papayas in all ripeness stages, papayas from Hawaii must undergo a stand-alone treatment that will prevent

[1] *NAPPO Compendium of Phytosanitary Terms*, February 1996.

the adult emergence of fruit flies. The treatment may be conducted either prior to interstate movement to the mainland United States or in a non-fruit fly-supporting area of the mainland United States. At present, the approved treatments for fresh papayas from Hawaii are vapor-heat treatment, in accordance with § 318.13–4b; irradiation treatment, in accordance with § 318.13–4f; and high temperature forced air treatment, in accordance with the PPQ Treatment Manual, incorporated by reference at § 300.1. In Brazil and Costa Rica, where Oriental fruit fly does not occur, a systems approach to pest management that does not include a stand-alone treatment to prevent the adult emergence of fruit flies has been determined to be adequate to mitigate the risk of introducing into the United States injurious plant pests that may be associated with the papayas.

Comment: Hawaii experiences a higher level of fruit fly infestation in its papayas because of incidences of blossom end defect, a defect found in some Solo type papayas. The increased risk of fruit fly infestation associated with blossom end defect in papayas from Brazil has not been addressed by the phytosanitary requirements in the proposal. It would be impossible to detect larval infestations in papayas with blossom end defect at the U.S. port of arrival because APHIS inspections at the port of arrival are only a very small sampling of total imports. Measures, including additional treatment of papayas, should be taken to mitigate this risk before papayas from Brazil are allowed into the United States.

Response: Certain Hawaiian papayas exhibit blossom end defect, which occurs from abnormal placental growth near the blossom end of the fruit. Papayas with blossom end defect have a scar on the blossom end of the fruit and, as a result of the defect, may have a small opening in the skin and flesh of the fruit that leads into the seed cavity of the papaya. This defect is associated with a high risk of infestation of Oriental fruit fly, but no written reports associate blossom end defect with infestation of Medfly or South American fruit fly. While an exceedingly high density of Oriental fruit fly exists in Hawaii, Oriental fruit fly does not occur in Brazil or Costa Rica. As such, we do not believe that the presence of blossom end defect in papayas from Brazil or Costa Rica increases the pest risk associated with the importation of those papayas. Therefore, we are making no changes to the proposal in response to this comment.

Comment: If Medflies do not infest less than one-half ripe papayas, as the proposal indicates, how did the Hawaiian papaya program allow fruit flies to enter California inside one-quarter ripe fruit?

Response: In February 1987, the California Department of Food and Agriculture (CDFA) found live Oriental fruit fly larvae in 13 quarter-ripe papayas that had moved interstate from Hawaii to the mainland United States with a hot water treatment consisting of a two-stage hot water dip. All of the infested papayas exhibited blossom end defect. At that time, Hawaii believed that further introductions of Oriental fruit fly onto the mainland United States could be prevented by safeguards instituted in packinghouses in Hawaii. All papayas exhibiting unevenness in ripening (through surface color of the papaya), a symptom of blossom end defect, would be removed from shipments of papayas moving to the mainland at the packinghouse. In 1989, however, CDFA again discovered live Oriental fruit fly larvae in Hawaiian papayas that had been treated with a two-stage hot water dip, but as before, all of the infested papayas exhibited blossom end defect. Therefore, we subsequently discontinued the interstate movement of papayas from Hawaii that had been treated with the two-stage hot water treatment.

As noted above, Oriental fruit fly does not occur in Brazil or Costa Rica. Therefore, we remain confident that less than one-half ripe papayas from Brazil and Costa Rica present an insignificant risk of introducing fruit flies into the United States.

Comment: APHIS allows papayas from Belize to be imported without treatment only if the papayas originate from a Medfly-free area in Belize. Papayas may be imported from other parts of Belize that are not Medfly-free areas only with treatment for Medfly. The conditions for the importation of papayas from Brazil need to match the conditions for the importation of papayas from Belize. Therefore, as it has for papayas from Belize, APHIS needs to require a stand-alone treatment that will prevent the adult emergence of fruit flies for all papayas originating from a Medfly-infested area.

Response: Under § 319.56–2t, papayas from Belize are eligible for importation into the United States without treatment if the papayas originate from the Medfly-free districts of Cayo, Corozal, or Orange Walk, or from the Medfly-free portion of the district of Stann Creek, in Belize. Under § 319.56–2x, papayas from other districts of Belize are eligible for importation into the United States if the papayas are treated for Medfly. However, no papayas from Belize may enter Hawaii because of the risk of introducing papaya fruit fly (*Toxotrypana curvicauda*) into Hawaii.

The regulations for the importation of papayas from Belize do not provide any requirements for the ripeness of papayas eligible for importation into the United States; papayas imported from Belize may be of any ripeness, including fully ripe. In addition, the regulations for the importation of papayas from districts in Belize that are not Medfly-free do not provide conditions for the growing, packing, or shipping of papayas. Therefore, no measures are required in those areas in Belize where Medfly occurs to prevent Medfly infestation of papayas. As such, we require that papayas originating from an area of Belize that is not Medfly-free undergo a treatment that prevents the adult emergence of Medfly.

Unlike the requirements for papayas from Belize, the requirements for papayas from Brazil and Costa Rica concentrate on preventing fruit fly infestation of the papayas. As discussed earlier, we proposed a systems approach for the importation of papayas from Brazil and Costa Rica that includes requirements for the ripeness of papayas eligible for importation; requirements for the growing, packing, and shipping of the papayas; and requirements for trapping in papaya production areas. Taken together, these phytosanitary measures are as effective in preventing the introduction of Medfly into the United States as a treatment designed to prevent the adult emergence of Medfly. Therefore, we are making no changes to the proposal in response to this comment.

Comment: For the proposed systems approach, APHIS has not supplied objectively measured, statistically valid quantification of either the risks themselves or the efficacy of each individual mitigation measure. Without such measurements, such a program has no validity, no standard for evaluation, and, in fact, no substance.

Response: Research from Brazil and Costa Rica substantially demonstrates that there is very little risk involved with importing papayas that are one-half or less ripe into the United States. Yet to further reduce the pest risk associated with papayas from Brazil, we are requiring certain phytosanitary measures be taken in the fields and packinghouses of Brazil and Costa Rica, as discussed earlier. However, each individual measure is not intended to act as a stand-alone treatment for Medfly, South American fruit fly, or any other pest. These are overlapping,

redundant measures that collectively form a systems approach to the importation of papayas from Brazil. Therefore, we see no need to assess the efficacy of each part of the systems approach, but to determine the effectiveness of the components as a whole. Assessment of the phytosanitary measures, and of the success of the Costa Rican papaya import program, which is based on similar measures, demonstrate that the systems approach we will apply to the importation of papayas from Brazil is effective in minimizing the pest risk associated with the importation of papayas from Brazil to an insignificant level.

Comment: Taken together, do the conditions of the systems approach to manage the pest risk associated with Brazilian papayas ensure a probit 9 level of quarantine security?

Response: Individually, the conditions included in the systems approach are not adequate to reduce to an acceptable level the risk of the introduction into the United States of injurious plant pests; in other words, no one condition is intended as a stand-alone treatment for the pests associated with papayas from Brazil. Taken together, however, the conditions for papayas from Brazil are sufficient to mitigate the risk of the introduction of injurious plant pests associated with papayas from Brazil.

Probit 9 level of security refers to a level of effectiveness for a treatment. Probit 9 security means that no more than 32 out of 1,000,000 treated individuals (such as fruit flies) will pass through treatment and still emerge as adults. Determining the efficacy of the Brazilian papaya systems approach is very different from determining the efficacy of a probit 9 treatment. As discussed earlier, research has shown that less than one-half ripe papayas are not a host for Medfly or South American fruit fly, so we would not expect to find Medfly or South American fruit fly in papayas imported from either Brazil or Costa Rica. The addition of other multiple safeguards for papayas from Brazil and Costa Rica will ensure quarantine security.

As mentioned earlier, under a systems approach similar to the one proposed for papayas from Brazil, papayas from Costa Rica have been imported into the United States since 1992, and the Costa Rican system has proven successful against the introduction of exotic plant pests into the United States in papayas from Costa Rica.

Comment: No reliable, peer-reviewed research exists that adequately demonstrates that Solo type papayas that are less than one-half ripe pose little risk of harboring Medfly or South American fruit fly. Therefore, it must be concluded that Solo type papayas that are less than one-half ripe are hosts for Medfly and South American fruit fly. As such, APHIS should not allow Brazilian papayas to enter the United States unless a stand-alone quarantine treatment, such as vapor heat or irradiation treatment, is required for the papayas.

Response: The research conducted by officials in Brazil, Costa Rica, and Hawaii was critically reviewed by U.S. Department of Agriculture (USDA) personnel and found to be satisfactory. This research demonstrates that less than one-half ripe papayas (shell surface no more than one-quarter yellow, surrounded by light green) are not a host for Medfly or South American fruit fly. Further, field and cage tests conducted in Costa Rica and Brazil demonstrate that fully-ripe papayas are not a preferred host of Medfly or South American fruit fly.

In field tests in Costa Rica, papayas were purposely left on trees so that all stages of ripeness were represented at all times, and fields growing papayas for survey were not treated with pesticides. Approximately 100,000 papayas were examined over the course of 3 years. No *Anastrepha* spp. of fruit flies were found in any of the papayas, even in almost fully ripe fruits, and no Medflies were found in papayas that were one-half ripe or less. In those 100,000 papayas, only 6 Medfly larvae were found in fruit that was three-quarters ripe or more. Those 6 larvae, plus trap catches in the areas where research was conducted in Costa Rica, indicate that Medflies were present in the area, but that Medflies do not prefer papayas, especially papayas that are less than one-half ripe.

Further, in forced tests in Costa Rica, no Medfly or *Anastrepha* spp. larvae were found in papayas that were green to quarter-ripe, and only one larva was found in a half-ripe papaya.

In addition, as discussed earlier, in field tests in Brazil, over 100,000 papayas of all ripeness stages (green to fully ripe) were collected in papaya groves. No fruit flies were found in any of the papayas. Therefore, in the Brazilian survey, even when fruit was allowed to fully ripen in the field, it did not contain any fruit fly eggs or larvae. Further, in forced tests in Brazil, oviposition (i.e., the laying of eggs) was only evident in fully ripe or overripe papayas. The results of these tests and the tests conducted in Costa Rica confirm that papayas that are less than one-half ripe are not hosts of Medfly or South American fruit fly. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: The research conducted in Brazil, on which you based your proposal to allow papayas from Brazil to be imported into the United States, should not be so old. The experiments need to be conducted again in order to affirm that Espirito Santo's papayas are free of fruit fly infestation. Experiments and studies also need to be carried out for a longer period of time. In addition, the research should include information on more than three farms of unknown size and location.

Response: The research that Brazil provided for our review was determined to be sufficient by USDA quarantine specialists employed by the Agricultural Research Service of USDA. The date of the research does not appear to be relevant, but in any case, the research conducted in Brazil was not the only research we used to support our proposal to allow papayas from Brazil to be imported into the United States. As discussed earlier, we also based our decision to propose the importation of papayas from Brazil on research conducted in Costa Rica and Hawaii. Therefore, we see no need for additional research in order to finalize this proposal.

Comment: In APHIS' June 1995 technical report (''Determination of 'Solo' Papaya Status as Fruit Fly (*Tephritidae*) Host in Espirito Santo State, Brazil, With Quarantine Objectives''), the following quotation was attributed to Jiron and Hedstrom (1988): ''In Costa Rica, except the papaya fruit fly, all tephritid fruit flies do not infest in natural conditions the solo-type papayas before an advanced degree of ripeness is reached.'' Papaya was not a part of this study.

Additionally, in the same technical report, APHIS states that 50 papayas of each ripeness stage were harvested in the entire orchard in one of the tests conducted in Brazil. If papayas were collected from the entire orchard, does that mean that some of those papayas were collected from insecticide-treated areas?

Further, the authors of the technical report conclude that trap catches indicate that Medfly and South American fruit fly do not prefer papayas; I disagree with this conclusion. Trap catches will not indicate fruit fly preference; a choice test will do this.

Response: Regarding the quote attributed to Jiron and Hedstrom, we agree that the citation is incorrect, but the content of the statement (i.e., that fruit flies do not infest in natural conditions Solo type papayas before an

advanced degree of ripeness is reached) is accurate.

In response to the question concerning the collection of papayas, no insecticides were applied to areas where papayas were harvested for tests conducted in Brazil.

Regarding one of the conclusions of the technical report, the authors used the word ''indicate'' as a synonym for ''suggest,'' and field and cage tests, including a choice test, proved their suggestion that Medfly and South American fruit fly do not prefer papayas. We regret any misunderstanding, however, and believe it would have been more appropriate to say that trap catches and field and cage tests indicate that papaya is not a preferred host of Medfly or South American fruit fly.

Comment: If no insecticide was applied in areas where papayas were harvested for this test, which insecticides were applied in other areas? Were these areas surrounding the experimental areas? This may have interfered with fruit fly population density.

Response: During field experiments, no insecticides were applied in experimental fields in Brazil, and, based on trapping data, we know that fruit flies were present in those fields. Therefore, during field tests, fruit flies could have infested the papayas, but, as discussed earlier, no fruit fly larvae were found in papayas at any stage of ripeness.

Brazil's research does not provide information on the types of insecticides, if any, applied in other areas. However, we do not believe that the application of pesticides in other areas, including areas surrounding experimental fields, would have significantly affected fruit fly populations in experimental fields.

Based on the time of year, ambient temperature, and other factors, the density of the fruit fly population in a given area fluctuates naturally. For that and the other reasons discussed, we designed, as part of our systems approach for the importation of papayas from Brazil and Costa Rica, trapping thresholds for Medfly and South American fruit fly to either trigger mitigation measures or halt papaya imports into the United States from specific papaya production areas in Brazil. These trapping thresholds, combined with the other components of our systems approach for the importation into the United States of papayas from Brazil, will provide protection against the introduction into the United States of Medfly and South American fruit fly.

Comment: In the Brazilian experiments, if stage 4 and 5 papayas (papayas more than one-half ripe) were examined for larvae in the same day of harvest, why were they not examined for fruit fly eggs the same day of harvest as well? Why were stage 1, 2, and 3 papayas (1 and 2 being less than one-half ripe, 3 being half-ripe) only left at room temperature for 2–4 days? Medfly eggs hatch in 4 days, but may require longer. Also, why was the number of pupae emerging from the papaya not looked into? The number of pupae should have been assessed.

Response: The life stages of a fruit fly occur in order as follows: egg, larva, pupa, adult. The experiments conducted in Brazil focused on examinations for fruit fly larvae for two reasons. First, fruit fly eggs are more difficult to detect during inspection than fruit fly larvae. Second, if fruit fly eggs are detected during inspection, it is impossible to determine, without waiting for the eggs to hatch, whether those eggs will hatch viable larvae that will develop into adults. For those reasons, no papayas, including stage 4 and 5 papayas, were examined for fruit fly eggs.

In examining for larval development in papayas, the Brazilian experiments concentrated on finding the earliest life stage that is readily detectable and that marks the progress of a viable, fertile, adult fruit fly. Stage 1, 2, and 3 papayas were left at room temperature for 2–4 days because that amount of time allows for larvae in the fruit to develop to a sufficient size for easy detection.

Because of the lack of larvae finds in Brazilian papayas, it was not necessary to assess the number of pupae emerging from papayas. If there are no larvae, then there will be no pupae.

Comment: In Brazil's 1993 field cage test, how many cages were used per test? In the 1993 tests, the number of fruit flies per cage is quite low considering the dimensions of the cage. In the 1994 field cage test, how many fruit flies were used per cage? In both tests, were the flies used fertile? What is the proportion of ripe to green fruit in the cages for each test?

Response: In the five cage tests conducted during 1993–94, one cage was used per test. In certain tests, there was an average of 50 female Medflies released per cage, and in other tests, between 17 and 41 female South American fruit flies released per cage. We believe that those are sufficient numbers to ensure valid tests.

The fruit flies used in all of the tests were fertile, as is evident from the fruit fly larvae found in fully-ripe and overripe papayas that were used in the cage tests.

The proportion of stage 1 papayas to stage 5 papayas in the cage tests varied from approximately 1:1 to approximately 2:1.

Comment: During cage tests, what were the ambient conditions in the infestation cages during oviposition periods?

Response: The ambient conditions during oviposition periods were not reported, but because of the fruit fly larvae detections in ripe and overripe fruit used in tests, it is evident that those conditions were suitable for survival of the eggs.

Comment: Since a two-choice test (guava vs. papaya) was conducted in 1994, was a one-choice test considered after?

Response: No. The two-choice test was conducted in 1994, after a single choice test had already been administered in 1993. We do not believe that it is necessary to re-administer a single choice test when the results from the first were available and acceptable.

Comment: Are the conditions (fruit fly trap catches, sanitation of papaya fields, etc.) of Guanacaste, San Jose, and Punta Arenas, Costa Rica similar to those in Espirito Santo, Brazil?

Response: Generally, yes, and areas in both Costa Rica and Brazil that are producing papayas for importation into the United States have to meet the same requirements, with the exception that areas in Costa Rica do not have a threshold requirement for South American fruit fly captures because South American fruit fly does not occur in Costa Rica. The *Anastrepha* spp. that occurs in Costa Rica feeds on different hosts than Brazil's South American fruit fly, and is not under any circumstances a pest of papaya.

Comment: Even if papayas are considered an occasional host of both Medfly and South American fruit fly, the presence of unsanitary field conditions (e.g., abandoned fields) may cause papayas in Brazil to become common hosts for both Medfly and South American fruit fly.

Response: According to research conducted in Brazil and Costa Rica, only fully ripe papayas may be considered an occasional host of Medfly or South American fruit fly.

Further, under our systems approach, papayas from Brazil and Costa Rica will only be allowed to be imported into the United States if they are grown, packed, and shipped under the conditions specified in this rule, which include field sanitation measures and trapping in production areas. If there are abandoned groves nearby, and these groves draw fruit flies to commercial papaya production areas, trapping will

detect increasing fruit fly populations, and control measures or, if necessary, a halt to shipments will be required if fruit fly populations exceed stated levels. The trapping requirements and thresholds are discussed in detail below. Therefore, we are making no changes to the proposal in response to this comment.

Comment: The proposed fruit fly trapping requirements are inadequate for quarantine security. No traps are required in highly sensitive areas, such as sites of other fruit-fly host plants, packing houses, abandoned groves, or cull piles. The stated thresholds for action are so high as to be meaningless; an infestation would have to be of enormous proportion to yield an average Jackson trap catch of greater than 7 Medflies per trap per week for an area the size of the State of Espirito Santo. A trapping threshold of one gravid female fruit fly or two adult male flies would be more in line with the biology of a reproducing population. The seven fly figure would be a more appropriate trigger to drop areas from the program. Also, infestations limited to a concentrated range are not addressed. Further, no actions or thresholds are given for South American fruit fly. The trapping requirement should be modified to account for these issues.

Response: The main safeguard against fruit fly introduction into the United States is that less than one-half ripe papaya is not a host of Medfly or South American fruit fly. The trapping requirements we proposed guard against ''high infestation pressure'' in production fields, and each farm's weekly average of Medfly and South American fruit fly captures per trap will be individually calculated. First, we are establishing specific requirements for the placement, types, and monitoring of fruit fly traps in papaya production fields. Specifically, we are requiring that beginning at least 1 year before harvest begins and continuing through the completion of harvest, fruit fly traps must be maintained in the field where the papayas were grown. The traps must be placed at a rate of 1 trap per hectare and must be checked for fruit flies at least once weekly by plant health officials of the national Ministry of Agriculture. Fifty percent of the traps must be of the McPhail type, and fifty percent of the traps must be of the Jackson type.

Second, we are establishing trapping thresholds that will trigger action if the fruit fly population in a papaya production area is too large. Specifically, in order to monitor the Medfly levels in commercial papaya production areas, we are establishing a threshold for Medfly captures in papaya production areas of Brazil and Costa Rica. The thresholds are as follows: If the average Jackson trap catch is greater than 7 Medflies per trap per week, measures, which may include Malathion bait sprays or other chemical sprays, must be taken to control the Medfly population in the production area. If the average Jackson trap catch exceeds 14 Medflies per trap per week, importations of papayas from that production area would be halted until the rate of capture drops to an average of 7 or fewer Medflies per trap per week.

In addition, based on this and other comments, we are also establishing a threshold for South American fruit fly captures in papaya production areas of Brazil at § 319.56–2w(j). The thresholds are as follows: If the average McPhail trap catch is greater than 7 South American fruit flies per trap per week, measures, which may include Malathion bait sprays or other chemical sprays, must be taken to control the South American fruit fly population in the production area. If the average McPhail trap catch exceeds 14 South American fruit flies per trap per week, importations of papayas from that production area would be halted until the rate of capture drops to an average of 7 or fewer South American fruit flies per trap per week.

These thresholds for Medfly and South American fruit fly trapping will help detect increasing populations of these fruit flies in growing areas and will help ensure that these fruit flies are not associated with imports of papayas.

The thresholds stated are adequate because we are not requiring that areas in Espirito Santo, Brazil, be pest-free for eligibility to export papayas to the United States. We only want to ensure that fruit fly populations do not exceed an acceptable level in papaya production areas in Brazil.

APHIS does not believe that high fruit fly populations in abandoned groves or near cull piles represent a threat to commercial papaya growing areas. If high populations are generated by abandoned groves or cull piles, and those populations move into a commercial papaya production area, then trapping in the commercial area will identify a problem, and additional mitigation measures, including halting importations of papayas from that commercial production area until fruit fly captures reach an acceptable level, will be taken.

Comment: The average Medfly catch for Vaversa farm was 50.44 Medflies per trap per week. Therefore, in accordance with the proposed trapping thresholds, this farm would not be eligible to export papayas to the United States. What was the Medfly weekly trap catch for Honey Fruit, Agrobas, and Exofruit farms?

Response: In 1996, the annual average Medfly catch for Vaversa farm was 50.44 Medflies per week. However, there were 20 traps on Vaversa farm, so the annual average of Medflies per trap per week was 2.522 Medflies, a number well below the proposed thresholds of 7 Medflies per trap per week to begin mitigation measures in papaya production areas or 14 Medflies per trap per week to halt papaya imports into the United States.

Yet, under the proposal, a farm's eligibility to export papayas to the United States would not be decided annually based on the annual average per trap per week, but decided weekly based on the weekly average per trap. Therefore, if the program had been active in 1996, and if Vaversa farm had met all of the other conditions of the regulations, it would have been eligible to export papayas to the United States during all weeks except those when the trapping thresholds exceeded 14 Medflies per trap per week. Additionally, during all weeks when the Medfly catch exceeded 7 flies per trap per week, mitigation measures would have been required to reduce the Medfly population in the production area.

The 1994 average Medfly weekly trap catch for Honey Fruit farm amounted to .05 flies or fewer per trap per week. The 1994 average Medfly weekly trap catch for Agrobas farm amounted to .10 flies or fewer per trap per week. The 1994 average Medfly weekly trap catch for Exofruit farm also amounted to .10 flies or fewer per trap per week.

Comment: Caliman, Vaversa, and Gaia farms all have a weekly trap average higher than 7 South American fruit flies per trap per week. Based on South American fruit fly captures, would these farms be eligible to export papayas to the United States? What is the South American fruit fly weekly trap catch for Honey Fruit, Agrobas, and Exofruit farms?

Response: Although we believe papayas of any ripeness to be poor hosts for South American fruit fly, as discussed above, we are establishing trapping thresholds for South American fruit fly in papaya production areas in Espirito Santo, Brazil. These trapping thresholds will require that mitigation measures be taken if more than 7 South American fruit flies per trap per week are captured in a papaya production area. Further, if more than 14 South American fruit flies per trap per week are captured in a papaya production area, exports of papayas from that area will halt until the level of captures of

South American fruit flies drops to a maximum of 7 South American fruit flies per trap per week. These thresholds will help monitor and reduce the South American fruit fly population in papaya production areas in Espirito Santo, Brazil.

Just as with Medfly trapping thresholds, South American fruit fly trapping thresholds will be based on the average weekly trap catch, and a farm's eligibility to export papayas to the United States will be determined on a week-to-week basis as a result of the number of South American fruit flies captured per trap per week.

Based on the data provided by Brazil, the 1994 average South American fruit fly weekly trap catch for Caliman farm amounted to 2.3 flies or fewer per trap per week. The 1994 average South American fruit fly weekly trap catch for Vaversa farm amounted to 1.2 flies or fewer per trap per week. The 1994 average South American fruit fly weekly trap catch for Gaia farm amounted to 3.2 flies or fewer per trap per week. The 1994 average South American fruit fly weekly trap catch for Honey Fruit farm amounted to 2.08 flies or fewer per trap per week. The 1994 average South American fruit fly weekly trap catch for Exofruit farm amounted to 1 fly or fewer per trap per week. The 1994 average South American fruit fly weekly trap catch for Agrobas farm amounted to 9.1 flies or fewer per trap per week. Under the provisions outlined in this document, during those weeks when a farm registers more than 7 South American fruit flies per trap per week, mitigation measures to reduce the fruit fly population in the papaya production area must be taken.

Comment: The use of simple averages to determine trap counts is insufficient. For example, if 1 trap out of 30 catches 200 fruit flies, and the other traps do not catch any fruit flies, the average for those 30 traps would be 6.7 flies, a figure below the required average of 7 flies per trap per week to begin mitigation measures. However, the papayas near the trap that catches 200 flies would be at a high risk for infestation. Therefore, another method of determining fruit fly population density should be considered.

Response: We believe that averages are sufficient to determine a papaya production area's eligibility to import papayas into the United States. Variations in trap catches will occur among traps in a given production area, but prior trapping data indicates that your scenario is highly unlikely. However, if this situation occurs, required recordkeeping will identify areas where fruit fly populations are concentrated, and we will investigate the conditions in those areas, including ensuring that the surrounding traps are properly baited, that field sanitation has been performed in compliance with the regulations, and that, if necessary, bait spray treatments are applied to reduce fruit fly populations around traps with excessive fruit fly catches. Therefore, we are making no changes to the proposal in response to this comment.

Comment: In response to a request for information, APHIS supplied trapping data for only three farms in 1996. There are far more than three farms in Espirito Santo. If this limited data constitutes all of the available data, how can a sound decision be made regarding the importation of papayas from Brazil?

Response: In response to a request for information, APHIS supplied 1994 trapping data for six farms, the total number of farms in Espirito Santo, and 1996 trapping data for three farms. This data, provided by Brazil, indicates the relative fruit fly population density and types of fruit flies in papaya production areas in Espirito Santo. We believe that the trapping data was adequate to enable us to design a systems approach for the importation of papayas from Brazil that is sufficient to prevent the introduction of Medfly and South American fruit fly into the United States.

The regulations will require fruit fly traps to be maintained in papaya production areas in Brazil and Costa Rica beginning at least 1 year before harvest begins and continuing through the completion of harvest. The traps must be placed at the rate of 1 trap per hectare and must be checked for fruit flies at least once a week by plant health officials of the national ministry of agriculture. Records of the fruit fly finds for each trap, updated each time the traps are checked, must be kept and must be made available to APHIS upon request. Prior to the commencement of papaya shipments from any papaya production area in Brazil or Costa Rica, we will review that most current fruit fly trapping information to determine which farms will be eligible to export their papayas to the United States and which farms will have to take mitigation measures to lower the fruit fly population in the area before exporting papayas to the United States.

Comment: The 1996 trapping report for three farms in Espirito Santo, Brazil, did not state the trap density; without this information, we cannot assume that the traps were placed at 1 trap per hectare.

Response: The placement of 1 trap per hectare is a requirement for the shipment of papayas to the United States from Brazil and Costa Rica under the systems approach outlined in this document. It was not a requirement for research; the trapping data mentioned was used to determine the relative fruit fly population density and types of fruit flies present in papaya production areas in Espirito Santo, Brazil. This information helped us decide whether to proceed with rulemaking, and to design a systems approach for the importation of papayas from Brazil. Further, on the farms in Espirito Santo that continue to trap for Medfly and South American fruit fly, traps are placed at a rate of 1 trap per hectare, and we believe that number is adequate to indicate fruit fly populations in those papaya production areas.

Comment: Papaya production areas in Brazil have not met the 1-year trapping requirement.

Response: Brazil has provided USDA with trapping records for 1993–1994 and 1996, and continues to trap for fruit flies in papaya production areas. For shipment of Brazilian papayas to the United States, we are requiring that beginning at least 1 year before harvest begins and continuing through the completion of harvest, fruit fly traps be maintained in the field where the papayas are grown. The traps must be placed at a rate of 1 trap per hectare and must be checked for fruit flies at least once weekly by plant health officials of the Brazilian Ministry of Agriculture. Therefore, we will not approve the importation of papayas from any production areas in Brazil unless those production areas provide the required current trapping data. At present, two farms in Espirito Santo have met the 1-year requirement for trapping.

Comment: APHIS' description of eligible papayas as ''less than one-half ripe'' is vague, difficult to convey to field personnel in Brazil, and impossible for U.S. inspectors to verify or enforce. The description should be more specific.

Response: In our proposal, we used the phrase ''less than one-half ripe'' to describe the papayas that we proposed for entry into the United States from Espirito Santo, Brazil. However, we specifically stated that when picked, the papayas must appear as follows: ''shell surface no more than one-quarter yellow, surrounded by light green.'' That explanation appears in the regulations and is a detailed and accurate description of quarter-ripe papayas.

For papaya growers, the standard industry practice for harvesting fruit abides by the following system: stage 1 and stage 2 papayas, papayas less than one-half ripe, are harvested for export;

stage 3 papayas, papayas that are one-half ripe, may be harvested for sale in the domestic market of the country or region in which the papaya production field is located; stage 4 and stage 5 papayas, papayas more than one-half ripe, may be used only for local consumption. This industry practice helps ensure that papayas arrive at market with an adequate shelf life. Brazil has successfully exported papayas to the European Union, Canada, and Argentina for many years, and in doing so, Brazilian papaya producers routinely follow the standard industry practice of harvesting papayas that are less than one-half ripe for export.

Because of these factors, we do not expect any confusion about the ripeness of the papayas that will be eligible for importation into the United States. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: To require someone on the line in a packing house to accurately determine that a particular papaya's shell surface is no more than one-quarter yellow surrounded by light green as thousands of papayas move along the conveyor belt is asking too much. Even a vigilant and careful inspector could not be expected to find papayas that are one-half or more ripe in that sea of papayas.

Response: The determination of each papaya's ripeness will not be made as the papayas are moving along a conveyor belt; ripeness will be determined in the field as the papayas are picked and again in the packing house as the papayas are placed in cartons for shipment to the United States. In these instances, when individual attention is given to each papaya, a determination of ripeness is easily made.

Further, this method of determining ripeness has proven successful for the importation into the United States of papayas from Costa Rica. Therefore, we believe that it is an effective and reliable way to ensure that only papayas that are less than one-half ripe are imported into the United States from Brazil and Costa Rica.

Comment: A maturity index based on surface color of papayas is not a reliable method for determining the infestability of papayas.

Response: We disagree. The field and cage tests conducted in Brazil and Costa Rica, as discussed earlier, prove that the surface color of papayas is an adequate determinant of the infestability of these papayas.

Comment: Data regarding the levels of benzyl isothiocyanate (BITC) in Brazilian papayas, the correlation between the concentration of this chemical and quantified color stages of Brazilian papayas, or the effects of BITC on South American fruit fly should be presented before papayas from Brazil are allowed to enter the United States.

Response: BITC, a naturally occurring chemical in papayas, has been determined to deter fruit fly oviposition in papayas, and when fruit fly eggs are laid in papayas, to prevent the survival of those eggs. The chemical is most concentrated in green papayas, and gradually dissipates as the papayas mature and ripen.

We do not feel that it is necessary to examine levels of BITC in Brazilian papayas, the correlation between the concentration of this chemical and quantified color stages of Brazilian papayas, or the effects of BITC on South American fruit fly for papayas from Brazil. Our decision to allow papayas from Espirito Santo, Brazil, to be imported, under certain conditions, into the United States was based, in part, on research that demonstrates that papayas of all ripeness stages, using color as an indicator of ripeness, are not preferred hosts for Medfly or South American fruit fly. Further, this research demonstrates that less than one-half ripe papayas are not a host of Medfly or South American fruit fly in Brazil. As discussed earlier, researchers in Brazil tested papayas at all stages of ripeness, where the determinant of the ripeness was the surface color of the papayas. In field tests, no fruit flies were found in any of the papayas, regardless of ripeness. In forced tests, fruit flies only occasionally attacked fully-ripe or overripe papayas (surface color entirely yellow).

Based on this and other research and on the success of the Costa Rican papaya program, we believe that using color as an indicator of ripeness, and therefore of resistance to fruit fly infestation, is sufficient to prevent the introduction of Medfly and South American fruit fly into the United States. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: Studies in which objective colorimetric measurements of Brazilian papayas are correlated to natural or forced infestation by Medfly or South American fruit fly should be conducted before papayas from Brazil are allowed to enter the United States.

Response: We do not agree that colorimetric measurements, measurements taken by a machine that looks at a portion of the surface color of the exterior of a commodity and generates a graph to indicate the ripeness of that commodity, are essential to determining whether less than one-half ripe papayas from Brazil are susceptible to infestation by Medfly or South American fruit fly. We believe that visual inspection of the papayas, as used in the research conducted in Brazil, serves the same purpose as colorimetric measurements and, in fact, is more effective because, unlike colorimetric measurements, visual inspection takes into account the range of colors on the entire exterior of the fruit.

The visual ripeness index we are using for papayas from Brazil is the same as the one currently in use for papayas from Costa Rica. The Costa Rican system of determining papaya ripeness has proven to be effective in ensuring that only less than one-half ripe papayas are imported into the United States.

Therefore, we are making no changes to the proposal in response to this comment.

Comment: APHIS should cut open papayas from Brazil arriving in the United States to determine if larvae are present, and the papayas should be inspected for eggs and held for pupal emergence.

Response: As a condition of entry, all fruits and vegetables imported into the United States are subject to inspection for injurious plant pests at the port of first arrival. If the papayas show any signs of pest infestation, including soft spots, bruises, or small holes in the surface, the papayas will be cut open and examined by a USDA inspector. Because of the systems approach that will be required of papayas to be imported from Brazil and Costa Rica, there is no need to examine papayas that do not exhibit any signs of pest infestation, or hold papayas for larval emergence, at the U.S. port of arrival. Therefore, we are making no changes to the proposal in response to this comment.

Comment: Two disease-causing organisms, *Cercospera mamaonis* and *Phomopsis carica-papayae,* are not addressed by the proposed risk mitigation measures. Measures should be taken to reduce the risk of the introduction of these fungi into the United States.

Response: We expect that the proposed hot water treatment, consisting of 20 minutes in water at 49 °C (120.2 °F), will reduce the risk of the introduction into the United States of *Cercospera mamaonis* and *Phomopsis carica-papayae,* as well as any other injurious plant pests that may be associated with the papayas. However, as a condition of entry, all fruits and vegetables imported into the United

States are subject to inspection for injurious plant pests at the port of first arrival. Both *Cercospera mamaonis* and *Phomopsis carica-papayae* are visually detectable by inspection. If inspectors at the U.S. port of arrival determine that a shipment of papayas is infested with pests of concern, including *Cercospera mamaonis* and *Phomopsis carica-papayae,* that shipment will be either treated, destroyed, or re-exported to prevent dissemination of the pests in the United States. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: The proposed hot water treatment will not reduce the likelihood that papayas will introduce injurious plant pests into the United States, and it is certainly not a sufficient treatment to attain probit 9 quarantine security in regard to Medfly larvae in papayas. Twenty minutes at 120.2 degrees Fahrenheit is just one part of a longer 2 stage treatment which APHIS abolished for Hawaiian papayas in 1991 due to its ineffectiveness against larvae of Medfly and Oriental fruit fly. Moreover, that original treatment called for papayas to be one-quarter ripe, not one-half ripe as proposed for Brazilian papaya. Medfly requires a hot water treatment of approximately 48 degrees Celsius for 50 minutes to reach thermal death of eggs and larvae; no information is available regarding the efficacy of hot water treatment on *Anastrepha* species. This proposed requirement should be reconsidered.

Response: As recommended by quarantine specialists with Agriculture Research Services, USDA, the proposed hot water treatment for papayas from Brazil is one component of a systems approach; it is not intended to be a stand-alone treatment for Medfly or South American fruit fly. Taken together, the components of the systems approach are sufficient to mitigate the risk of the introduction of Medfly and South American fruit fly, as well as other injurious plant pests, into the United States.

The hot water treatment that was in effect for the post harvest quarantine treatment of Hawaiian papaya was designed to reduce the risk of the interstate movement of Medfly, Oriental fruit fly, and melon fly to the mainland United States. However, because the treatment proved to be ineffective against Oriental fruit fly in papayas that exhibit blossom end defect, APHIS withdrew the use of the 2-stage hot water treatment for Hawaiian papayas. While Hawaii has a high population of Oriental fruit fly in Hawaii, Oriental fruit fly does not occur in Brazil or Costa Rica. Therefore, we are making no changes to the proposal in response to this comment.

Comment: PPQ's Treatment Manual does not contain an approved hot water treatment for papayas. Additionally, a design for a treatment facility has not been approved, nor a process tested and approved, nor are APHIS personnel required to be present at a hot water treatment facility, in the fields, or in the packing houses. Therefore, we question the efficacy of such a treatment. The proposal does not specify whether facilities that will conduct the hot water treatment for Brazilian papayas will have to be approved by APHIS or will have to meet certain performance standards. We suggest that these facilities either be approved or be required to achieve certain standards prior to the importation into the United States of papayas from Brazil.

Response: Hot water treatment of papayas for export from Brazil is standard industry practice, but it is not a probit 9 stand-alone treatment. We are requiring it as one component of a systems approach to the importation into the United States of papayas from Brazil. Therefore, the hot water treatment need not be approved as a stand-alone treatment would be, nor do the facilities that will conduct the hot water treatment need to be approved. The specifications of the treatment will be in the regulations, and, therefore, do not need to appear in the PPQ Treatment Manual. However, when papayas from Brazil are imported into the United States, the Brazilian Ministry of Agriculture is required to certify that hot water treatment has been conducted, as required. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: What is the probit 9 hot water treatment for South American fruit fly?

Response: We are not aware of a probit 9 hot water treatment for South American fruit fly.

Comment: The proposal does not specify quarantine security measures for packing areas. Such security measures should be considered.

Response: We agree. In response to this comment, we are adding at § 319.56–2w(e) a provision that papayas from Brazil and Costa Rica must be safeguarded from exposure to fruit flies from harvest to export. This would require that from the moment the papaya is picked from the tree to the time that it reaches the United States, including in packing houses in Brazil and Costa Rica, the papaya will be safeguarded from fruit fly infestation. In order to meet this provision, trucks that move papayas from the orchard to the packing house will have to be covered or screened in some manner that prevents access by fruit flies. The packing house will also have to be constructed so as to prevent entry by fruit flies. Finally, the cartons that the papaya is shipped in will have to be fruit fly-proof or covered by fruit fly-proof material. This provision will help reduce the risk of the introduction into the United States of Medfly, South American fruit fly, and other pests that may be associated with papayas from Brazil and Costa Rica.

Comment: Culls and fallen fruit are to be ''removed from the field at least twice a week,'' but there is no provision for the destruction of culls and fallen fruit.

Response: We agree that there should be a requirement for the destruction of culls and fallen fruit. Therefore, we are adding a provision at § 319.56–2w(b) that culls and fallen fruit must be buried, destroyed, or removed from the farm. This provision will help reduce the risk of increased Medfly and South American fruit fly populations in and near papaya production areas in Brazil.

Comment: Does the sanitation procedure described in the proposal apply to backyards? What is the manpower allocated to perform this task?

Response: No, the sanitation procedure does not apply to backyards in Brazil because the conditions set out in the regulations will preclude the eligibility of backyard papayas for importation into the United States.

The manpower assigned to keep commercial papaya production fields clean will be determined by individual papaya producers in Brazil and will vary according to the needs of those producers to achieve the desired results.

Comment: How can APHIS guarantee that all papaya trees in Espirito Santo will be kept free of one-half or more than one-half ripe papayas?

Response: Only commercial papaya production areas in Espirito Santo that grow papayas from importation into the United States will be required to be kept free of one-half or more than one-half ripe papayas. Besides the fact that it is standard industry practice to keep trees in commercial papaya production areas free of fruit that is one-half or more ripe, this program will be supervised by the Brazilian Ministry of Agriculture and monitored by APHIS. Therefore, we are confident that this requirement will be met.

Comment: APHIS should take a more active role in monitoring the harvesting, packing, and shipping of papayas under the proposed protocol, and a trust fund agreement should be established to pay

for U.S. inspectors in the fields, packing houses, and ports in Brazil. The proposed systems approach depends on the full and careful compliance of Brazilian workers who have little or no training or experience in making sure each of the proposed conditions is met. Certain conditions, such as the hot water treatment, require precise monitoring. In addition, Brazilian papaya producers arguably have a conflict of interest in fully enforcing these conditions. Without an established performance history, there is no basis to conclude that Brazilian workers or the Brazilian Ministry of Agriculture will unfailingly meet the requirements of the regulations.

Response: In the initial phases of the Brazilian papaya program, APHIS's International Services (IS) employees will visit the production and packing areas to ensure that the components of the systems approach are being met, and throughout the program, these APHIS employees will act as a ready resource for the Brazilians.

Regarding the compliance of the Brazilians, as discussed earlier, Brazil has been exporting its papayas to the European Union, Canada, and Argentina for many years; therefore, in Brazil, papaya producers and their employees have experience and training in preparing papayas for export. Further, most of the conditions that we are requiring for the importation of papayas from Brazil are standard industry practice; normal commercial practice includes picking papayas for export when the papayas are green or less than half ripe, maintaining a high degree of sanitation in production areas, and treating the fruit with a hot water treatment to inhibit disease. Other conditions, such as trapping measures, have been in use for several years in order to provide data for this action.

We do not agree that meeting the conditions for importation is a conflict of interest for Brazilian workers; Brazilian producers and their employees want to be eligible to export fresh, healthy papayas to the United States that will compete well in the U.S. market. Therefore, deviation from required phytosanitary measures would not be in the self-interest of the Brazilians.

Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: If the Environmental Protection Agency (EPA), in accordance with the Food Quality Protection Act (FQPA), reassesses and subsequently cancels all tolerances for malathion, would that prevent the importation of malathion-treated papayas? If not, how would State and Federal officials contain and eliminate future Medfly outbreaks? Finally, what other pesticides might be used in Brazil and Costa Rica to ensure the same level of safety as malathion and might these pesticides also be subject to FQPA restrictions?

Response: EPA cannot regulate the use of pesticides in other countries; therefore, if EPA cancels all tolerances for malathion for domestic use, the pesticide may still be used in Brazil, Costa Rica, and other countries. Further, even if malathion may no longer be used as a treatment in the United States, malathion-treated papayas would still be permitted to be imported into the United States if the papayas meet all other applicable requirements, including requirements contained in EPA regulations at 40 CFR part 180 concerning pesticide residue tolerances. The EPA regulations would also apply to any other pesticide residues that may be found on the papayas at the U.S. port of first arrival. (Other commenters suggested that abamection, dicofol, endosulfan, tetradifon, and methyl thipphanate may be used on papayas in Brazil.) With respect to the emergency use of malathion for Medfly outbreaks in the United States, we have already started using other methods, including the release of sterile flies, in combination with malathion to contain and eliminate future Medfly outbreaks, and continue to explore alternative strategies.

Comment: Chemicals that are not registered by EPA are routinely applied to papayas in Brazil. Such pesticides include abamectin, dicofol, endosulfan, tetradifon, and methyl thipphanate. At a minimum, APHIS should notify the Food and Drug Administration (FDA) that such pesticides are used on papayas in Brazil so that residue may be checked at U.S. borders. Additionally, APHIS should notify the Brazilian government and industry that such pesticides are not permitted on papayas imported into the United States. Certification that states that these pesticides have not been used on the papayas should accompany the papayas to the United States. APHIS should not endanger the health of the American public by encouraging the importation of products which it knows to have a high probability of containing illegal pesticides.

Response: Based on information obtained from FDA, APHIS believes that the issues concerning pesticide residues found on papayas imported from Brazil are no different than the issues associated with the importation of produce from any other foreign country.

EPA is responsible for registering pesticides for use in the United States. EPA also has the responsibility to establish limits, or tolerances, for pesticide residues in both raw agricultural commodities and processed foods; these tolerances are located at 40 CFR part 180 and apply to both imported and domestically grown foods. EPA-established tolerances are commodity specific and represent the maximum amount of pesticide residue that may legally remain in food. In the absence of a tolerance, any level of pesticide residue is prohibited. Currently, EPA regulations do not list tolerances for pesticide residues of abamectin, dicofol, endosulfan, tetradifon, or methyl thipphanate on papayas. FDA is responsible for enforcing EPA pesticide residue tolerances and for determining whether an imported food violates the Federal Food, Drug, and Cosmetic Act.

FDA collects samples for residue testing early in the marketing chain to afford the greatest opportunity for determining the source of illegal residues (e.g., the grower). This system prevents the flow of further shipments that may contain the same residues. Thus, for imported foods, FDA collects samples directly at the port of entry. FDA sampled shipments are not allowed to be marketed until the results of the FDA testing are known and the shipments are released by the Agency. When illegal pesticide residues are found in an imported food shipment, the shipment is refused entry and required to be destroyed or shipped out of the United States. FDA may also invoke automatic detention of subsequent related shipments.

In 1994, FDA collected and analyzed a total of 11,348 food samples for pesticide residues under its regulatory monitoring programs. Of these, 5,448 samples, or 48 percent, were surveillance samples of imported foods from 101 countries. Overall, no violative residues were found in nearly 96 percent of the import surveillance samples, and 67 percent had no residues detected. Less than 1 percent of the import samples had pesticide residues that exceeded EPA tolerances, a finding that is about the same as the percentage of domestic samples that exceeded tolerances. Approximately 3 percent of import samples were found to contain residues of pesticides for which there is no established U.S. tolerance for the particular pesticide commodity combination.

We believe that the mechanisms that have been established to monitor pesticide residues on imported produce are adequate to detect if residues found

on papayas imported from Brazil are in violation of tolerances established by EPA. Therefore, we are making no changes to the proposed rule in response to this comment.

Comment: What is the harvest interval after spray for each chemical pesticide used in papaya production areas in Espirito Santo, Brazil? Has this work been done according to EPA regulations?

Response: We do not expect liberal pesticide applications to papaya production areas in Brazil; we expect that pesticides will be applied when mitigation measures are required in papaya production areas because of elevated Medfly or South American fruit fly populations. Therefore, we have not established a required harvest interval after chemical spray. Further, standard industry practice, including the required hot water treatment, calls for cleaning the surface of the papayas to remove as much of the pesticide residue as possible before the fruit is exported. Regarding EPA regulations, as discussed earlier, EPA cannot regulate the application of pesticides in foreign countries.

Comment: APHIS' reliance on inspections at the border has been seriously questioned in a very recent report issued by the General Accounting Office (GAO). In its report, GAO estimates that foreign pests are entering the United States at a level that is costing $41 billion annually in lost production and expenses for prevention and control, and that inspectors are ''struggling to keep pace with increased workloads'' (GAO Report GAO/RCED–97–102, May 1997).

Response: We believe it is important to emphasize that the Agricultural Quarantine Inspection (AQI) activities of APHIS are an important, but not the only, component of our system for safeguarding plant and animal resources from exotic pests and diseases. Regarding papayas from Brazil, we have designed a systems approach, with inspection at the U.S. port of arrival as one component, that provides protection against the introduction into the United States of injurious plant pests.

According to the GAO report, USDA estimates that foreign pests are entering the United States at a level that is costing $41 billion annually in lost production and expenses for prevention and control. In terms of imported fruits and vegetables, the greatest risk of plant pest introduction into the United States is non-commercial shipments of imported fruits and vegetables, including those entering the United States in international passenger baggage. Therefore, we do not believe that the conclusions of the study are relevant to the importation of commercial shipments of papayas from Brazil or Costa Rica.

Comment: We are concerned about your proposal to allow papayas from Brazil to be imported into the United States because very recently Florida had to conduct a costly and inconvenient eradication program because of a Medfly outbreak in the State.

Response: The recent Medfly outbreak in Florida is a major concern for us as well, but there is no indication that it was a result of legally imported fruits and vegetables for consumption. Regarding the importation of papaya from Brazil and Costa Rica, as discussed, less than one-half ripe papayas are not a host of Medfly. This final rule imposes requirements on the importation of papayas from Brazil and Costa Rica, in the unlikely event that a Medfly is attracted to a papaya in either country. We are confident that this final rule will allow papayas from Brazil and Costa Rica to be imported into the United States while continuing to provide protection against the introduction of Medfly into the United States.

Comment: The proposal is not in line with the law, which states that APHIS must take action to ''prevent the dissemination into the United States'' of plant pests.

Response: We disagree. We have designed a required set of phytosanitary safeguards, or systems approach, to allow for the importation of papayas from Brazil while preventing the introduction and dissemination of injurious plant pests into the United States.

Comment: Both 7 U.S.C. 159 and 160 require a hearing before APHIS can allow the importation of papayas from Brazil. Until such a hearing is held, APHIS should not finalize this proposal.

Response: Prior to January 8, 1983, 7 U.S.C. 159 and 160 directed the Secretary to hold a public hearing before promulgating a determination to ''restrict'' (7 U.S.C. 159) or ''forbid'' (7 U.S.C. 160) the importation into the United States of plants or plant products that may result in the introduction of injurious plant pests into the United States. However, on January 8, 1983, Public Law 97–432 struck out the provisions in both 7 U.S.C. 159 and 160 directing the Secretary to hold a public hearing before promulgating a determination regarding the restriction or prohibition of a plant or plant product's entry into the United States. We believe the public comment period for this rulemaking provided adequate opportunity for interested persons to comment on the proposed rule. Therefore, we are taking no action in response to this comment.

Comment: An environmental impact assessment should have been performed for this proposed action, particularly because a fruit fly infestation in the United States as a result of imported papayas from Brazil would provoke eradication measures that may include malathion bait sprays over potentially large rural and urban areas.

Response: An environmental assessment and finding of no significant impact have been prepared by APHIS for this action. The environmental assessment provides a basis for our conclusion that the importation into the United States of papayas from Brazil will not present a significant risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies of the environmental assessment and finding of no significant impact may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the environmental assessment when ordering copies.

Comment: In the proposed rule under the heading ''Executive Order 12988,'' APHIS maintained that fresh fruit imported into the United States remains in foreign commerce until sold to the ultimate consumer and that, therefore, this rule would preempt State and local laws. It is not true that tropical fruits, and papayas in particular, remain in foreign commerce until the product is sold to the ultimate consumer (i.e., the person who eats the fruit). In fact, the U.S. Customs Service has determined that produce displayed in bins at retail grocery stores do not require labeling as to the country of origin because the retail customer is not the ultimate consumer, the store itself is. Therefore, papayas sitting in the grocery store are

no longer in foreign commerce. As such, State and local laws should not be preempted; they should apply in this case so that a State may restrict the entry of papayas from Brazil because of the pest risk to that State.

Response: It is our position that State and local laws and regulations regarding papayas imported under this rule will be preempted while the papayas are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and are considered to remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis.

If the regulations allow a foreign plant or plant part, in this case papayas, to be imported into a State, that State does not have authority to refuse the plant or plant part entry, either directly from the port of arrival, or from another State. The Federal Government retains jurisdiction over all plants and plant parts while they are in foreign commerce. If the Secretary of Agriculture does not prohibit or restrict the importation of a plant or plant part, any such prohibition or restriction is deemed to be unnecessary. When foreign commerce ceases is a question of fact that must be addressed in each individual case. However, the Department of Agriculture has taken the position that fresh fruits and vegetables imported into the United States for immediate distribution and sale remain in foreign commerce until they are sold to the ultimate consumer. Other questions regarding when foreign commerce ceases must be addressed on a case-by-case basis and will be resolved based on the facts in each particular case.

For these reasons, a State may not legally prohibit the entry of a foreign plant or plant part into the State if the plant or plant part is allowed importation into the State under the regulations. Any State that believes it should or should not be included as a restricted destination in the regulations should present its case to the Administrator of APHIS. Therefore, we are making no changes to the proposed rule in response to this comment.

Therefore, based on the rationale presented in the May 25, 1997, proposed rule, the September 25, 1997, document, and this final rule, we are adopting the provisions of these documents as a final rule with the changes discussed above.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 604, we have performed a Final Regulatory Flexibility Analysis, which is set out below, regarding the economic impact of this final rule on small entities.

Under the Plant Quarantine Act and the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee, 150ff, 151–167), the Secretary of Agriculture is authorized to regulate the importation of fruits and vegetables to prevent the introduction of injurious plant pests.

This rule amends the regulations governing the importation of fruits and vegetables by allowing papayas from Brazil and Costa Rica to be imported into the United States under specified conditions. The importation of papayas from Brazil had been prohibited because of the risk that they could have introduced injurious plant pests into the United States. This rule also makes changes to the requirements for importing papayas from Costa Rica, but those changes are not expected to have any effect on the volume of papayas exported to the United States from Costa Rica.

The rulemaking pertaining to papayas from Brazil is based on a pest risk assessment conducted by APHIS at the request of the Brazilian Ministry of Agriculture.

In 1995, the United States produced 23,042 metric tons (fresh equivalent) of papayas for human consumption, valued at $18.5 million. In 1993 and 1994, the United States produced 28,939 metric tons and 28,123 metric tons, respectively, of papayas for human consumption.

Imports into the United States of fresh papayas have grown rapidly, to the point where imports now exceed U.S. production levels of papayas for human consumption. In 1995, the United States imported 33,288 metric tons of fresh papayas, a significant increase over the 1993 and 1994 levels (14,198 metric tons and 18,677 metric tons, respectively). The increase in U.S. imports of fresh papayas since 1993 is due almost entirely to increased shipments from Mexico, the source of most U.S. papaya imports. The United States is a net importer of fresh papayas, as exports of the commodity from the United States did not exceed 8,293 metric tons in any of the years between 1993 and 1995.

In 1992, papayas were produced on 519 farms in the United States. It is not known how many of those farms are considered small entities under Small Business Administration standards, since information on their sizes is not available. However, most are probably small, since most U.S. farms whose revenues are derived primarily from the sale of fruits and tree nuts are considered small.

In 1993, Brazil was the world's largest producer of papayas. In that year, Brazil produced an estimated 1,750,000 metric tons of papayas, 30.1 percent of the world's total. No data is available, however, on the volume of potential exports of this commodity from Brazil to the United States.

The alternative to this rule was to make no changes in the regulations. After consideration, we rejected this alternative because there is no biological reason to prohibit the importation into the United States of papayas from Brazil.

In our proposal, we solicited comments on the potential effects of the proposed action on small entities. In particular, we sought data and other information to determine the number and kind of small entities that may incur benefits or costs from the implementation of the proposed rule. We received one comment on the Initial Regulatory Flexibility Analysis contained in the proposed rule.

The commenter disagreed with our assessment that the proposed rule would not have a significant impact on small entities in the United States. The commenter argued that the rule has the potential to have a significant adverse impact on the approximately 30 papaya growers located in Florida, all of whom are small in size. The commenter points out that Brazil, because it is the world's largest papaya producer, has the potential to flood the U.S. market, effectively driving Florida's producers out of business. The commenter states that Hawaii and Florida produce all the

papayas that are commercially grown in the United States: Hawaii grows about 2,500 acres of papayas, with a value of $17 million; Florida has 500 acres of papayas, with a value of $3 million. The commenter suggests, however, that Hawaiian producers will not be directly affected by the proposal because Brazilian papayas would not be permitted to move into Hawaii.

We agree that the proposal has the potential to adversely affect papaya producers in Florida. However, to the extent that an adverse impact occurs at all, we are not convinced that it will be significant for most growers.

Growers in Florida and Hawaii could be affected because the proposal has the potential to reduce the prices at which they are able to sell their papayas. Those prices would decline if a large volume of Brazilian papayas were made available in the U.S. market at prices lower than those currently being accepted by domestic producers. The volume of potential papaya imports from Brazil will depend on a variety of factors, such as the extent to which Brazilian imports are price competitive with papayas produced in the United States and with papayas imported into the United States from Mexico and elsewhere. The volume will also depend on the price Brazil receives for its papayas elsewhere, including its existing export markets. The degree to which Brazilian imports are price competitive depends, in turn, on several factors, including production costs in Brazil and the costs of transporting papayas to the U.S. market.

There is, however, the potential for a considerable volume of papaya imports from Brazil. Brazil is the world's leading papaya producer and Espirito Santo, the State within Brazil from which imports would be allowed, accounts for almost half of Brazil's total papaya production. In 1991, the State of Espirito Santo produced 134,800 tons of papayas, 45 percent of Brazil's total papaya production of 299,400 tons. By comparison, production in the United States in 1995 totaled only 23,042 metric tons (utilized, fresh equivalent).

Nevertheless, there are several reasons that this rule may not have a significant adverse impact on a substantial number of Florida growers. First, no more than three or four papaya producers in Florida grow papayas exclusively or as a primary crop; most grow other crops in addition to papayas. In Florida, papayas are typically a temporary crop that is used to fill in the space between rows of newly-planted permanent crops (e.g., mangoes) until such time as the permanent crops mature. Therefore, even if Florida papaya growers are adversely affected by the rule change, the impact on most will not be significant in terms of their overall operations.

Second, Florida's papaya growers are apparently able to remain financially viable in the face of sharply increasing imports from Mexico. This suggests to us that: (1) Florida's growers are able to successfully adapt to the increased competition by switching to alternative crops, or (2) papaya sales are not significant in terms of their overall operations.

Third, the volume of potential imports from Brazil is unknown. Thus, even if it is assumed that most Florida papaya growers do rely heavily on papaya sales, there is no basis to conclude that they will automatically be affected. The commenters speculate that the volume will be large (relative to U.S. production) on the basis of Brazil's status as the world's leading papaya producer. However, that speculation may not be correct, since the volume of imports would depend on more than just production levels in Brazil. Indeed, it may be virtually impossible for Brazilian papayas to compete with Mexican papayas in the U.S. market on the basis of price and quality. Brazilian imports would be severely disadvantaged because of higher transportation costs to the U.S. market.

The commenter also argued that this rule is significant and should have undergone review by the Office of Management and Budget (OMB).

As required by Executive Order 12866, APHIS submitted a description of the proposed and final rules to OMB.

Executive Order 12988

This rule allows papayas to be imported into the United States from Brazil. State and local laws and regulations regarding papayas imported under this rule will be preempted while the fruit is in foreign commerce. Fresh papayas are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that the importation of papayas from Brazil will not present a risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

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

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0128.

List of Subjects in 7 CFR Part 319

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

Accordingly, 7 CFR part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

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

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

2. Section 319.56–2w is revised to read as follows:

§ 319.56–2w Administrative instruction; conditions governing the entry of papayas from Brazil and Costa Rica.

The Solo type of papaya may be imported into the continental United States, Alaska, Puerto Rico, and the U.S. Virgin Islands from the State of Espirito Santo, Brazil, and the provinces of Guanacaste, San Jose, and Puntarenas, Costa Rica, only under the following conditions:

(a) The papayas were grown and packed for shipment to the United States in the State of Espirito Santo, Brazil, or in the provinces of Guanacaste, San Jose, and Puntarenas, Costa Rica.

(b) Beginning at least 30 days before harvest began and continuing through the completion of harvest, all trees in the field where the papayas were grown were kept free of papayas that were ½ or more ripe (more than ¼ of the shell surface yellow), and all culled and fallen fruits were buried, destroyed, or removed from the farm at least twice a week.

(c) The papayas were treated with a hot water treatment consisting of 20 minutes in water at 49 °C (120.2 °F).

(d) When packed, the papayas were less than ½ ripe (the shell surface was no more than ¼ yellow, surrounded by light green), and appeared to be free of all injurious insect pests.

(e) The papayas were safeguarded from exposure to fruit flies from harvest to export, including being packaged so as to prevent access by fruit flies and other injurious insect pests. The package containing the papayas does not contain any other fruit, including papayas not qualified for importation into the United States.

(f) All cartons in which papayas are packed must be stamped ''Not for importation into or distribution in HI.''

(g) All activities described in paragraphs (a) through (f) of this section were carried out under the supervision and direction of plant health officials of the national Ministry of Agriculture.

(h) Beginning at least 1 year before harvest begins and continuing through the completion of harvest, fruit fly traps were maintained in the field where the papayas were grown. The traps were placed at a rate of 1 trap per hectare and were checked for fruit flies at least once weekly by plant health officials of the national Ministry of Agriculture. Fifty percent of the traps were of the McPhail type, and fifty percent of the traps were of the Jackson type. If the average Jackson trap catch was greater than 7 Medflies per trap per week, measures were taken to control the Medfly population in the production area. The national Ministry of Agriculture kept records of fruit fly finds for each trap, updated the records each time the traps were checked, and made the records available to APHIS inspectors upon request. The records were maintained for at least 1 year.

(i) If the average Jackson trap catch exceeds 14 Medflies per trap per week, importations of papayas from that production area must be halted until the rate of capture drops to an average of 7 or fewer Medflies per trap per week.

(j) In the State of Espirito Santo, Brazil, if the average McPhail trap catch was greater than 7 South American fruit flies (*Anastrepha fraterculus*) per trap per week, measures were taken to control the South American fruit fly population in the production area. If the average McPhail trap catch exceeds 14 South American fruit flies per trap per week, importations of papayas from that production area must be halted until the rate of capture drops to an average of 7 or fewer South American fruit flies per trap per week.

(k) All shipments must be accompanied by a phytosanitary certificate issued by the national Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions of this section.

(Approved by the Office of Management and Budget under control number 0579–0128)

Done in Washington, DC, this 10th day of March 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–6536 Filed 3–12–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 966 and 980

[Docket No. FV98–966–1 FR]

Tomatoes Grown in Florida and Imported Tomatoes; Final Rule to Change Minimum Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule increases the minimum grade requirements for Florida and imported tomatoes. The grade requirements are changed from U.S. No. 3 to U.S. No. 2. The change in grade requirements will help the Florida tomato industry meet domestic market needs, increase returns to producers, and provide consumers with higher quality tomatoes. Application of the increased grade requirements to imported tomatoes is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Christian Nissen, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 301 Third Street, N.W., Suite 206, Winter Haven, Florida 33881; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in certain designated counties in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any

district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Section 8e of the Act specifies that whenever certain specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of those commodities must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

Under the order, tomatoes produced in the production area and shipped to fresh market channels outside the regulated area are required to meet grade, size, inspection, and container requirements. These requirements are specified in § 966.323 of the handling regulation issued under the order. These requirements apply during the period October 10 through June 15 each year. The regulated area includes the portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico. That is, the entire State of Florida, except the panhandle. The production area is part of the regulated area. Specialty packed red ripe tomatoes, yellow meated tomatoes, and single and double layer place packed tomatoes are exempt from container net weight requirements.

Under § 966.323, all tomatoes, except for pear shaped, paste, cherry, hydroponic, and greenhouse tomatoes, must be inspected as specified in the United States Standards for Grades of Fresh Tomatoes (7 CFR part 51.1855 through 51.1877; standards). Through February 3, 1998, such tomatoes had to be at least $2\frac{8}{32}$ inches in diameter, and sized with proper equipment in one or more of the following ranges of diameters.

Size designation	Inches minimum diameter	Inches maximum diameter.
Medium	$2\frac{8}{32}$	$2\frac{17}{32}$
Large	$2\frac{16}{32}$	$2\frac{25}{32}$
Extra Large	$2\frac{24}{32}$	.....

These size designations and diameter ranges are the same as specified in § 51.1859 of the standards. All tomatoes in the Medium size designation were required to grade at least a U.S. No. 2, while tomatoes in the larger size designations were only required to grade at least a U.S. No. 3. Section 966.52 of the order provides authority for the establishment and modification of regulations applicable to the handling of particular grades, sizes, and size designations of tomatoes.

This rule increases the minimum grade requirements from U.S. No. 3 to U.S. No. 2 for all tomatoes regardless of size. This change in grade requirements was recommended by the Florida Tomato Committee (Committee) on September 5, 1997, by a vote of 10 in favor and 2 opposed. The grade requirement change eliminates shipments of U.S. No. 3 grade tomatoes from the regulated area. The opponents of this change stated that there were good markets for U.S. No. 3 tomatoes in years of short supply, and when crop quality was down due to adverse weather conditions. The members in favor countered stating that during normal seasons U.S. No. 3 grade tomatoes comprised a small share of total shipments and that such shipments had a price depressing effect on the higher quality tomatoes shipped during those seasons.

At the same meeting, the Committee unanimously recommended an increase in the diameter size requirement for Florida tomatoes from $2\frac{8}{32}$ inches to $2\frac{9}{32}$ inches, that the size designations of Medium, Large, and Extra Large be changed to numeric size designations of 6×7, 6×6, and 5×6, respectively, and that the diameter size ranges for the designated sizes be increased slightly. These size ranges are different from those specified in § 51.1859 of the standards. The minimum size and size designation changes were addressed in a separate rulemaking action. That action was published in the **Federal Register** on October 6, 1997 (62 FR 52047). Interested persons were invited to submit written comments until October 16, 1997. Subsequently, the period for comments was reopened until November 5, 1997, by a document published in the **Federal Register** on October 22, 1997 (62 FR 54809). After evaluating all comments received, the Department issued a final rule on December 30, 1997, implementing the recommended size increase and size designation changes. That final rule was published on January 5, 1998, with the changes effective on February 4, 1998 (63 FR 139).

The changes in that final rule require tomatoes to be at least $2\frac{9}{32}$ inches in diameter, and sized with proper equipment in one or more of the following ranges of diameters (63 FR 139; January 5, 1998). These size designations and diameter ranges are not the same as those specified in § 51.1859 of the standards.

Size designation	Inches minimum diameter	Inches maximum diameter
6×7 (Formerly Medium)	$2\frac{9}{32}$	$2\frac{19}{32}$
6×6 (Formerly Large)	$2\frac{17}{32}$	$2\frac{27}{32}$
5×6 (Formerly Extra Large)	$2\frac{25}{32}$	.....

Based on an analysis of markets and demands of buyers, the Committee believes that increasing the minimum grade from U.S. No. 3 to U.S. No. 2 will improve the marketing of Florida and foreign produced tomatoes, and protect the entire market from the price depressing effects of poorer quality tomatoes from both domestic and foreign supply sources. The increase in grade requirements is expected to prevent low-quality tomatoes from reaching the marketplace, and improve the overall quality of tomatoes in fresh market channels. This is expected to benefit the marketers of both Florida and imported tomatoes.

Tomatoes grading U.S. No. 3 must be well developed, may be misshapen, and cannot be seriously damaged by sunscald (7 CFR 51.1858). Tomatoes grading U.S. No. 2 have to be well developed, reasonably well-formed, and free from sunscald (7 CFR 51.1857). Sunscald is an injury which usually occurs on the sides or upper half of the tomato, but may occur wherever the rays of the sun strike most directly. Sunscald results in the formation of a whitish, shiny, blistered area on the tomato. The affected tissue gradually collapses, forming a slight sunken area that may become pale yellow, and wrinkle or shrivel as the tomato ripens. This detracts from the overall quality of the tomato.

The difference between tomatoes grading U.S. No. 3 and U.S. No. 2 with regard to development, shape, and sunscald is especially noticeable in smaller sized tomatoes, but also noticeable in larger sized tomatoes. U.S. No. 3 grade tomatoes are generally of very poor quality, and are not desired by the consumer.

The Committee indicated that when tomatoes of this quality are offered for sale to consumers in a normal season these tomatoes have an adverse affect on the demand and sale of other Florida tomatoes. The increase in grade requirements is expected to improve the quality of the tomato packs shipped from Florida.

The proponents of the change indicated that the marketplace is

changing and that the Florida industry has been shipping fewer U.S. No. 3 grade tomatoes than it had in past seasons in response to those changes. During the last three shipping seasons, the quantity of U.S. No. 3 grade tomatoes shipped as a percentage of total shipments ranged from a low of 4.4 percent to a high of 7.6 percent.

At the meeting, the Committee discussed whether eliminating U.S. No. 3 tomatoes would diminish the quality of the U.S. No. 2 grade pack by handlers trying to commingle more U.S. No. 3 grade as U.S. No. 2 grade. The proponents acknowledged that some of the tomatoes currently being sold at the U.S. No. 3 grade could be reworked to make U.S. No. 2 grade. They stated, however, that they were interested in eliminating the true U.S. No. 3 grade which in normal seasons has tended to detract from the overall pack and depress prices for higher quality tomatoes.

The grade increase is expected to improve the overall tomato pack, provide consumers with the quality of tomatoes desired, and, thus, encourage repeat purchases. In other words, the new grade requirements will allow handlers to respond better to market preferences which is expected to benefit producers and handlers of Florida tomatoes.

Section 8e of the Act requires that when certain domestically produced commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements for the domestically produced commodity. The current import regulations are specified in 7 CFR 980.212. Similar to the order, regulations apply during the period October 10 through June 15 when the Florida handling requirements are in effect. Because this action increases the minimum grade for domestic tomato shipments, this increase will apply to imported tomatoes.

Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size designations may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Because pack requirements do not apply, different sizes of imported tomatoes may be commingled in the same container.

Beginning February 4, 1998, and until the effective date of this final rule import requirements specify that all lots with a minimum diameter of $2\frac{19}{32}$ inches and larger shall meet at least a U.S. No. 3 grade. All other tomatoes shall meet at least a U.S. No. 2 grade. Any lot with more than 10 percent of its tomatoes less than $2\frac{19}{32}$ inches in diameter is required to grade at least U.S. No. 2. This final rule changes these requirements by requiring all lots of imported tomatoes to grade at least U.S. No. 2, regardless of size.

This change is expected to benefit the marketers of both Florida and imported tomatoes by providing consumers with the higher quality tomatoes they desire. The Department contacted a few tomato importers concerning imports. The importers indicated that they will not have difficulty meeting the U.S. No. 2 grade requirements. Thus, the Department believes that the increase will not limit the quantity of imported tomatoes or place an undue burden on exporters, or importers of tomatoes. The expected increase in customer satisfaction should benefit all tomato importers regardless of size.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility. Import regulations issued under the Act are based on those established under Federal marketing orders which regulate the handling of domestically produced products. Thus, this final rule will have small entity orientation, and will impact both small and large business entities in a manner comparable to those rules issued under marketing orders.

There are approximately 65 handlers of Florida tomatoes who are subject to regulation under the order and approximately 75 tomato producers in the regulated area. In addition, at least 170 importers of tomatoes are subject to import regulations and would be affected by this final rule. Small agricultural service firms have been defined by the Small Business Administration (SBA)(13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

Committee data indicates that approximately 20 percent of the Florida handlers handle 80 percent of the total volume shipped outside the regulated area. Based on this information, the shipment information for the 1996–97 season, and the 1996–97 season average price of $7.97 per 25 pound equivalent carton, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes also may be classified as small entities. Moreover, the Department believes that most importers may be classified as small entities.

Under § 966.52 of the Florida tomato marketing order, the Committee, among other things, has authority to recommend changes in the minimum grade requirements for tomatoes grown in the defined production area and handled under the order. This final rule increases the minimum grade from U.S. No. 3 to U.S. No. 2. As provided under section 8e of the Agricultural Marketing Agreement Act of 1937, the grade increase must apply to imported tomatoes.

The Committee recommended the grade increase to improve the marketing of Florida tomatoes and follow the recent industry trend of shipping higher grade tomatoes. This trend is in response to a strong consumer demand for such tomatoes. The Committee noted that a U.S. No. 3 grade tomato can have a negative impact on the market for higher quality tomatoes.

According to the Committee, when supplies are not short or crop quality is not lowered due to adverse weather conditions, U.S. No. 3 grade tomatoes comprise a small share of total shipments. During the last three shipping seasons, the quantity of U.S. No. 3 grade shipped as a percentage of total shipments ranged from a low of 4.4 percent to a high of 7.6 percent. Thus, the increase in the minimum grade requirements is not expected to significantly impact the total number of Florida shipments. It is, however, expected to have a positive effect in the marketplace by providing a strong price base for the industry. As mentioned earlier, the Committee believes that U.S. No. 3's have a price depressing effect on higher grade shipments.

According to the Committee, during the 1996–97 season, about 47.9 million 25 pound equivalents were shipped from Florida. Of that amount, only 4.9 percent were U.S. No. 3 grade. The value of all sales during that season totaled about $381.4 million. The value of the U.S. No. 3 grade tomatoes totaled about $16.6 million, or about 4.4 percent of total sales during that season. In 1995–96, the total of all tomatoes shipped was 47.3 million 25 pound

equivalents. The U.S. No. 3 grade portion was 7.9 percent. That season, the value of all sales totaled about $369.7 million, and the U.S. No. 3's comprised 7.6 percent of the total value. The percentages for the 1994–95 season were similar with U.S. No. 3's making up about 6.8 percent of the total shipments, and the sales value of the U.S. No. 3 grade making up about 6.1 percent of the total value. That season, total industry shipments totaled about 55.5 million 25 pound equivalents, and the total value was about $388.3 million.

The Committee also noted that a recent voluntary elimination of U.S. No. 3 grade by the industry had been successful in strengthening the market and in supporting grower returns. This action is expected to continue those successes. Without an increase in grade requirements, the Committee believes that an erosion of market confidence and producer returns could occur.

The raising of the minimum grade from U.S. No. 3 to U.S. No. 2 is expected to impact all handlers uniformly, whether small or large, because all handlers, regardless of size, currently pack about the same percentage of U.S. No. 3 grade tomatoes. The benefits of the higher prices resulting from eliminating the U.S. No. 3's will be distributed evenly among all handlers, and are expected to be greater than the minimal costs expected to be incurred.

Direct costs to the industry associated with the minimum grade requirement increase will include sorting and packing line adjustments to operate under the new requirements. These costs are expected to be minimal relative to the benefits expected. Other costs will include possible losses because handlers will no longer be able to ship U.S. No. 3 grade tomatoes outside of the regulated area, as defined in the marketing order. However, these losses also are expected to be minimal because tomatoes lower in quality than U.S. No. 2 could continue to be shipped within the regulated area, or shipped for processing.

Foreign tomato shippers also have alternative markets for lower grade tomatoes which should lessen any losses as a result of this action. That is, foreign tomatoes lower in grade than U.S. No. 2 could be marketed in locations other than the United States.

Additionally, the marketplace price and quality benefits expected for Florida growers and handlers as a result of this action will also benefit exporters and importers of tomatoes. Consumers will also benefit as a result of the higher quality product available in the marketplace. As mentioned earlier, the benefits of this rule are not expected to be disproportionately greater or lesser for small entities than for large entities.

The Committee discussed alternatives to this recommendation, including leaving the grade requirements unchanged. However, after thoroughly discussing the issue the majority of the Committee members agreed that the grade increase was necessary to improve pack appearance and effectively compete in the present market. During the discussion, most Committee members acknowledged that U.S. No. 3 grade tomatoes could be important to the market in years of short supply and lower than normal quality resulting from adverse weather conditions. However, those members also pointed out that during normal seasons U.S. No. 3 tomatoes were not popular in the marketplace, and that the lower grade had a price depressing effect on better grade tomatoes.

Mexico is the largest exporter of tomatoes to the United States. Over the last 10 years, Mexican exports to the United States averaged 32,527,000 containers of 25 pound equivalents per season (October 5–July 5) and comprised about 99 percent of all imported tomatoes to the United States during that time. Total imports during that period averaged 32,752,000 containers of 25 pound equivalents (October 5–July 5). Some of the imports from Mexico may have been transhipped to Canada. Small quantities of tomatoes are imported from Caribbean Basin countries. Domestic shipments for the past 10 years averaged 108,577,000 containers of 25 pound equivalents (October 5–July 5). Florida shipments comprised about 48 percent of the total shipments for the same period. This information is from AMS Market News Branch data that most closely approximates the Florida shipping season.

The grade increase is expected to benefit the marketers of both Florida and imported tomatoes by providing consumers with higher quality tomatoes. The Department contacted a few tomato importers concerning imports. The importers indicated that they will not have undue difficulty meeting the higher grade requirements. Also, Department fresh products inspectors at the Port of Nogales, Arizona, the port where most Mexican produced tomatoes enter the United States, estimated that only 2 to 3 percent of the total tomato imports from Mexico were U.S. No. 3 grade. The remainder were U.S. No. 2 grade and higher. Thus, the Department believes that the increase will not limit the quantity of imported tomatoes or place an undue burden on exporters, or importers of tomatoes. The expected increase in customer satisfaction and more positive marketplace atmosphere resulting from providing the desired quality should benefit all tomato importers regardless of size.

This action will not impose any additional reporting or record keeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the September 5, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses. One comment on the regulatory impacts of this action was received from a handler of Florida tomatoes and is discussed below.

The proposed rule regarding this action was published in the **Federal Register** on December 18, 1997 (62 FR 66312). Interested persons were invited to submit written comments until January 20, 1998. Copies of the proposed rule were faxed and mailed to all known interested persons. Also, the rule was made available through the Internet by the Office of the Federal Register. A total of 11 comments were received.

Seven favorable comments were received. One comment was received from a voluntary agricultural cooperative association of Florida tomato producers representing about 90 percent of the total volume of tomatoes produced under the marketing order each year. Another comment was received from a cooperative agricultural association composed of first handlers of fresh Florida tomatoes grown in Central and South Florida. An association representing the interests of fruit and vegetable growers throughout Florida also supported the proposed grade increase. A comment was received from the Commissioner of the Florida Department of Agriculture and Consumer Services supporting the

proposed grade increase. These commenters supported the belief that increasing the minimum grade requirements from U.S. No. 3 to U.S. No. 2 will help increase customer satisfaction, improve demand, and improve the overall quality of tomatoes in the market.

The Committee also submitted a favorable comment. In its comment, the Committee mentioned that the statement in the proposed rule at column one on page 66313 of the **Federal Register** (62 FR 66313; December 18, 1997) stating that ''Based on an analysis of markets and demands of buyers, the Committee believes that increasing the minimum grade from U.S. No. 3 to U.S. No. 2 would improve the marketing of Florida tomatoes, and help the industry protect its markets from foreign competition.'' misleads and confuses the reader. The Committee asserted that the proposed rule is not intended to limit and, in fact, would not protect the Florida tomato industry from foreign competition. The proposal is designed to protect the entire market from the price depressing effect of poorer quality tomatoes from both domestic and foreign supply sources and would provide a better product for the consumer. Accordingly, this statement has been clarified in the final rule. The Committee also suggested that the use of 25 pound and 25,000 pound equivalents in different parts of the proposed rule could confuse the reader, and suggested that only 25 pound equivalents be used because this is the common standard used by the Florida industry. Appropriate modifications have been made in response to these suggested changes.

Another favorable comment was received from a national confederation of Mexican vegetable growers indicating that the increase in requirements for minimum grade to U.S. No. 2 will help improve the overall quality of tomatoes in the market and will contribute to better marketing and increase the growers' income.

A final favorable comment was received from a trade association representing over 100 distributors, shippers, brokers, and affiliated companies who are directly involved with the receipt, handling, and sale of perishable agricultural commodities grown in the Republic of Mexico. This comment supported the proposal to increase the minimum grade requirement to U.S. No. 2, but expressed the belief that the proposed change does not tighten quality restrictions enough. The trade association requested the Department to establish a minimum grade of 85 percent U.S. No. 1.

The trade association stated that it strongly agrees that the presence of U.S. No. 3 tomatoes in the marketplace hurts grower returns. The comment pointed out that tomatoes grading U.S. No. 2 are of poor cosmetic quality and this discourages many shoppers from buying tomatoes. The comment noted that with the rapid expansion of the availability and affordability of greenhouse-grown tomatoes, field grown tomatoes are now in direct competition for shelf-space and consumer demand with greenhouse tomatoes. The comment stated that if the intent of the proposed rule is to have a positive effect in the marketplace by providing a strong price base for the industry, the minimum grade requirement should be tightened to 85 percent U.S. No. 1 or better.

It would not be appropriate to act upon this recommended change at this time. The recommended change is more restrictive than proposed. Because of this, AMS believes that further review and analysis is needed and that notice and comment rulemaking should be used before implementation. Also, this recommended change has been sent to the Committee for future consideration.

Four opposition comments were received. These comments were from handlers of Florida tomatoes, and an import broker. The Florida handlers stated that this past fall, as well as several occasions last season, overall tomato demand and price allowed them to pack and sell all of their U.S. No. 3 grade tomatoes above the minimum price in effect for Mexican grown tomatoes through the settlement of a trade action brought against Mexico. One of these handlers indicated that had the grade increase been implemented earlier, it would have caused an economic loss to farms in Florida, as they were able to sell all of the U.S. No. 3 tomatoes they packed. Another handler stated that the elimination of U.S. No. 3 grade tomatoes would reduce the overall grade due to commingling of the product, and that the proposal was a step backward in competing with their international competitors. All three of the Florida handlers pointed out that there is currently a mechanism in place under a tomato growers exchange that would remove U.S. No. 3 grade tomatoes from the market under a certain pricing structure. However, not all Florida production would be covered by this mechanism at all times. The import broker indicated that there was a market for lower priced imported U.S. No. 3 grade tomatoes.

As indicated earlier, in making its recommendation the Committee discussed leaving the grade requirements unchanged. However, after discussing the merits of this alternative, the majority of the Committee members agreed that the grade increase was necessary to improve pack appearance and effectively compete in a market whose buyers are requesting higher quality product. These members acknowledged that U.S. No. 3 tomatoes could be important to the market in years of short supply and lower than normal quality resulting from adverse weather conditions. They also pointed out that during normal seasons U.S. No. 3 tomatoes were not popular in the marketplace, and that the lower grade had a price depressing effect on better grade tomatoes.

Opposition commenters may have been able to market their U.S. No. 3 grade tomatoes because a small market exists for such tomatoes. However, the Committee made its recommendation because it believes that higher quality and the expansion of consumer demand are keys to improving the tomato industry in the long term. When short term quality problems occur due to adverse weather or other causes and sufficient supplies of U.S. No. 2 or better grade tomatoes are not available to meet market needs, appropriate action could be taken to address such problems. The Committee could meet and request the Department to implement emergency rulemaking which would allow handlers to ship tomatoes lower than U.S. No. 2 grade.

The proponents of the change on the Committee acknowledged that some of the tomatoes currently being sold at the U.S. No. 3 grade level could be reworked to make U.S. No. 2 grade. However, they indicated that they were interested in eliminating the true U.S. No. 3 grade which has depressed the market for better quality tomatoes in normal seasons.

Most of the commenters requested that the proposed grade increase be implemented as soon as possible. The need for prompt implementation is appropriate because Florida handlers are more than half-way through the 1997–98 shipping season, and they want to accrue the benefits anticipated. Moreover, the comment from the trade association representing importers requested prompt action stating that there is little modification that must be made to existing packing equipment that would result in unusual additional expenditures for importers or packers. However, sufficient time must be provided for the Florida and import tomato industries to comply with the new grade requirement and to allow tomatoes already picked and packed, and certified as U.S. No. 3 grade to be shipped. Further, handlers and

exporters need to adjust their sorting and packing lines to meet the higher grade requirement. Therefore, the Department has decided that the effective date of this action should be March 30, 1998. This period of time is reasonable and consistent with the provisions of the Act, and will allow both the domestic and imported tomato industries sufficient time to adjust to the new grade requirement and to ship commodity that is already picked and packed.

In view of all the foregoing, the Department has concluded that the increase in the minimum grade requirement from U.S. No. 3 to U.S. No. 2 will advance the interests of the Florida and foreign tomato industries and should be implemented.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

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

Pursuant to 5 U.S.C. 553, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) Florida tomato handlers are aware of this action, which was discussed at various industry and association meetings and was recommended by a majority of the Committee; (2) the Committee meeting was a public meeting and all interested parties had an opportunity to provide input; (3) the grade increase needs to be in place as soon as possible to cover the balance of the 1997–98 shipping season which ends in June; and (4) an adequate amount of time has been provided for handlers and importers to adjust their packing and sorting lines to meet the higher grade requirement.

List of Subjects

7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

7 CFR Part 980

Food grades and standards, Imports, Marketing agreements, Onions, Potatoes, Tomatoes.

For the reasons set forth in the preamble, 7 CFR parts 966 and 980 are amended as follows:

1. The authority citation for 7 CFR parts 966 and 980 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 966—TOMATOES GROWN IN FLORIDA

2. In § 966.323, paragraph(a)(1) is revised to read as follows:

§ 966.323 Handling regulation.

* * * * *

(a) *Grade, size, container, and inspection requirements.* (1) Grade. Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, or U.S. No. 2 of the U.S. Standards for Grades of Fresh Tomatoes. When not more than 15 percent of the tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than 1 percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

PART 980—VEGETABLES; IMPORT REGULATIONS

3. In § 980.212, paragraph (b)(1) is revised to read as follows:

§ 980.212 Import regulations; tomatoes.

* * * * *

(b) * * *

(1) From October 10 through June 15 of each season, tomatoes offered for importation shall be at least 2 9/32 inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter. All lots of tomatoes shall be at least U.S. No. 2 grade.

* * * * *

Dated: March 9, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–6618 Filed 3–12–98; 8:45 am]

BILLING CODE 3410–02–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614 and 627

RIN 3052–AB09

Loan Policies and Operations; Title IV Conservators, Receivers, and Voluntary Liquidation; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final rule under parts 614 and 627 on February 4, 1998 (63 FR 5721). The final rule amends the regulations governing the funding relationship between a Farm Credit Bank (FCB) or agricultural credit bank (ACB), and a direct lender association or other financing institution (OFI). This rule repealed the requirement that the FCA prior approve the General Financing Agreement between an FCB or ACB and a direct lender association or OFI and eliminated a regulatory direct loan limitation. The rule also amended another regulation to permit the voluntary liquidation of Farm Credit institutions by means of an FCA-approved liquidation plan. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 13, 1998.

EFFECTIVE DATE: The regulation amending 12 CFR parts 614 and 627 published on February 4, 1998 (63 FR 5721) is effective March 13, 1998.

FOR FURTHER INFORMATION CONTACT: S. Robert Coleman, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498;

or

James M. Morris, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a)(9) and (10))

Dated: March 10, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–6371 Filed 3–12–98; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–278–AD; Amendment 39–10385; AD 98–06–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300, A310, and A300–600 series airplanes, that requires inspections to detect defects of the flanges of the bleed air ducts of the auxiliary power unit (APU), and to measure the material thickness of the flanges; and repair, replacement of the duct with a new or serviceable duct, or operation of the airplane with the bleed air system of the APU inoperative, if necessary. For certain airplanes, the amendment also requires an inspection to detect cracks of the flanges, and follow-on actions. This amendment is prompted by issuance of mandatory continued airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent rupturing and cracking of the flanges of the bleed air ducts, which could damage the elevator control system and consequently reduce the controllability of the airplane.

DATES: Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300, A310, and A300–600 series airplanes was published in the **Federal Register** on January 8, 1998 (63 FR 1070). That action proposed to require inspections to detect defects of the flanges of the bleed air ducts of the auxiliary power unit (APU), and to measure the material thickness of the flanges; and repair, replacement of the duct with a new or serviceable duct, or operation of the airplane with the bleed air system of the APU inoperative, if necessary. For certain airplanes, the action also proposed to require an inspection to detect cracks of the flanges, and follow-on actions.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 84 airplanes of U.S. registry will be affected by this AD, that it will take approximately 9 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $45,360, or $540 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

98–06–08 Airbus: Amendment 39–10385. Docket 95–NM–278–AD.

Applicability: Model A300, A310, and A300–600 series airplanes on which Airbus Modification 11308 has not been accomplished during manufacture; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 rupturing and cracking of the flanges of the bleed air ducts of the auxiliary power unit (APU), and cracking of the adjacent duct, which could damage the elevator control system and consequently reduce the controllability of the airplane; accomplish the following:

(a) Prior to the accumulation of 5,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later: Perform a visual inspection to detect defects (recesses, sharp edges, or scratches) of the inner and outer surfaces of all flanges of the bleed air ducts of the APU between frames 83 and 93 (for Model A300 series airplanes) or between frames 85 and 93 (for Model A310 and A300–600 series airplanes), as applicable, and measure the material thickness of the flanges; in accordance with Airbus Service Bulletin A300–36–0033 (for Model A300 series airplanes), A300–36–6024 (for Model A300–600 series airplanes), or A310–36–2032(for

Model A310 series airplanes), all dated October 17, 1994; as applicable. If any defect is found, prior to further flight, repair the defect in accordance with the applicable service bulletin.

(1) If the material thickness of the flanges is within the limits [Area 1: greater than or equal to 0.56 mm (0.022 inch); Area 2: greater than or equal to 0.48 mm (0.019 inch)] specified in Airbus Service Bulletin A300–36–0033 (for Model A300 series airplanes), A300–36–6024 (for Model A300–600 series airplanes), or A310–36–2032 (for Model A310 series airplanes), all dated October 17, 1994; as applicable: Prior to further flight, perform an inspection using a magnifying glass or appropriate gauge to detect cracks of the inner and outer surfaces of the flanges, in accordance with the applicable service bulletin.

(i) If no crack is found, and the material thickness of all flanges is within the limits [Area 1: greater than or equal to 0.9 mm (0.035 inch)] specified in the applicable service bulletin: No further action is required by this AD.

(ii) If no crack is found, and the material thickness of any flange is outside the limits [Area 1: less than 0.9 mm (0.035 inch)] specified in the applicable service bulletin: Repeat the inspection required by paragraph (a) of this AD at the time specified in the applicable service bulletin.

(iii) If any crack is found: Prior to further flight, accomplish either paragraph(a)(1)(iii)(A) or (a)(1)(iii)(B) of this AD.

(A) Replace the duct with a new or serviceable duct in accordance with the applicable service bulletin. Or

(B) Operate the airplane with the bleed air system of the APU inoperative, in accordance with the provisions and limitations specified in the operator's FAA-approvedMaster Minimum Equipment List (MMEL).

(2) If the material thickness of any flange is outside the limits [Area 1: less than 0.56 mm (0.022 inch); Area 2: less than 0.48 mm (0.019 inch)] specified in AirbusService Bulletin A300–36–0033 (for Model A300 series airplanes), A300–36–6024 (forModel A300–600 series airplanes), and A310–36–2032 (for Model A310 series airplanes), all dated October 17, 1994; as applicable: Prior to further flight, accomplish either paragraph (a)(1)(iii)(A) or (a)(1)(iii)(B) of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager,International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch,ANM–116.

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

(d) The actions shall be done in accordance with All Operator Telex (AOT) 36–02, dated August 23, 1995; Airbus Service Bulletin A300–36–0033, dated October 17, 1994; Airbus Service Bulletin A300–36–6024, dated October 17, 1994; and Airbus Service Bulletin A310–36–2032, dated October 17, 1994. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 French airworthiness directive 95–182–184(B), dated September 27, 1995.

(e) This amendment becomes effective on April 17, 1998.

Issued in Renton, Washington, on March 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6333 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–169–AD; Amendment 39–10387; AD 98–06–10]

RIN 2120–AA64

Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX series airplanes, that requires repetitive functional tests for proper operation of hydraulic fuses installed in the brake system and emergency hydraulic indicating system; and replacement of any discrepant hydraulic fuse with a new, improved unit. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the hydraulic fuse to operate properly, due to internal corrosion, in the event of an external leak downstream of the fuse, which could result in loss of hydraulic systems.

DATES: Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: 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 all Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX series airplanes was published in the **Federal Register** on January 13, 1998 (63 FR 1930). That action proposed to require repetitive functional tests for proper operation of hydraulic fuses installed in the brake system and emergency hydraulic indicating system; and replacement of any discrepant hydraulic fuse with a new, improved unit.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Interim Action

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

Cost Impact

The FAA estimates that 359 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required functional test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $43,080, or $120 per airplane, per functional test.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–06–10 Israel Aircraft Industries Ltd.: Amendment 39–10387. Docket 97–NM–169–AD.

Applicability: All Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX series airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the hydraulic fuse to operate properly in the event of an external leak downstream of the fuse, which could result in loss of hydraulic systems, accomplish the following:

(a) For Model 1121, 1121A, 1123, 1124, and 1124A series airplanes: Perform a functional test (by measuring fluid loss) for proper operation of the hydraulic fuses installed in the brake system and emergency hydraulic indicating system in accordance with Commodore Jet Service Bulletin 1121–29–022 (for Model 1121, 1121A, and 1121B series airplanes), Westwind Service Bulletin SB 1123–29–045 (for Model 1123 series airplanes), or Westwind Service Bulletin SB 1124–29–132 (for Model 1124 and 1124A series airplanes); all dated September 11, 1996; as applicable; at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD. Thereafter, repeat the inspections at intervals not to exceed 1,200 flight hours or 3 years, whichever occurs first.

(1) Within 250 flight hours or 1 year after the effective date of this AD, whichever occurs first. Or,

(2) Prior to accumulation of 1,200 total flight hours, or within 3 years since the date of manufacture, whichever occurs first.

(b) For Model 1125 Westwind Astra and Astra SPX series airplanes: Perform a functional test (by measuring fluid loss) for proper operation of the hydraulic fuses installed in the brake system, in accordance with Astra Service Bulletin 1125–32–154, dated September 11, 1996, at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD. Thereafter, repeat the inspections at intervals not to exceed 1,000 flight hours or 3 years, whichever occurs first.

(1) Within 250 total flight hours or 1 year after the effective date of this AD, whichever occurs first. Or,

(2) Prior to the accumulation of 1,000 total flight hours, or within 3 years since the date of manufacture, whichever occurs first.

(c) If, during any inspection required by paragraph (a) or (b) of this AD, any discrepancy is found, prior to further flight, replace the fuse with a new, improved fuse (part number 713047 with suffix ''A'' after the serial number), in accordance with Commodore Jet Service Bulletin SB 1121–29–022 (for Model 1121, 1121A, and 1121B series airplanes), Westwind Service Bulletin SB 1123–29–045 (for Model 1123 series airplanes), Westwind Service Bulletin SB 1124–29–132 (for Model 1124 and 1124A series airplanes), or Astra Service Bulletin SB 1125–32–154 (for Model 1125 Westwind Astra and Astra SPX series airplanes); all dated September 11, 1996; as applicable.

Note 2: Replacement of the fuse in accordance with paragraph (c) of this AD does not constitute terminating action for the repetitive functional tests required by paragraphs (a) and (b) of this AD.

(d) As of the effective date of this AD, no person shall install on any airplane a hydraulic fuse having part number 713047, unless it has a suffix ''A'' after the serial number.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(g) The actions shall be done in accordance with Commodore Jet Service Bulletin SB 1121–29–022, dated September 11, 1996; Westwind Service Bulletin SB 1123–29–045, dated September 11, 1996; Westwind Service Bulletin SB 1124–29–132, dated September 11, 1996; and Astra Service Bulletin SB 1125–32–154, dated September 11, 1996. 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 Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Israeli airworthiness directive 29–97–03–10, dated March 27, 1997.

(h) This amendment becomes effective on April 17, 1998.

Issued in Renton, Washington, on March 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6332 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–223–AD; Amendment 39–10386; AD 98–06–09]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model HS 748 series airplanes. This action requires a visual inspection to detect fatigue cracking or loose fitting stress pads of the aileron operating arm brackets; and follow-on corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct fatigue cracking in the flanges of the aileron operating arm brackets, which could result in failure of the aileron operating arm brackets, failure of the aileron control system, and consequent reduced controllability of the airplane.

DATES: Effective March 30, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–223–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model HS 748 series airplanes. The CAA advises that fatigue cracks have been found in the forward flanges of the aileron operating arm bracket. Such fatigue cracking, if not detected and corrected in a timely manner, could result in failure of the aileron operating arm bracket, failure of the aileron control system, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Jetstream Service Bulletin HS748–27–124, dated November 17, 1995, which describes procedures for a visual inspection to detect fatigue cracking of the aileron operating arm brackets, and to detect loose or poorly positioned stress pads; and follow-on corrective actions, if necessary. For airplanes on which the stress pads are loose or poorly positioned, the service bulletin describes procedures for repetitive visual inspections, and eventual replacement of the aileron operating arm bracket and stress pads with new or serviceable parts. For airplanes on which any cracking is found, the service bulletin describes procedures for temporary repair and/or eventual replacement of the aileron operating arm bracket and stress pads with new or serviceable parts. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 007–11–95 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to detect and correct fatigue cracking in the flanges of the aileron operating arm bracket, which could result in failure of the aileron operating arm bracket, failure of the aileron control system, and consequent reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between This AD and Service Bulletin

Operators should note that, unlike the procedures described in Table 1 of the Jetstream service bulletin, this AD does not permit further flight if any crack is detected in the forward flanges of the aileron operating arm bracket. The FAA has determined that, because of the safety implications and consequences associated with such cracking, any forward flanges of the aileron operating arm bracket that are found to be cracked must be repaired or the bracket must be replaced prior to further flight.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to perform the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $60 per airplane.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and 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 Number 97–NM–223–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.

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:

98–06–09 British Aerospace Regional Aircraft (Formerly British Aerospace, Aircraft Group): Amendment 39–10386. Docket 97–NM–223–AD.

Applicability: All Model HS 748 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the flanges of the aileron operating arm bracket, which could result in failure of the aileron operating arm bracket, failure of the aileron control system, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 1,000 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first, perform a visual inspection for fatigue cracking and for loose or poorly fitting stress pads on each aileron operating arm bracket, in accordance with Jetstream Service Bulletin HS748–27–124, dated November 17, 1995.

(1) If no crack is detected during the inspection required by paragraph (a) of this AD, and the stress pads are positioned to ensure a snug fit into the heel of the attach flange, no further action is required by this AD.

(2) If no crack is detected during the inspection required by paragraph (a) of this AD, but any stress pad is either loose or poorly positioned, repeat the visual inspection thereafter at intervals not to exceed 1,000 hours time-in-service or 6 months, whichever occurs first, up to a maximum of 4,000 hours time-in-service or 24 months, whichever occurs first, at which time the aileron operating arm bracket and stress pads must be replaced with new or serviceable parts in accordance with the service bulletin.

(3) If any crack is detected during the inspection required by paragraph (a) of this AD, prior to further flight, accomplish the action specified in either paragraph (a)(3)(i) or (a)(3)(ii) of this AD, in accordance with the service bulletin.

(i) Replace the aileron operating arm bracket and stress pads with new or serviceable parts. No further action is required by this AD.

(ii) Temporarily repair the aileron operating arm bracket. Within 1,000 hours time-in-service after accomplishment of this repair, replace the aileron operating arm bracket and stress pads with new or serviceable parts. No further action is required by this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(d) The actions shall be done in accordance with Jetstream Service Bulletin HS748–27–124, dated November 17, 1995. 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 AI(R)

American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 the British airworthiness directive 007–11–95.

(e) This amendment becomes effective on March 30, 1998.

Issued in Renton, Washington, on March 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6331 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–269–AD; Amendment 39–10388; AD 98–06–11]

RIN 2120–AA64

Airworthiness Directives; de Havilland Model DHC–8–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC–8–100 series airplanes, that requires a one-time visual inspection to determine the presence of block seals on the upper portions of the cabin/baggage compartment bulkheads, and installation of a new or serviceable block seal for any missing block seal. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent smoke contamination of the passenger and crew cabins, in the event of fire or smoke in the baggage compartment, due to a direct smoke path between the baggage compartment and the cabins.

DATES: Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Anthony Gallo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7510; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–8–100 series airplanes was published in the **Federal Register** on January 5, 1998 (63 FR 172). That action proposed to require a one-time visual inspection to determine the presence of block seals on the upper portions of the cabin/baggage compartment bulkheads, and installation of a new or serviceable block seal for any missing block seal.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 20 de Havilland Model DHC–8–100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,200, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–06–11 De Havilland Inc.: Amendment 39–10388. Docket 97–NM–269–AD.

Applicability: Model DHC–8–100 series airplanes; serial numbers 191, and 225 through 307 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an

alternative method of compliance in accordance with paragraph (b) 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 smoke contamination in the passenger and crew cabins, in the event of fire or smoke in the baggage compartment, due to a direct smoke path between the baggage compartment and the cabins, accomplish the following:

(a) Within 4 months after the effective date of this AD, perform a one-time visual inspection to determine the presence of block seals on the upper portions of the right-and left-hand cabin/baggage compartment bulkheads; and, prior to further flight, for any missing block seal, install a new or serviceable block seal; in accordance with Bombardier Service Bulletin S.B. 8–25–80, Revision 'A', dated July 5, 1993.

(b) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

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

(d) The actions shall be done in accordance with Bombardier Service Bulletin S.B. 8–25–80, Revision 'A', dated July 5, 1993. 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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; 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 Canadian airworthiness directive CF–92–16, dated June 26, 1992.

(e) This amendment becomes effective on April 17, 1998.

Issued in Renton, Washington, on March 5, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6330 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–33–AD; Amendment 39–10390; AD 98–06–12]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D Helicopters, and Model AS 355E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model AS–350B, BA, B1, B2, and D helicopters, and Model AS 355E, F, F1, F2, and N helicopters. This action requires replacing certain tailboom attachment bolts located above the cargo compartment floor. This amendment is prompted by two reports of attachment bolts' strength properties not meeting design specifications during manufacture. The actions specified in this AD are intended to identify and remove the weaker bolts and to prevent the separation of the tailboom from the helicopter, and subsequent loss of control of the helicopter.

DATES: Effective March 30, 1998. Comments for inclusion in the Rules Docket must be received on or before May 12, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–33–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile (DGAC) which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model AS–350B, BA, B1, B2, and D helicopters, and Model AS 355E, F, F1, F2, and N helicopters. The DGAC advises that due to the discovery of the installation of tailboom attachment bolts in the affected model helicopters which do not meet metallurgical design requirements, replacement of certain attachment bolts is required within 100 flying hours.

Eurocopter France has issued Eurocopter France Service Telex No. 00031/00153/97, dated June 2, 1997 (Eurocopter France AS 350 Service Telex No. 01.00.46 and Eurocopter France AS 355 Service Telex No. 01.00.43), which specifies checking the marking on the heads of the 23 attachment bolts of the tailboom-to-aircraft junction located above the baggage compartment floor, and scrapping all attachment bolts that are marked with the letter ''M'' above the designation ''BC''; and, replacing the unairworthy attachment bolts with airworthy attachment bolts, in accordance with the special instructions given in Maintenance Manual (MET) work card 53.00.00.402, paragraph 4. Replacement bolts must be marked with a symbol other than the letter ''M''. The DGAC classified this service telex as mandatory and issued DGAC AD 97–147–072(AB), and AD 97–146–054(AB), both dated July 16, 1997, in order to assure the continued airworthiness of these helicopters in France.

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

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS–350B, BA, B1, B2, and D helicopters, and Model AS 355E, F, F1, F2, and N helicopters of the same type design registered in the United States, this AD is being issued to require the removal of understrength tailboom attachment bolts to prevent separation of the tailboom, and subsequent loss of control of the helicopter. This AD requires removal and replacement of certain tailboom attachment bolts within 10 hours time-in-service for

helicopters that were delivered from the manufacturer prior to May 16, 1997, or were overhauled prior to May 16, 1997, or had any tailboom attachment bolts, part number (P/N) 22201BC060008L, replaced after July 1, 1994. If the helicopter meets either of those criteria, the AD requires an inspection of the marking on each of the 23 attachment bolts that are located above the baggage compartment floor, and replacement of any attachment bolt that is marked with the letter ''M'' above the designation ''BC'' on the head of the attachment bolts with an airworthy attachment bolt marked with a letter other than ''M''. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, the replacement of the attachment bolts is required within 10 hours time-in-service, and this AD must be issued immediately.

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 rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–33–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 that it 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, 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 to read as follows:

AD 98–06–12 Eurocopter France: Amendment 39–10390. Docket No. 97–SW–33–AD.

Applicability: Model AS–350B, BA, B1, B2, and D helicopters, and Model AS 355E, F, F1, F2, and N helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 10 hours time-in-service (TIS), unless accomplished previously.

To identify and remove the weaker bolts and to prevent the separation of the tailboom from the helicopter, and subsequent loss of control of the helicopter, accomplish the following:

(a) For helicopters that either were delivered from the manufacturer with zero-time before May 16, 1997, were overhauled before May 16, 1997, or have had any tailboom attachment bolt (bolt), part number (P/N) 22201BC06008L, replaced after July 1, 1994:

(1) Inspect the markings on each of the 23 bolts located above the baggage compartment floor.

(2) Remove any of the 23 bolts, P/N 22201BC06008L, that are marked with the letter ''M'' above the designation ''BC'' and replace each of them, one-by-one, with an airworthy bolt, P/N 22201BC06008L, that is marked with a letter other than ''M''. Torque each replacement bolt to between 67 and 79 inch-lbs. using only new nuts.

Note 2: These inspections and replacements are not required for helicopters that were delivered from the manufacturer with zero-time after May 15, 1997, were overhauled after May 15, 1997, and have had no bolt, P/N 22201BC06008L, replaced after July 1, 1994.

Note 3: The inspection and replacement of the 4 bolts located below the baggage compartment are not required by this AD.

Note 4: Eurocopter France AS 350 Service Telex No. 01.00.46, Eurocopter France AD 355 Service Telex No. 01.00.43, and Work Card 53.00.00.402 pertain to this AD.

(b) Replacement of all the bolts, P/N 22201BC06008L, with airworthy bolts

marked with a letter other than ''M'' constitutes terminating action for the requirements 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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

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

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

(e) This amendment becomes effective on March 30, 1998.

Note 6: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 97–146–054(AB) and AD 97–147–072(AB), both dated July 16, 1997.

Issued in Fort Worth, Texas, on March 5, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–6449 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–26]

Amendment of Class E Airspace; New Bern, NC; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the geographic position coordinates of a final rule that was published in the **Federal Register** on February 12, 1998 (63 FR 7062), Airspace Docket No. 97–ASO–26. The final rule modified Class E airspace at New Bern, NC.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 98–3574, Airspace Docket No. 97–ASO–26, published on February 12, 1998 (63 FR 7062), amended the Class E surface area airspace at New Bern, NC, from part time to continuous. The geographic position coordinates as published in the **Federal Register** on February 12, 1998, for the New Bern, NC, Craven County Airport and the New Bern VOR/DME are incorrect. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic position coordinates at New Bern, NC, as published in the **Federal Register** on February 12, 1998 (63 FR 7062), (FR 98–3574) and the description in FAA Order 7400.9E, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

PART 71—[CORRECTED]

§ 71.1 [Corrected]

ASO NC E5 New Bern, NC [Corrected]

On page 7063, column 1, under New Bern, Craven County Regional Airport, NC, by correcting ''(lat. 35°04′21″N, long. 77°02′37″W)'' to read ''(lat. 35°04′23″N, long. 77°02′35″W)''; and under New Bern VOR/DME, by correcting ''(lat. 35°04′23″N, long. 77°02′35″W)'' to read ''(lat. 35°04′23″N, long. 77°02′42″W)''.

Issued in College Park, Georgia, on March 2, 1998.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 98–6397 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8445]

RIN 1545–AQ15

Information Returns of Brokers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Technical amendment.

SUMMARY: This document contains a technical amendment to final regulations (TD 8445), which were published in the **Federal Register** for November 6, 1992, at 57 FR 53031, relating to information returns of brokers.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Dale Goode (202) 622–6795 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this technical amendment provide guidance under section 6045 relating to information returns of brokers.

Need for Correction

This amendment serves to clarify guidance under section 6045. Currently, two paragraphs (c)(3) appear in § 1.6045–1 of the Code of Federal Regulations (26 CFR part 1) along with an editorial note. As published in the **Federal Register** on November 6, 1992 (57 FR 53032), paragraph (c)(3) of § 1.6045–1 was revised effective January 1, 1993, by TD 8445. As published in the **Federal Register** on December 14, 1992 (57 FR 58984), paragraph (c)(3) of § 1.6045–1 was again revised, effective July 1, 1983, by TD 8452.

It was the intention of the IRS that the paragraph (c)(3) of § 1.6045–1 published by TD 8452 on December 14, 1992, supersede the paragraph (c)(3) of § 1.6045–1 published by TD 8445 on November 6, 1992. Therefore, the first paragraph (c)(3) of § 1.6045–1 which currently appears in 26 CFR part 1 is removed.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 1 is corrected by making the following technical amendment:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

§ 1.6045–1 [Amended]

Par. 2. Section 1.6045–1 is amended by removing the first paragraph (c)(3) as it appears in 26 CFR part 1 revised April 1, 1997.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 98–6560 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in April 1998.

EFFECTIVE DATE: April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during April 1998.

For annuity benefits, the interest assumptions will be 5.50 percent for the first 25 years following the valuation date and 5.25 percent thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These annuity and lump sum interest assumptions are unchanged from those in effect for March 1998.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during April 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 54 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, * * * , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
April 1998	.0550	1–25	.0525	>25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2

TABLE II.—LUMP SUM VALUATIONS—Continued

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
54	04–1–98	05–1–98	4.25	4.00	4.00	4.00	7	8

Issued in Washington, D.C., on this 9th day of March 1998.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–6505 Filed 3–12–98; 8:45 am]

BILLING CODE 7708–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–190; RM–9139]

Radio Broadcasting Services; Ipswich, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountain Tower Broadcasting, allots Channel 300A at Ipswich, South Dakota, as the community's first local aural transmission service. *See* 62 FR 46708, September 4, 1997. Channel 300A can be allotted to Ipswich in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 300A at Ipswich are North Latitude 45–26–42 and West Longitude 99–01–48. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1998. A filing window for Channel 300A at Ipswich, South Dakota, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–190, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Ipswich, Channel 300A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6511 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–191; RM–9140]

Radio Broadcasting Services; Murdo, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Windy Valley Broadcasting, allots Channel 285A at Murdo, South Dakota, as the community's first local aural transmission service. *See* 62 FR 46708, September 4, 1997. Channel 285A can be allotted to Murdo in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 285A at Murdo are North Latitude 43–53–24 and West Longitude 100–43–06. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1998. A filing window for Channel 285A at Murdo, South Dakota, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–191, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Murdo, Channel 285A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6513 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–177; RM–9131]

Radio Broadcasting Services; Kenova, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Billy R. Evans, allots Channel 250A at Kenova, West Virginia, as the community's first local aural transmission service. *See* 62 FR 44434, August 21, 1997. Channel 250A can be allotted to Kenova in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles) south to avoid a short-spacing to the licensed site of Station WZQQ(FM), Channel 250C3, Hyden, Kentucky. The coordinates for Channel 250A at Kenova are North Latitude 48–22–38 and West Longitude 82–34–33. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1998. A filing window for Channel 250A at Kenova, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–177, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Kenova, Channel 250A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6512 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 386

RIN 2105–AC63

Civil Penalties

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document specifies the civil penalties for violating the FHWA regulations, as adjusted for inflation in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The inflation adjustments are reflected in this rulemaking. Technical amendments to the regulation are required by the statute which mandates that all civil penalties within the jurisdiction of a Federal agency be adjusted for inflation by regulation.

DATES: The effective date is March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Charles E. Medalen, Office of the Chief Counsel, FHWA, telephone (202) 366–1354; or David M. Lehrman, Office of Motor Carrier Research and Standards, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590; (202) 366–0994, Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Federal Register Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register's** home page at: http://www.nara.gov/nara/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/su_docs.

The Debt Collection Improvement Act of 1996

In order to preserve the remedial impact of civil penalties and foster compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (the Act) (Pub. L.104–134, 110 Stat. 1321–358, –373), requires Federal agencies to regularly adjust certain civil penalties for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable civil penalties, and to make further adjustments at least once every four years of these penalty amounts.

The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a civil penalty due to the calculated inflation adjustments: (i) Should apply only to violations that occur after October 23, 1996, the Act's effective date; and (ii) should not exceed 10 percent of the penalty indicated in authorizing legislation.

Method of Calculation

Under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the inflation adjustment for each applicable civil penalty is determined by increasing the maximum civil penalty amount per violation by the cost-of-living-adjustment. The ''cost-of-living'' adjustment is defined as the amount by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the year in which the amount of such civil penalty was last set or adjusted pursuant to law. Any calculated increase under this adjustment is subject to a specific rounding formula set forth in the Debt Collection Improvement Act of 1996.

For example, pursuant to 49 U.S.C. 5123, the FHWA may assess a fine for violation of the Federal Hazardous Materials Regulations (HMR)(49 CFR 171–180). The driver, motor carrier, or shipper who violates the HMR is subject to a civil penalty of not less than $250 and not more than $25,000 for each violation.

This penalty was last set in 1990. The Consumer Price Index was 156.7 in June 1996, and was approximately 130 in June of 1990. Thus the inflation factor is 156.7/130 or 1.21. The maximum penalty amount after the increase and statutory rounding would thus be the result of multiplying $25,000 × 1.21 = $30,250. However, after applying the 10 percent limit on an initial increase, the new maximum penalty amount per violation is $25,000 plus $2,500 (i.e., 10 percent of the previous fine), or $27,500. Therefore, increasing penalty provisions will be limited to 10 percent.

This final rule will be the first publication by regulation of the new penalty structure adjusted for inflation. In the past, Appendix A to part 386 was the sole regulatory source for a penalty schedule. Appendix A is now adjusted for inflation. A new Appendix B, which addresses violations not included in Appendix A, is added with violations and maximum monetary penalties adjusted for inflation.

Rulemaking Analyses and Notices

Because these inflation adjustments are statutorily mandated, the FHWA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)). The law requires that Federal agencies adjust certain civil penalties for inflation and make further adjustments at least once every four years. We consider these adjustments to be ministerial acts in compliance with the statute over which agencies have no discretion.

For these reasons, the FHWA has also determined that prior notice and opportunity for comment are not required under the Department of Transportation's regulatory policies and procedures, as we anticipate that such action would not result in the receipt of useful information. Thus, the FHWA is proceeding directly to a final rule and waives the 30-day delay effective date because this action does not require carriers to take any action. This rule merely provides notice required by law of an inflation adjustment to maximum penalties.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. This final rule sets forth inflationary adjustments that are ministerial acts in compliance with the statute over which agencies have no discretion. We believe that this rule will not result in a major increase in costs or prices for State or local governments. The law is simply designed to preserve the remedial impact of civil penalties. Consequently, it is anticipated that the economic impact of this final rule will be minimal because it will not substantially change the applicable civil penalty amount. This regulatory action will merely make inflation adjustments for all applicable civil penalties as required by law.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. The ministerial adjustments for inflation published in this rule do not interfere with implementation of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121, Title II, 110 Stat. 857) which requires penalties for small businesses to be reviewed in a manner designed to provide for waiver and/or reduction of civil penalties under appropriate circumstances. The FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

This action does not contain information collection requirements for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has analyzed this action for the purposes of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and has determined that this action will not have any effect on the quality of the environment.

Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 386

Administrative practice and procedure, Highway safety, Motor carriers, Motor vehicle safety, Penalties.

Issued on: March 5, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA amends title 49, Code of Federal Regulations, Chapter III, part 386 as set forth below:

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS PROCEEDINGS

1. The authority citation is revised to read as follows:

Authority: 49 U.S.C. 104(c)(2), 501 *et seq.*, Chapter 51, 31131–31133, 31135–31139, 31142–31147, Chapter 313, 31501 *et seq.*, Pub. L. 104–34, title III, chapter 10, Sec. 31001, par. (s), 110 Stat. 1321–373, and 49 CFR 1.45 and 1.48.

Appendix A to Part 386—[Amended]

2. Appendix A to part 386 is amended by revising the figure ''$500'' to read as ''$550'', the figure ''$1,000'' to read as ''$1,100'', and the figure ''$10,000'' to read as ''$11,000'' whenever they appear throughout the appendix.

Appendix B to Part 386—[Added]

3. Part 386 is amended by adding appendix B to read as follows:

Appendix B to Part 386—Penalty Schedule; Violations and Maximum Monetary Penalties

The Debt Collection Improvement Act of 1996 [Public Law 104–134, title III, chapter 10, Sec. 31001, par. (s), 110 Stat. 1321–373] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust for inflation ''each civil monetary penalty provided by law within the jurisdiction of the Federal agency * * *'' and to publish that regulation in the **Federal Register**. Pursuant to that authority, the inflation-adjusted civil penalties listed below

supersede the corresponding civil penalty amounts listed in title 49, United States Code.

What are the types of violations and maximum monetary penalties?

(a) *Violations of the Federal Motor Carrier Safety Regulations (FMCSRs).*

(1) *Recordkeeping.* A person or entity that fails to prepare or maintain a record required by Parts 385 and 390–399 of this subchapter, or prepares or maintains a required record that is incomplete, inaccurate, or false, is subject to a maximum civil penalty of $550 for each day the violation continues, up to $2,750.

(2) *Serious Pattern of safety violations.* These violations of Parts 385 and 390–399 of this subchapter constitute a middle range of violations. They do not include noncompliance with recordkeeping requirements, while substantial health or safety violations are subject to heavier civil penalties. Serious patterns of safety violations are subject to a maximum civil penalty of $1,100 for each violation in a pattern, up to a maximum of $11,000 for each pattern.

(3) *Substantial Health or Safety Violations.* These are violations of Parts 385 and 390–399 of this subchapter which could reasonably lead to, or have resulted in, serious personal injury or death. Substantial health or safety violations are subject to a maximum civil penalty of $11,000, provided the driver's actions constituted gross negligence or reckless disregard for safety.

(4) *Non-recordkeeping violations by drivers.* A driver who violates Parts 385 or 390–399 of this subchapter, except a recordkeeping requirement, is subject to a civil penalty not to exceed $1,100, provided the driver's actions constituted gross negligence or reckless disregard for safety.

(5) *Violation of 49 CFR 392.5.* A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 CFR 392.5(a) or (b) who drives during that period is subject to a civil penalty not to exceed $2,750 for each violation.

(b) *Commercial driver's license (CDL) violations.* Any person who violates 49 CFR Subparts B, C, E, F, G, or H is subject to a civil penalty of $2,750.

(c) *Special penalties pertaining to violations of out-of-service orders by CDL-holders.* A CDL-holder who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than $1,100 nor more than $2,750. An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes that employee to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order, is subject to a civil penalty of not less than $2,750 or more than $11,000.

(d) *Financial responsibility violations.* A motor carrier that fails to maintain the levels of financial responsibility prescribed by Part 387 of this subchapter is subject to a maximum penalty of $11,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(e) *Violations of the Hazardous Materials Regulations (HMRs).* This paragraph applies to violations by motor carriers, drivers, shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

(1) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to the transportation or shipment of hazardous materials by commercial motor vehicle on highways are subject to a civil penalty of not less than $250 and not more than $27,500 for each violation. Each day of a continuing violation constitutes a separate offense.

(2) All knowing violations of 49 U.S.C. chapter 51 or orders, regulations, or exemptions issued under the authority of that chapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair or testing of a packaging or container which is represented, marked, certified or sold as being qualified for use in the transportation or shipment of hazardous materials by commercial motor vehicle on highways, are subject to a civil penalty of not less than $250 and not more than $27,500 for each violation.

(3) Whenever regulations issued under the authority of 49 U.S.C. chapter 51 require compliance with the FMCSRs while transporting hazardous materials, any violations of the FMCSRs will be considered a violation of the HMRs and subject to a civil penalty of not less than $250 and not more than $27,500.

(f) *Operating with an unsatisfactory safety rating.* A motor carrier knowingly transporting hazardous materials in quantities requiring placarding, or passengers in a vehicle designed or used to transport more than 15 passengers, on the 46th or any subsequent day after receiving an unsatisfactory safety rating, is subject to a civil penalty of not less than $250 and not more than $27,500. Each day the transportation of hazardous materials continues constitutes a separate violation.

[FR Doc. 98–6523 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295–7295–01; I.D. 030698D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for pollock in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 9, 1998, until 1200 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486-6919.

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

The interim specification of pollock total allowable catch (TAC) in the Eastern Regulatory Area of the Gulf of Alaska was established by the Interim 1998 Harvest Specifications (62 FR 65622, December 15, 1997) as 2,200 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 interim specification of pollock in the Eastern Regulatory Area will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,100 mt, and is setting aside the remaining 100 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 will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

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

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of pollock in the Eastern Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this

action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

Dated: March 9, 1998.

Bruce C. Morehead,

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

[FR Doc. 98–6476 Filed 3–10–98; 9:07 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295–7295–01; I.D. 030998A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for Pacific cod by vessels catching Pacific cod for processing by the inshore component in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 10, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486-6919.

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

The interim specification of Pacific cod total allowable catch (TAC) for processing by the inshore component in the Central Regulatory Area of the GOA was established by the Interim 1998 Harvest Specifications (62 FR 65622, December 15, 1997) as 7,864 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 interim specification of Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 7,564 mt, and is setting aside the remaining 300 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 will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of Pacific cod allocated for processing by the inshore component in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 10, 1998.

Gary C. Matlock,

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

[FR Doc. 98–6568 Filed 3–10–98; 3:04 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 49
Friday, March 13, 1998

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1076, 1079, 1106, 1124, 1126, 1131, 1134, 1135, 1137, 1138 and 1139

[DA–97–12]

RIN 0581–AB49

Milk in the New England and Other Marketing Areas; Extension of Time to File Written Comments on the Proposed Rule

7 CFR part	Marketing area
1000	General Provisions of Federal Milk Marketing Orders.
1001	New England.
1002	New York-New Jersey.
1004	Middle Atlantic.
1005	Carolina.
1006	Upper Florida.
1007	Southeast.
1012	Tampa Bay.
1013	Southeastern Florida.
1030	Chicago Regional.
1032	Southern Illinois-Eastern Missouri.
1033	Ohio Valley.
1036	Eastern Ohio-Western Pennsylvania.
1040	Southern Michigan.
1044	Michigan Upper Peninsula.
1046	Louisville-Lexington-Evansville.
1049	Indiana.
1050	Central Illinois.
1064	Greater Kansas City.
1065	Nebraska-Western Iowa.
1068	Upper Midwest.
1076	Eastern South Dakota.
1079	Iowa.
1106	Southwest Plains.
1124	Pacific Northwest.
1126	Texas.
1131	Central Arizona.
1134	Western Colorado.
1135	Southwestern Idaho-Eastern Oregon.
1137	Eastern Colorado.
1138	New Mexico-West Texas.
1139	Great Basin.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments to proposed rule.

SUMMARY: This notice extends the public comment period on the Federal milk order reform proposed rule from March 31, 1998, to April 30, 1998. Several interested parties, both producers and processors, requested the additional time to complete written comments on the Federal order reform proposed rule that was published in the **Federal Register** on January 30, 1998. In addition, this notice announces four listening sessions scheduled for March 30 and March 31, 1998. The listening sessions are intended to provide an opportunity for USDA to obtain further public comments on the proposed rule.

DATES: Comments must be submitted on or before April 30, 1998.

ADDRESSES: Comments (two copies) should be submitted to Richard M. McKee, Deputy Administrator, Dairy programs, USDA/AMS, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456. Comments also may be sent by fax to (202) 690–3410. Additionally, comments may be submitted via E-mail to: Milk__Order__Reform__@usda.gov.

All comments should be identified with the docket number DA–97–12. To facilitate the review process, please state the particular topic(s) addressed, from the following list, at the beginning of the comment: consolidation, basic formula price, Class I price structure, other class prices, classification, provisions applicable to all orders, regional issues (please specify: Northeast, Southeast, Midwest, Western), and miscellaneous and administrative. If comments submitted pertain to a specific order, please identify such order.

Comments are also being requested on the Executive Order 12866 analysis, the Regulatory Flexibility Act analysis, and the Paperwork Reduction Act analysis.

Additionally, comments may be sent via E-mail to: Milk __Order__ Reform@usda.gov.

All comments submitted in response to this proposal will be available for public inspection at the USDA/AMS/ Diary Programs, Order Formulation Branch, Room 2968, South Building, 14th and Independence Ave., S.W., Washington, D.C., during normal business hours (7 CFR 1.27(b)). All persons wanting to view the comments are requested to make an appointment in advance by calling Richard M. McKee at (202) 720–4392.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Branch Chief, USDA/AMS/ Diary Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–6274.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Proposed Rule: Issued January 21, 1998; published January 30, 1998 (63 FR 4802).

Preliminary Statement

Notice is hereby given that the time for filing written comments on the proposed rule issued on January 21, 1998, with respect to proposed amendments to the tentative marketing agreements and the orders regulating the handling of milk in the New England and other marketing areas is hereby extended from March 31 to April 30, 1998. Several interested parties, both producers and processors, requested the additional time to complete written comments on the Federal order reform proposed rule that was published in the **Federal Register** on January 30, 1998.

In addition, to extending the time for filing written comments, four public listening sessions will be held to obtain further input on the proposed rule. Each listening session will be held from 9:00 a.m. to 5:00 p.m., and the sessions are scheduled as follows:

Monday, March 30

Four Points Hotel Syracuse, 441 Electronics Parkway, Liverpool, New York 13088, (315) 457–1122, *Contact Person:* Jane Hart, (518) 452–4410.

Crowne Plaza Atlanta Airport, 1325 Virginia Avenue, Atlanta, Georgia, (404) 768–6660, *Contact Person:* Sue L. Mosley, (770) 448–1194.

Hyatt Regency DFW, West Tower, Inside Dallas/Fort Worth Airport, DFW Airport, Texas 75261–9014, (972) 453–1234, *Contact Persons:* Cary Hunter or Cindy Taylor, (972) 245–6060.

Tuesday, March 31

Radisson Inn, 2040 Airport Drive, Green Bay, Wisconsin 54313, (920) 494–7300. *Contact Person:* Rachel Benecke, (630) 810–9999 ext. 146.

To facilitate participation in the listening sessions, individuals wishing to present oral comments should call the designated contact person for each location to schedule an appearance. Dependent upon the number of individuals wishing to participate, oral comments may be limited. All information presented at the listening sessions will be recorded and included in the public record of the comments on the proposed rule.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Dated: March 10, 1998.

Enrique F. Figueroa,

Administrator, Agricultural Marketing Service.

[FR Doc. 98–6583 Filed 3–12–98; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–146–AD]

RIN 2120–AA64

Airworthiness Directives; Aermacchi, S.p.A. S205 Series and Models S208 and S208A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Aermacchi, S.p.A. (Aermacchi) S205 series and Models S208 and S208A airplanes. The proposed action would require inspecting the flaps cable pulley bracket for the correct alignment and correcting if mis-aligned; inspecting the flaps control cable for wear (nicks, cuts, frays, etc.), and replacing the flaps control pulley bracket and flap control cable if worn. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by the proposed AD are intended to prevent flap control failure which, if not corrected, could result in loss of control of the airplane.

DATES: Comments must be received on or before April 24, 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–146–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from SIAI Marchetti, Product Support, Via Indipendenza 2, 21018 Sesto Calende (VA), Italy: telephone: +39–331–929117; facsimile: +39–331–922525. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. David O. Keenan, Project Officer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–14–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–146–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Registro Aeronautico Italiano (R.A.I.), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on certain Aermacchi S205 series and Models S208 and S208A airplanes. The R.A.I. reports an incident of flap control failure during flight on one of these Aermacchi airplanes. The investigation revealed that the flaps control pulley bracket and flaps control cables were worn. Signs of wear on the pulley bracket would be defined as mis-alignment of the bracket. Wear on the flaps control cable would be defined as cuts, frays, nicks, etc. These conditions, if not corrected, could result in flap control failure, which, could cause loss of control of the airplane.

Relevant Service Information

SIAI Marchetti has issued Service Bulletin No. 205B60, dated July 24, 1995, which specifies procedures for: inspecting the flaps control pulley bracket for alignment, and correcting any mis-alignment; inspecting the flaps control pulley cable for wear, and replacing these parts if worn.

The R.A.I. classified this service bulletin as mandatory and issued Italian AD 95–237, dated August 29, 1995, in order to assure the continued airworthiness of these airplanes in Italy.

The FAA's Determination

These airplane models are manufactured in Italy and are 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 R.A.I. has kept the FAA informed of the situation described above.

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

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Aermacchi S205 series and Models S208 and S208A airplanes

of the same type design registered in the United States, the proposed AD would require: inspecting the flaps control pulley bracket for alignment; correcting any mis-alignment; inspecting the flaps control pulley cable for wear; and, replacing the bracket and cable if worn. Accomplishment of the proposed action would be in accordance with SIAI Marchetti Service Bulletin No. 205B60, dated July 24, 1995.

Cost Impact

The FAA estimates that 70 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $27,300 or $390 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aermacchi, S.P.A.: Docket No. 97–CE–146–AD.

Applicability: Models S205–18/F, S205–18/R, S205–20/F, S205–20/R, S205–22/R, S208, and S208A airplanes (all serial numbers), certificated in any category.

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

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent flap control failure which, if not corrected, could result in loss of control of the airplane, accomplish the following:

(a) Inspect the flaps cable pulley bracket for mis-alignment, and if misaligned, prior to further flight, replace the pulley bracket in accordance with the Instructions section of SIAI Marchetti Service Bulletin No. 205B60, dated July 24, 1995.

(b) Inspect the flaps control cable for wear (cuts, nicks, frays, etc.), and if wear is found, prior to further flight, replace the control cable in accordance with the Instructions section of SIAI Marchetti Service Bulletin No. 205B60, dated July 24, 1995.

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

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

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

(e) Questions or technical information related to SIAI Marchetti Mandatory Service Bulletin No. 205B60, dated July 24, 1995, should be directed to SIAI Marchetti, Product Support, Via Indipendenza 2, 21018 Sesto Calende (VA), Italy: telephone: +39–331–929117; facsimile: +39–331–922525. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Italian AD 95–237, dated August 29, 1995.

Issued in Kansas City, Missouri, on March 5, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6451 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–49–AD]

Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France (Eurocopter) Model SA–365N1, AS–365N2, and SA–366G1 helicopters. This proposal would require initial and repetitive inspections of the tail rotor blade Kevlar tie-bar (Kevlar tie-bar) for cracks or delaminations. This proposal is prompted by a report of delamination of a Kevlar tie-bar. The actions specified by the proposed AD are intended to detect cracks that could lead to delamination of the Kevlar tie-bar, loss of tail rotor control, and subsequent loss of control of the helicopter.

DATES: Comments must be received by April 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–49–AD, 2601 Meacham Blvd, Room 663, Fort Worth, Texas 76197. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

This service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas

75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0111, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–49–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–49–AD, 2601 Meacham Blvd, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on SA–365N1, AS–365N2, and SA–366G1 model helicopters. The DGAC advises that delamination outside certain tolerance limits may occur on Kevlar tie-bars.

Eurocopter France issued Telex Service Bulletin (SB) 05.33, dated August 19, 1992, that specifies visually checking the condition of the Kevlar tie-bar assembly for delamination around the blade-to-hub attachment point within 10 flying hours. If delamination exists that is outside certain tolerance limits, SB 05.33 specifies removing the rail rotor blade (blade) and replacing it with an airworthy blade. Eurocopter France also issued SB 05.00.34, Revision 3, dated November 14, 1996, that specifies repetitive visual inspections at intervals of 250 flying hours of the Kevlar tie-bar for delaminations. If certain cracks exist, SB 05.00.34, Revision 3, specifies removing the blade from service. The DGAC classified these service bulletins as mandatory and issued DGAC AD 92–185–033(B)R4, dated December 4, 1996, to ensure the continued airworthiness of these helicopters in France.

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

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1, helicopters of the same type design registered in the United States, the proposed AD would require within 10 hours time-in-service (TIS), and thereafter at intervals not to exceed 250 hours TIS, inspections of the Kevlar tie-bar for a crack of delamination and replacement of any balde in which a crack or delamination is found with an airworthy blade. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 47 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,000 per blade. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $152,280 to replace one blade and perform one inspection on each helicopter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 97–SW–49–AD.

Applicability: SA–365N1, AS–365N2, and SA–366G1 model helicopters, with tail rotor blade (blade), Part Number 365A12–010–all dash numbers, 365A12–0020–00, 365A33–2131–all dash numbers, or 365A12–0020–20, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area

subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To detect cracks that could lead to delamination of the tail rotor blade Kevlar tie-bar (Kevlar tie-bar), loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 250 hours TIS, inspect each Kevlar tie-bar for a crack or delamination in accordance with paragraph B, Operational Procedure, of Eurocopter France Service Bulletin 05.00.34, Revision 3, dated November 14, 1996.

(b) If any delamination or cracking is found during any of the inspections required by paragraph (a) of this AD, remove the blade and replace it with an airworthy blade before further flight.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

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

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

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 92–185–33(B)R4 dated December 4, 1996.

Issued in Fort Worth, Texas, on February 28, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–6496 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 89G–0393]

Direct Food Substances Affirmed as Generally Recognized as Safe; Egg White Lysozyme

AGENCY: Food and Drug Administration, HHS.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a tentative final rule to amend its regulations to affirm that egg white lysozyme enzyme preparation, when labeled by the common or usual name ''egg white lysozyme'' to identify its source, is generally recognized as safe (GRAS) for use in preventing late blowing of cheese caused by the bacterium *Clostridium tyrobutyricum* during cheese production. This action is in response to a petition submitted by Fordras S.A. (formerly SPA-Società Prodotti Antibiotici S.p.A.). FDA has tentatively concluded that this use of the egg white lysozyme enzyme preparation is GRAS only when the ingredient statement for both bulk and packaged food that contains cheese manufactured using egg white lysozyme includes the common or usual name ''egg white lysozyme'' to identify the source of the protein. To give interested persons an opportunity to comment on this condition of use required for GRAS status, FDA is issuing this tentative final rule.

DATES: Submit written comments by May 27, 1998.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3101.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in § 170.35 (21 CFR 170.35), SPA-Societa Prodotti Antibiotici S.p.A., now Fordras S.A., Milan, Italy, submitted a petition (GRASP 9G0355) requesting that egg white lysozyme used to inhibit the bacterium *C. tyrobutyricum* to prevent late blowing of cheese during production be affirmed as GRAS as a direct human food ingredient. FDA published the notice of filing for this petition in the **Federal Register** of October 27, 1989 (54 FR 43861), and gave interested persons until December 26, 1989, to submit written comments.

II. Standards for GRAS Affirmation

Under § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to food. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation and ordinarily is based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 170.30(b)). General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive regulation, but ordinarily is based upon generally available data and information concerning the pre-1958 history of use of the substance.

FDA has evaluated Fordras S.A.'s petition on the basis of scientific procedures to whether the petitioned use of egg white lysozyme enzyme preparation to prevent the late blowing of cheese caused by the bacterium *C. tyrobutyricum* during cheese production is GRAS. In evaluating the petition, FDA considered published and unpublished data and information relating to the identity of, characteristic properties of, and estimated dietary exposure to the enzyme component (i.e., lysozyme) of the petitioned enzyme preparation (Refs. 1 through 7). FDA also considered that the source of the petitioned enzyme preparation, egg white, has been safely consumed by humans as a source of food protein throughout recorded history, and, therefore, is GRAS (§ 170.30(d)), and that the methods used for extracting lysozyme from the egg white source do not ordinarily alter the chemical identity and characteristic properties of enzymes (Ref. 8). FDA also considered published scientific review articles (Refs. 1 and 2) and a generally available trade association bulletin (Ref. 7) discussing the use of egg white lysozyme enzyme preparation for its

technical effect of preventing late blowing of cheese contaminated with *C. tyrobutyricum* as well as generally available information documenting that this intended use of the petitioned enzyme preparation has been approved in several European countries (Refs. 9 through 13). Finally, FDA considered generally available and accepted information relating to processing aids used in the manufacture of the enzyme preparation and generally available and accepted specifications for food-grade enzyme preparations (Ref. 14).

III. Safety Evaluation

When present as a contaminant in milk used for cheesemaking, the pasteurization-resistant bacterium *C. tyrobutyricum* ferments lactate to produce carbon dioxide, hydrogen, and volatile organic acids. This fermentation causes a defect in cheese manufacture known as ''late blowing,'' which is typified by abnormal levels of open texture accompanied by undesirable odors and flavors. Late blowing can be a serious economic problem in the manufacture of several varieties of cheese (Refs. 1, 2, and 7).

The contamination by *C. tyrobutyricum* of milk used for cheesemaking, although reducible by good husbandry and hygienic milking practices, is unavoidable. Although treatment with certain chemical agents has been shown to be effective against the problems raised by this contamination, treatment with lysozyme enzyme preparation has been found to be the most effective method of managing the late blowing of cheese contaminated with *C. tyrobutyricum* (Refs. 1 and 2).

A. The Enzyme Component

Enzymes are proteins or conjugated proteins (i.e., a protein that contains a nonamino acid moiety such as a carbohydrate) produced by plants, animals, and microorganisms that function as biochemical catalysts (American Heritage Dictionary of the English Language). Most enzymes are very specific in their ability to catalyze only certain chemical reactions; this high degree of specificity and strong catalytic activity are the most important functional properties of enzymes (Ref. 15).

The Commission on Enzymes of the International Union of Biochemistry has devised a systematic strategy for naming enzymes. This system combines a naming system and a numbering system. For most enzymes, the systematic name is derived from the names of the substrate, product, and type of reaction. The systematic number is based on the class and subclasses to which the enzyme belongs. The systematic name of lysozyme is peptidoglycan *N*-acetylmuramoylhydrolase. Its systematic number is EC No. 3.2.1.17 and its Chemical Abstracts Service Registry Number (CAS Reg. No.) is 9001–63–2.

Lysozyme was first discovered by A. Fleming, who identified lysozyme as an antibacterial enzyme present in nasal mucus membrane (Ref. 3). Subsequently, it was learned that the antibacterial activity of lysozyme occurs because of its ability to catalyze the hydrolysis of the structural polysaccharide peptidoglycan present in cell walls of certain bacteria (Ref. 2). Lysozyme activity has been shown to be present in bacteria, fungi, plants, and almost all animal tissues, with the highest levels found in secretions (including milk, mucus, saliva, and tears) and eggs. Lysozyme is believed to function in all of these organisms and tissues as an endogenous antimicrobial substance (Refs. 1 and 2).

Lysozyme was the first enzyme to have the details of its three-dimensional structure published (Ref. 4), and it has become one of the best characterized of all enzymes, serving as an example for studies of enzyme mechanism and molecular evolution (Refs. 5 and 6). Lysozymes from various organisms are very similar to one another. Egg white lysozyme differs very little in structure, amino acid sequence and composition, catalytic mechanism, and substrate specificity from the enzyme found in human milk, saliva, mucus, and tears (Refs. 3 and 6).

The petitioner provided two published scientific review articles (Refs. 1 and 2) that discuss the use of egg white lysozyme in cheese and other food. The petitioner also provided a generally available trade association bulletin (Ref. 7) that focuses on the use of egg white lysozyme for its technical effect of preventing late blowing in cheese. This bulletin describes the late blowing defect and how it arises, traditional chemical control measures (other than the use of lysozyme) to reduce the problem, and the increasing interest in using lysozyme as a replacement for traditional chemical control measures. In addition, the petitioner provided generally available information documenting that this intended use of the petitioned enzyme preparation has been approved in several countries, including Denmark, France, Germany, Italy, and Spain (Refs. 9 through 13).

FDA considered the estimated dietary exposure to lysozyme for the proposed use in cheese (Refs. 16 and 17). Lysozyme accounts for approximately 3.5 percent of the total protein of domestic hen egg whites (Ref. 7). Whole eggs contain lysozyme at a level of approximately 3,300 parts per million (ppm). The petitioner reported that cheese manufactured using egg white lysozyme enzyme preparation contains a maximum of 400 ppm of lysozyme, or at least 8 times less than eggs on a weight basis. FDA has estimated a long-term mean intake of lysozyme to be 74 milligrams per person per day (mg/p/d) for consumers of eggs and 3.8 mg/p/d for consumers of cheese; the respective 90th percentile intakes are estimated to be 163 mg/p/day and 8.1 mg/p/day. Egg whites from which lysozyme is extracted will be subsequently consumed in other food uses. Thus, there will be no long-term net increase in lysozyme intake by the general population because egg whites without lysozyme will replace egg whites in current use that contain lysozyme (Ref. 16). On a per eating occasion basis, lysozyme intake for cheese consumers may be 16 mg on average, or 22 mg at the 90th percentile level. For comparison, a per eating occasion lysozyme intake for egg consumers may be 264 mg on average, or 416 mg at the 90th percentile level. Thus, lysozyme intake per eating occasion due to cheese consumption may constitute 5 to 6 percent of lysozyme intake due to egg consumption (Ref. 17).

In general, issues relevant to a safety evaluation of proteins such as the enzyme component of an enzyme preparation are potential toxicity and allergenicity (Ref. 18). Proteins derived from egg whites do not raise toxicity concerns because egg whites have been safely consumed by humans as a source of food throughout recorded history without any reports of toxicity. However, proteins derived from egg whites do raise allergenicity concerns because, as with many common foods, there have been reports that consumption of egg whites can cause an allergic reaction in certain individuals, particularly children (Ref. 19). Therefore, FDA considered the question of whether the lysozyme component of egg whites is allergenic.

In evaluating this question, FDA considered a report of an in vitro study of the binding of antibodies to specific egg proteins, where the antibodies were derived from the serum of patients known to be allergic to eggs (Ref. 20). This report suggests that lysozyme was an allergen for some individuals who became sensitive to egg whites. Although this study does not establish that ingestion of egg white lysozyme in cheese will actually cause a clinically

significant allergic reaction in such sensitive individuals, FDA is not aware of any data or information that would refute the study's inference that egg white lysozyme may be allergenic. Accordingly, FDA is proposing labeling, as discussed below, to alert the sensitive population to the presence of egg white lysozyme in cheese.

A related question is whether egg white lysozyme, when present in cheese, is capable of inducing an allergenic response in susceptible individuals who have not previously consumed egg whites, e.g., because their customary diet excludes eggs. This question is no different than for any other food containing egg white when consumed by individuals with unknown susceptibility to eggs. The proposed label declaration would provide such individuals with the same protection as that provided by other egg-containing products with ingredient labeling. Thus, individuals who experience an allergic reaction to lysozyme-containing cheese could identify egg white lysozyme as a possible cause of the reaction.

B. Enzyme Source, Manufacturing Methods, and Processing Aids

Commercial preparations of lysozyme are derived from domestic hen egg whites using ion exchange methods and selective precipitation to isolate a highly purified protein fraction that contains mainly lysozyme but also may contain small amounts of other egg white proteins. Consistent with the agency's finding in its GRAS affirmation of microparticulated protein product (55 FR 6384, February 23, 1990), FDA finds that egg whites have been safely consumed by humans throughout recorded history and, therefore, are GRAS (§ 170.30(d)). The agency evaluated the methods used to isolate the enzyme lysozyme from egg whites. These methods are based on generally available and accepted principles of protein purification (Ref. 8). Such methods, if appropriately selected, do not ordinarily alter the chemical identity and characteristic properties of enzymes. Therefore, these methods do not materially change the quality, utility, functionality, or safety of enzymes. Moreover, the retention of the antibacterial activity that is characteristic of egg white lysozyme when egg white-derived lysozyme enzyme preparation is used in cheese evidences that lysozyme in the manufactured enzyme preparation remains unaltered from the lysozyme in egg whites. This is corroborative evidence of the fact that the methods used to isolate lysozyme from egg whites do not materially change the quality, utility, functionality or safety of the enzyme lysozyme.

Enzyme preparations used in food processing are usually not chemically pure but contain, in addition to the enzyme component, materials that derive from the enzyme source. As mentioned above, egg white lysozyme enzyme preparation may contain small amounts of other egg white proteins. A related question is whether such proteins that may be present in the enzyme preparation are allergenic. Even if present, other source-derived proteins would not be a concern because the proposed label declaration for egg white lysozyme would alert individuals who are sensitive to egg whites to the possible presence of other proteins derived from egg whites.

In addition to source-derived materials, enzyme preparations used in food processing usually contain materials that derive from the manufacturing methods used to generate the finished enzyme preparation. The egg white lysozyme enzyme preparation that is the subject of this document complies with the general requirements and additional requirements for enzyme preparations in the Food Chemicals Codex, 4th ed. (Ref. 14). The egg white lysozyme enzyme preparation that is the subject of this document may contain substances that are added to the enzyme preparation, such as preservatives, stabilizers or diluents, and trace amounts of processing aids that are used in its preparation. These substances must be acceptable for general use in foods (Refs. 14 and 15).

C. Labeling as a Condition of Use

Egg whites are known to be an allergenic food source, particularly in children (Ref. 19). There is a literature report (Ref. 20) indicating that lysozyme may in fact have been an allergen for some individuals who became sensitive to egg whites. Although the reported in vitro study does not establish that ingestion of egg white lysozyme in cheese will actually cause a clinically significant allergic reaction in such sensitive individuals, FDA is not aware of any data or information that would refute the study's inference that egg white lysozyme may be allergenic. Therefore, FDA concludes that there is insufficient information in the current record to determine whether the ingestion of egg white lysozyme elicits an allergenic response when consumed by individuals who are sensitive to egg whites. Accordingly, as discussed below, FDA is proposing labeling to alert such individuals to the presence of egg white lysozyme in cheese. Such labeling also would alert the sensitive population to the possible presence of source-derived proteins other than lysozyme in the enzyme preparation.

Under section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(1)), FDA is authorized, in approving the use of a food additive, to list the conditions under which the additive may be safely used. These conditions may include any labeling requirements that the agency deems necessary to ensure the safe use of the additive. Similarly, under § 184.1(b)(3) (21 CFR 184.1(b)(3)), in affirming a substance as GRAS, FDA is authorized to set forth the particular conditions of use, including labeling, under which there is general recognition among qualified experts that the use of the substance is safe. After careful review of the evidence on the use of egg white lysozyme enzyme preparation in preventing late blowing in cheese, FDA has tentatively concluded that such use is GRAS only when the conditions of its use include a declaration on the label or labeling of the presence of egg white lysozyme in both bulk and packaged food containing such treated cheese. Therefore, this tentative final rule (§ 184.1550(c)(1)) establishes that the declaration of egg white lysozyme enzyme preparation by the common or usual name ''egg white lysozyme'' is a condition of use required for GRAS status, so that consumers who are allergic to egg white products can be alerted to the presence of the egg white-derived enzyme in treated cheese.

D. Summary and Conclusions

The petitioner provided published data and information relating to the identity of, characteristic properties of, and estimated dietary exposure to the enzyme component (Refs. 1 through 7). The source of the petitioned enzyme preparation, egg white, has been safely consumed by humans as a source of food protein throughout recorded history, and, therefore, is GRAS (§ 170.30(d)). The petitioner provided generally available information showing that the methods used for extracting lysozyme from the egg white source do not ordinarily alter the chemical identity and characteristic properties of enzymes (Ref. 8). Moreover, there is corroborating evidence that the extraction of egg white lysozyme does not change its chemical identity or characteristics because the antibacterial activity of egg white lysozyme is retained. FDA concludes that the methods used to manufacture egg white lysozyme enzyme preparation do not change the safety for food use of the enzyme lysozyme and that toxicological

studies are not necessary to establish the safety of lysozyme or other source-derived proteins that may remain in the manufactured enzyme preparation. FDA also concludes that there will be no net increase in dietary exposure of the general population to the commonly consumed enzyme lysozyme due to the proposed use in cheese because lysozyme will simply be transferred from eggs to cheese (Ref. 16).

The petitioner also provided generally available and accepted information relating to processing aids used in the manufacture of the enzyme preparation and generally available and accepted specifications for food grade enzyme preparations (Ref. 14). FDA concludes that substances added to the egg white lysozyme enzyme preparation or potential residues of processing aids used in the manufacturing process do not present a basis for concern about the safety of the egg white lysozyme enzyme preparation.

The petitioner provided published scientific review articles (Refs. 1 and 2) and a generally available trade bulletin (Ref. 7) that discuss the use of the egg white lysozyme enzyme preparation in cheese and other food, including its use for the intended effect of preventing late blowing of cheese contaminated with *C. tyrobutyricum*. The petitioner also provided generally available information documenting that this intended use of lysozyme has been approved in several European countries (Refs. 9 through 13). FDA concludes that generally available and accepted data and information establish that lysozyme will achieve the intended technical effect of preventing late blowing in cheese contaminated with *C. tyrobutyricum*.

Finally, information in the petition and otherwise available to FDA raises the question of whether the lysozyme component of egg whites is allergenic. FDA is proposing labeling to alert individuals who may be sensitive to egg whites to the presence of egg white lysozyme in cheese, including the possible presence of other source-derived proteins that may be present in the enzyme preparation.

IV. Comments

FDA received two comments in response to the filing notice. One comment expressed agreement that lysozyme is GRAS for use in preventing late blowing in cheese and supported the affirmation of GRAS status by the agency.

One comment stated that use of lysozyme as a food preservative may lead to selection of lysozyme-resistant strains of the bacterial food poisoning agents *Listeria monocytogenes* and *C. botulinum*, rendering one of the body's main defense mechanisms useless against resistant strains. The comment likened the potential selection of lysozyme-resistant strains of bacteria to the selection of penicillin-resistant bacteria as a result of its widespread use. The comment pointed out that the body could not readily substitute the lysozyme naturally present in secretions such as tears and saliva for another antimicrobial.

The mechanism of action of lysozyme involves hydrolysis of the structural peptidoglycan present in cell walls of susceptible bacteria. Therefore, development of resistance to lysozyme would require that a bacterium develop a variant of peptidoglycan that is resistant to the action of lysozyme. Development of such a variant peptidoglycan is, in principle, possible. However, as already discussed, lysozyme activity has been shown to be present in bacteria, fungi, plants, and almost all animal tissues. If such relative ubiquity has not resulted in the clinically significant selection of lysozyme-resistant bacteria to date, the use of lysozyme in those cheeses that are susceptible to late blowing is unlikely to favor selection of lysozyme-resistant bacteria and adversely affect the public health. Moreover, FDA is not considering lysozyme for use as a widespread food preservative. Rather, FDA is considering the narrow question of whether the use of lysozyme in preventing late blowing in cheese is generally recognized as safe. FDA disagrees that this limited use in cheese is analogous to the widespread use of antibiotics such as penicillin and the subsequent selection of antibiotic-resistant bacterial strains. Therefore, FDA concludes that the use of lysozyme in preventing late blowing in cheese does not raise concerns about the selection of lysozyme-resistant strains of *L. monocytogenes* or *C. botulinum*.

V. Specifications

The agency finds that, because the potential impurities in the egg white lysozyme preparation that may originate from the source or manufacturing process do not raise any basis for concern about the safe use of the preparation, the general requirements and additional requirements for enzyme preparations in the monograph on Enzyme Preparations in the Food Chemicals Codex, 4th ed. (1996), which are being incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, are adequate as minimum criteria for food-grade egg white lysozyme enzyme preparation. Lysozyme assay can be performed using a method entitled ''Lysozyme hydrochloride, Microbiological Determination,'' which is included in the petition (Ref. 21) or by using any appropriate validated method.

VI. Conclusions

The agency has evaluated all available information and finds, based upon the published information about the manufacturing methods used in the preparation of egg white lysozyme enzyme preparation, and published data and information about the identity and characteristic properties of egg white lysozyme, that the enzyme component of egg white lysozyme enzyme preparation is unaltered from the lysozyme found in the commonly consumed food, eggs. The agency also finds, based upon generally available and accepted information, that when the preparation is manufactured in accordance with § 184.1550(c), the source, egg whites, and the manufacturing process will not introduce impurities into the preparation that may render its use unsafe. Further, the agency finds, based upon published information, that egg white lysozyme enzyme preparation will achieve its intended technical effect of preventing late blowing in cheese contaminated with *C. tyrobutyricum*. Therefore, the agency tentatively concludes, based upon the evaluation of published data and information, corroborated by unpublished data and information, that the egg white lysozyme enzyme preparation described in the regulation set out below is GRAS for use by the general population in preventing late blowing in cheese.

To give interested persons an opportunity to comment on the proposed label declaration that is a condition of use required for GRAS status, FDA is issuing this tentative final rule under 21 CFR 10.40(f)(6). FDA will review any comments that are relevant to this condition of use and that are received within the 75 day comment period and will respond accordingly to these comments in the **Federal Register**.

VII. Environmental Considerations

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch

(address above) between 9 a.m. and 4 p.m., Monday through Friday.

VIII. Analysis of Economic Impacts

A. Benefit-Cost Analysis

FDA has examined the impacts of this tentative final rule under Executive Order 12866. Executive Order 12866 directs Federal agencies to assess the costs and benefits of available regulatory alternatives, and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). According to Executive Order 12866, a regulatory action is ''significant'' if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million, adversely affecting in a material way a sector of the economy, competition, or jobs, or if it raises novel legal or policy issues. FDA finds that this tentative final rule is not a significant regulatory action, as defined by Executive Order 12866. In addition, it has been determined that this final rule is not a major rule for the purpose of congressional review.

The primary benefit of this action is to remove uncertainty about the regulatory status of the petitioned substance. FDA is tentatively affirming the GRAS status of egg white lysozyme in cheese only when the ingredient statement of the bulk and packaged food that contains the cheese includes the common or usual name of the substance, i.e., ''egg white lysozyme.'' The labeling requirement will add a small cost to the future use of the petitioned substance, and therefore, is not a significant action under the Executive Order 12866.

FDA has examined the impacts of this tentative final rule under the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). A written statement under section 202(a) of the UMRA is not required for this rule because the rule does not impose a mandate that results in an expenditure of $100 million or more by State, local, and tribal governments in the aggregate, or by the private sector, in any 1 year.

B. Regulatory Flexibility Act

FDA has evaluated this tentative final rule under the Regulatory Flexibility Act. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Federal agencies to consider alternatives that would minimize the economic impact of their regulations on small entities.

FDA believes that this tentative final rule is not likely to have a significant economic impact on a substantial number of small entities. However, the agency seeks comment on this tentative conclusion. First, FDA is tentatively affirming the GRAS status of egg white lysozyme in cheese only when the ingredient statement of the bulk and packaged food that contains the cheese includes the common or usual name of the substance, i.e., ''egg white lysozyme.'' This labeling requirement will impose only minimal costs to the future use of the petitioned substance. Second, FDA has information that the petitioner does not currently sell egg white lysozyme in the United States (Refs. 22 and 23). Moreover, FDA is not aware of any manufacture or use of cheese containing egg white lysozyme in the United States. If no small entities are currently manufacturing or using cheese containing egg white lysozyme, the proposed labeling requirements would not impose any cost to small entities. However, because FDA does not have any information on whether other entities in the United States are manufacturing or using cheese containing egg white lysozyme, FDA is unable to conclude, in this tentative final rule, that there will be no significant economic impact on a substantial number of small entities. Therefore, the agency seeks comment on the manufacture or use, by any small entity, of cheese containing egg white lysozyme. In its final rule, the agency will, based on any relevant comments received, determine whether there is a significant economic impact on a substantial number of small entities.

IX. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Carini, S., G. Mucchetti, and E. Neviani, ''Lysozyme: Activity Against Clostridia and Use in Cheese Production—A Review,'' *Microbiologie Aliments Nutrition*, 3:299–320, 1985.
2. Procter, V. A., and F. E. Cunningham, ''The Chemistry of Lysozyme and Its Use as a Food Preservative and a Pharmaceutical,'' *CRC Critical Reviews in Food Science and Nutrition*, 26:359–395, 1988.
3. Fleming, A., ''On a Remarkable Bacteriolytic Element Found in Tissues and Secretions,'' *Proceedings of the Royal Society*, 93:306–317, 1922.
4. Blake, C. C. F., D. F. Koenig, G. A. Mair, A. C. T. North, D. C. Phillips, and V. R. Sarma, ''Structure of Hen Egg-White Lysozyme,'' *Nature*, 206:757–783, 1965.
5. Kuhara, S., E. Ezaki, T. Fukamizo, and K. Hayashi, ''Estimation of the Free Energy Change of Substrate Binding in Lysozyme-Catalyzed Reactions,'' *Journal of Biochemistry*, 92:121–127, 1982.
6. Malcolm, B., K. Wilson, B. Matthews, J. Kirsch, and A. Wilson, ''Ancestral Lysozymes Reconstructed, Neutrality Tested, and Thermostability Linked to Hydrocarbon Packing,'' *Nature*, 345:86–89, 1990.
7. ''The Use of Lysozyme in the Prevention of Late Blowing in Cheese,'' *Bulletin of the International Dairy Foundation*, No. 216, 1987.
8. Chaplin, M. F., and C. Bucke, Enzyme Technology, Cambridge University Press, New York, NY, pp. 66–72, 1990.
9. Denmark Ministry of Agriculture Circular on Approved Enzymes for Cheese, Journal nr. 10.1.5–18/83, January 13, 1984.
10. French Republic Ministry of Agriculture Service Note 5236, April 21, 1987.
11. Federal Republic of Germany, Bundesgesetzblatt Nr. 56, pp. 2103–2107, November 22, 1985.
12. Official Gazette of Italian Republic, General Series n. 23, October 4, 1986.
13. Spanish Ministry of Health and Consumption, General Direction of Public Health, General Sanitary Register, File n. 8826, June 20, 1983.
14. Monograph on ''Enzyme Preparations,'' Food Chemicals Codex, National Academy Press, Washington, DC, 4th ed., pp. 133–134, 1996.
15. Pariza, M. W. and E. M. Foster, ''Determining the Safety of Enzymes Used in Food Processing,'' *Journal of Food Protection*, 46:453–468, 1983.
16. Memorandum dated March 20, 1990, from Food and Color Additives Review Section, FDA, to Direct Additives Branch, FDA, ''Use of Lysozyme to Prevent the 'Late Blowing' of Cheese.''
17. Memorandum dated August 5, 1996, from Chemistry Review Branch, FDA, to Biotechnology Policy Branch, FDA.
18. Kessler, D. A., M. R. Taylor, J. H. Maryanski, E. L. Flamm, and L. S. Kahl, ''The Safety of Foods Developed by Biotechnology,'' *Science*, 256:1747–1749 and 1832, 1992.
19. Crespo, J. F., C. Pasqual, A. Ferrer, A. W. Burke, J. M. Diaz Pena, and M. M. Esteban, ''Egg White–specific IgE Level as a Tolerance Marker in the Follow-up of Egg Allergy,'' *Allergy Proceedings*, 15:73–76, 1994.
20. Anet, J., J. F. Back, R. S. Baker, D. Barnett, R. W. Burley, and M. E. H. Howden, ''Allergens in the White and Yolk of Hen's Egg; a Study of IgE Binding by Egg Proteins,'' *International Archives of Allergy and Applied Immunology*, 77:364–371, 1985.
21. Lysozyme Hydrochloride, Microbiological Determination.
22. Letter dated November 25, 1996, from John B. Dubeck, Keller and Heckman, to Linda Kahl, FDA.
23. Letter dated February 28, 1997, from John F. Foley, Keller and Heckman, to Linda Kahl, FDA.

List of Subjects in 21 CFR Part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, it is proposed that 21 CFR part 184 be amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371.

2. Section 184.1550 is added to subpart B to read as follows:

§ 184.1550 Egg white lysozyme.

(a) Egg white lysozyme (CAS Reg. No. 9001–63–2) is the enzyme peptidoglycan *N*-acetylmuramoylhydrolase (EC No. 3.2.1.17) obtained by extraction from egg whites. The enzyme catalyzes the hydrolysis of peptidoglycan in the cell walls of certain bacteria including *Clostridium tyrobutyricum*.

(b) The ingredient meets the general requirements and additional requirements for enzyme preparations in the monograph on Enzyme Preparations in the Food Chemicals Codex, 4th ed. (1996), which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, and may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c)(l) The ingredient is used in cheeses, as defined in § 170.3(n)(5) of this chapter, in accordance with § 184.1(b)(3) at levels not to exceed current good manufacturing practice.

(2) The affirmation of the use of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following conditions of use:

(i) The ingredient is used as an enzyme as defined in § 170.3(o)(9) of this chapter.

(ii) Current good manufacturing practice utilizes a level of the ingredient sufficient to prevent the late blowing of cheeses caused by the bacterium *Clostridium tyrobutyricum* during cheese production.

(iii) The ingredient statement for both bulk and packaged food that contains cheese manufactured using egg white lysozyme shall include the common or usual name ''egg white lysozyme'' to identify the source of the protein.

Dated: March 3, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–6571 Filed 3–12–98; 8:45 am]

BILLING CODE 4160–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–29, RM–9190]

Radio Broadcasting Services; Indian Wells, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Professional Broadcasting, Inc. requesting the allotment of FM Channel 238A to Indian Wells, California, as that community's first local aural transmission service. Coordinates used for this proposal are 33–42–04 and 116–14–47. Indian Wells, California, is located within 320 kilometers (199 miles) of the Mexico border, and therefore, the Commission must obtain concurrence of the Mexican government to this proposal.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John R. Feore, Jr., M. Anne Swanson and Kevin P. Latek, Esqs., Dow, Lohnes and Albertson, 1200 New Hampshire Avenue, NW., Washington, DC 20036–6802.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–29, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6514 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–28; RM–9234]

Radio Broadcasting Services; Meyersdale, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Douglas M. Dasdorf proposing the allotment of Channel 253A at Meyersdale, Pennsylvania, as the community's second local FM transmission service. Channel 253A can be allotted to Meyersdale in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 253A at Meyersdale are North Latitude 39–48–42 and West Longitude 79–01–36. Since Meyersdale is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as

follows: Douglas M. Dasdorf, 16 S. Hamilton Avenue, Greensburg, Pennsylvania 15601–0523 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–28, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6515 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–27, RM–9188]

Radio Broadcasting Services; Munds Park, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Dancing Terrapin Broadcasting seeking the allotment of FM Channel 291A to Munds Park, Arizona, as that locality's first local aural transmission service. Petitioner is requested to provide additional information to establish Munds Park's status as a community for allotment purposes. Coordinates used for this proposal are 34–56–44 and 111–38–22.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Gary A. Witte, President, Dancing Terrapin Broadcasting, 77 Gunsight Hills Drive, Sedona, AZ 86351.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–27, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–6516 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 030398B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of two proposals for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS issues this notice to announce that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of two EFPs to conduct experimental fishing that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States. These EFPS to conduct experimental fishing would involve the possession and retention of northern shrimp (*Pandalus borealis*), including the possible capture and release of regulated multispecies and other bycatch, in the Small Mesh Northern Shrimp Exemption Area within the Gulf of Maine/Georges Bank Regulated Mesh Area. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notice to provide interested parties the opportunity to comment on the proposed EFPs.

DATES: Comments on this notice must be received by March 30, 1998.

ADDRESSES: Comments should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Proposed Shrimp Exempted Fishing Permits.''

FOR FURTHER INFORMATION CONTACT: Bonnie VanPelt, Fishery Management Specialist, 978–281–9244.

SUPPLEMENTARY INFORMATION: The Maine Department of Marine Resources (MEDMR) has submitted two proposals to investigate the selectivity of different configuration and mesh size nets used to target northern shrimp (*Pandalus borealis*) within the Small Mesh Northern Shrimp Exemption Area.

The first experiment (Exp. 1) proposes to test experimental codend nets against

control codend nets to determine the mesh size and configuration that are most selective, i.e., that enables more juvenile shrimp to escape. The second experiment (Exp. 2) would employ the more selective net, as determined from the first experiment, as the control net. Exp. 2 would incorporate chafing gear by attaching it to the bottom half of some of the experimental codends to test whether the assessed selectivity factor would be altered in any way.

On February 5, 1998, MEDMR submitted two applications for EFPs to conduct the proposed projects. Exp. 1 and Exp. 2 would run consecutively, so that the results from Exp. 1 can ultimately determine the design of Exp. 2. Exp. 1 would begin as soon as possible and would involve up-to–10 commercial fishing vessels. Exp. 2 would follow Exp. 1 and would involve one specified vessel. Both experiments would be conducted on the proposed gear trials using otter trawls with properly configured Finfish Excluder Devices. All trawl bodies and extensions would be comprised of 1–¾ in (44.5 mm) 54 thread braided nylon diamond mesh. The codend would be at least 100 meshes long.

Exp. 1 proposes to conduct trawl surveys using five different experimental codend mesh sizes of different thread sizes against a control codend of 1–¼ in (31.8 mm) mesh size. Phase 1 of Exp. 2 proposes to test experimental codends of different configurations and mesh sizes with one being modified by the addition of chafing gear to test for variability in selectivity. For this series of tows, the control codend would be the industry standard of 1–¾ in (44.5 mm) diamond mesh. The second phase of Exp. 2 would conduct trawl surveys using the size and configuration net that has been determined to be more selective from Exp. 1 as a control against four experimental codends. The four experimental trawls will be assembled with a Nordmore grate system of 1 in (25.4 mm) spacing. Finfish would be retained only for the purpose of obtaining length frequencies, and in all cases finfish would be released.

EFPs would be issued to participating vessels to exempt them from the mesh size, minimum fish size, and days-at-sea restrictions of the Northeast Multispecies Fishery Management Plan. Participating vessels will also carry a certificate exempting them from the minimum mesh size requirement of 1–¾ in (44.5 mm) as established by the Atlantic States Marine Fisheries Commission for vessels enrolled in the Northern Shrimp Small Mesh Exemption Program.

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

Dated: March 9, 1998.

Gary C. Matlock,

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

[FR Doc. 98–6569 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 63, No. 49
Friday, March 13, 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

Natural Resources Conservation Service

Proposed Change to Section IV of the Tennessee Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service

AGENCY: U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS).

ACTION: Notice of availability of proposed changes in Section IV of the NRCS Field Office Technical Guide for review and comment.

SUMMARY: It is the intention of the NRCS in Tennessee to issue new or revised conservation practice standards in Section IV of the FOTG, as follows: Agrichemical Handling Facility (Code 203); Fencing (Code 382); Heavy Use Area Protection (Code 561); Nutrient Management (590); Waste Management System (Code 312); Waste Storage Facility (Code 313); and Waste Treatment Lagoon (Code 359).

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

CONTACT FOR FURTHER INFORMATION: Inquire in writing to James W. Ford, State Conservationist, Natural Resources Conservation Service (NRCS), 675 U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Tennessee will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Tennessee regarding disposition of those comments and a final determination of change will be made.

Dated: March 4, 1998.

James W. Ford,

State Conservationist, Natural Resources Conservation Service, Nashville, Tennessee.

[FR Doc. 98–6435 Filed 3–12–98; 8:45 am]

BILLING CODE 3410–16–M

ASSASSINATION RECORDS REVIEW BOARD

Formal Determinations and Additional Releases

AGENCY: Assassination Records Review Board.

ACTION: Notice.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on February 17, 1998, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the **Federal Register** within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: Peter Voth, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724–0088, fax (202) 724–0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.9(c)(4)(A) (1992). On February 17, 1998, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives.

Notice of Formal Determinations

For each document, the number of postponements sustained immediately follows the record identification number, followed, where appropriate, by the date the document is scheduled to be released or re-reviewed.

CIA Documents: Postponed in Part

104–10062–10198; 6; 10/2017
104–10072–10140; 1; 10/2017
104–10072–10183; 2; 10/2017
104–10072–10190; 1; 10/2017
104–10072–10207; 1; 10/2017
104–10075–10022; 1; 10/2017
104–10097–10388; 1; 05/2001
104–10097–10390; 1; 05/2001
104–10097–10403; 1; 05/2001
104–10098–10258; 2; 10/2017
104–10102–10043; 6; 10/2017
104–10103–10120; 6; 10/2017
104–10103–10121; 3; 10/2017
104–10121–10256; 3; 10/2017
104–10122–10152; 5; 10/2017
104–10123–10130; 7; 10/2017
104–10130–10306; 2; 10/2017
104–10132–10126; 1; 10/2017
104–10132–10265; 7; 10/2017
104–10132–10273; 1; 10/2017
104–10135–10138; 8; 10/2017
104–10135–10139; 4; 10/2017
104–10138–10173; 3; 10/2017
104–10138–10224; 4; 10/2017
104–10138–10245; 1; 10/2017
104–10138–10246; 5; 10/2017
104–10149–10034; 3; 10/2017
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104–10162–10087; 1; 10/2017
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104–10162–10141; 13; 10/2017
104–10162–10142; 4; 10/2017
104–10162–10143; 2; 10/2017
104–10162–10144; 1; 10/2017
104–10162–10145; 11; 10/2017
104–10162–10146; 2; 10/2017
104–10162–10147; 1; 10/2017
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104–10162–10151; 1; 10/2017
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104–10162–10153; 2; 10/2017
104–10163–10080; 1; 10/2017
104–10163–10084; 1; 10/2017
104–10164–10014; 3; 10/2017
104–10164–10016; 2; 10/2017
104–10164–10020; 5; 10/2017
104–10164–10030; 13; 10/2017
104–10164–10056; 2; 10/2017
104–10164–10081; 2; 10/2017
104–10164–10114; 2; 10/2017
104–10164–10115; 15; 10/2017
104–10165–10000; 1; 10/2017
104–10165–10007; 2; 10/2017
104–10165–10019; 3; 10/2017
104–10165–10020; 1; 10/2017
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104–10166–10001; 1; 10/2017
104–10166–10002; 1; 10/2017
104–10166–10004; 2; 10/2017
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124–10104–10338; 0; None
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124–10104–10417; 0; None
124–10104–10419; 0; None
124–10104–10421; 0; None
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124–10104–10426; 0; None
124–10107–10116; 0; None
124–10193–10314; 0; None
124–10193–10321; 0; None
124–10193–10346; 0; None
124–10271–10210; 0; None
124–10271–10229; 0; None
124–10271–10230; 0; None

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180–10072–10247; 0; 10/2017
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180–10101–10479; 4; 10/2017
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180–10145–10362; 20; 10/2017

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177–10001–10472; 6; 10/2017
177–10001–10475; 2; 10/2017
177–10002–10012; 2; 10/2017
177–10002–10014; 5; 10/2017
177–10002–10015; 6; 10/2017
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177–10002–10017; 6; 10/2017
177–10002–10034; 1; 10/2017

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198–10005–10016; 0; N/A

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194–10003–10335; 3; 10/2017
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198–10005–10013; 4; 10/2017
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Board Determination on Internal U.S. Army Referral

At its February 17, 1996 meeting, the Review Board voted to release in full, with the exception of social security numbers (which shall be postponed until the year 2017), Department of the Army Inspector General equities present in a 1,216 page referral received from the Army's Investigative Records Repository (IRR). The referral pages are part of the overall IRR case file on Richard Case Nagell, which consists of approximately 1,517 pages. Once the complete case file is processed by IRR, document numbers will be assigned on the RIFs created by IRR; but at the present time, the action reported was taken on a subset of a larger file, not yet identified by number, referred internally within the Army.

Notice of Additional Releases

After consultation with appropriate Federal agencies, the Review Board announces that the following Federal Bureau of Investigation records are now being opened in full:

124–10104–10257; 124–10104–10258; 124–10104–10259; 124–10104–10260; 124–10104–10261; 124–10104–10262; 124–10104–10263; 124–10104–10264; 124–10104–10265; 124–10104–10266; 124–10104–10267; 124–10104–10268; 124–10104–10269; 124–10104–10270; 124–10104–10271; 124–10104–10272; 124–10104–10273; 124–10104–10274; 124–10104–10275; 124–10104–10276; 124–10104–10277; 124–10104–10278; 124–10104–10279; 124–10104–10280; 124–10104–10281; 124–10104–10282; 124–10104–10283; 124–10104–10284; 124–10104–10285; 124–10104–10286; 124–10104–10287; 124–10104–10288; 124–10104–10289; 124–10104–10290; 124–10104–10291; 124–10104–10292; 124–10104–10293; 124–10104–10294; 124–10104–10295; 124–10104–10296; 124–10104–10297; 124–10104–10298; 124–10104–10299; 124–10104–10300; 124–10104–10301; 124–10104–10302; 124–10104–10303; 124–10104–10304; 124–10104–10305; 124–10104–10306; 124–10104–10309; 124–10104–10310; 124–10104–10311; 124–10104–10312; 124–10104–10313; 124–10104–10315; 124–10104–10316; 124–10104–10317; 124–10104–10318; 124–10104–10319; 124–10104–10320; 124–10104–10321; 124–10104–10322; 124–10104–10323; 124–10104–10324; 124–10104–10326; 124–10104–10327; 124–10104–10328; 124–10104–10329; 124–10104–10330; 124–10104–10331; 124–10104–10332; 124–10104–10333; 124–10104–10334; 124–10104–10335; 124–10104–10336; 124–10104–10337; 124–10104–10339; 124–10104–10340; 124–10104–10341; 124–10104–10342; 124–10104–10344; 124–10104–10345; 124–10104–10346; 124–10104–10347; 124–10104–10348; 124–10104–10349; 124–10104–10350; 124–10104–10351; 124–10104–10352; 124–10104–10353; 124–10104–10354; 124–10104–10355; 124–10104–10356; 124–10104–10357; 124–10104–10358; 124–10104–10359; 124–10104–10360; 124–10104–10361; 124–10104–10362; 124–10104–10363; 124–10104–10364; 124–10104–10365; 124–10104–10366; 124–10104–10367; 124–10104–10368; 124–10104–10369; 124–10104–10370; 124–10104–10371; 124–10104–10372; 124–10104–10373; 124–10104–10374; 124–10104–10375; 124–10104–10376; 124–10104–10377; 124–10104–10378; 124–10104–10379; 124–10104–10380; 124–10104–10381; 124–10104–10382; 124–10104–10383; 124–10104–10384; 124–10104–10385; 124–10104–10386; 124–10104–10387; 124–10104–10388; 124–10104–10389; 124–10104–10390; 124–10104–10391; 124–10104–10392; 124–10104–10393; 124–10104–10394; 124–10104–10396; 124–10104–10397; 124–10104–10398; 124–10104–10399; 124–10104–10400; 124–10104–10401; 124–10104–10402; 124–10104–10403; 124–10104–10404; 124–10104–10405; 124–10104–10406; 124–10104–10407; 124–10104–10408; 124–10104–10409; 124–10104–10410; 124–10104–10412; 124–10104–10413; 124–10104–10414; 124–10104–10415; 124–10104–10416; 124–10104–10418; 124–10104–10420; 124–10104–10423; 124–10104–10425; 124–10107–10042; 124–10107–10043; 124–10107–10044; 124–10107–10045; 124–10107–10046; 124–10107–10047; 124–10107–10048; 124–10107–10049; 124–10107–10050; 124–10107–10051; 124–10107–10052; 124–10107–10053; 124–10107–10054; 124–10107–10055; 124–10107–10056; 124–10107–10057; 124–10107–10058; 124–10107–10059; 124–10107–10060; 124–10107–10061; 124–10107–10062; 124–10107–10063; 124–10107–10064; 124–10107–10065; 124–10107–10066; 124–10107–10067; 124–10107–10068; 124–10107–10069; 124–10107–10070; 124–10107–10071; 124–10107–10072; 124–10107–10073; 124–10107–10074; 124–10107–10075; 124–10107–10076; 124–10107–10077; 124–10107–10078; 124–10107–10079; 124–10107–10080; 124–10107–10081; 124–10107–10082; 124–10107–10083; 124–10107–10084; 124–10107–10085; 124–10107–10086; 124–10107–10087; 124–10107–10088; 124–10107–10089; 124–10107–10090; 124–10107–10090; 124–10107–10091; 124–10107–10092; 124–10107–10093; 124–10107–10094; 124–10107–10095; 124–10107–10096; 124–10107–10097; 124–10107–10098; 124–10107–10099; 124–10107–10100; 124–10107–10101; 124–10107–10102; 124–10107–10103; 124–10107–10104; 124–10107–10105; 124–10107–10106; 124–10107–10107; 124–10107–10109; 124–10107–10110; 124–10107–10110; 124–10107–10111; 124–10107–10112; 124–10107–10113; 124–10107–10114; 124–10107–10114; 124–10107–10115; 124–10107–10117; 124–10107–10118; 124–10107–10119; 124–10107–10120; 124–10107–10121; 124–10107–10122; 124–10107–10123; 124–10107–10124; 124–10107–10125; 124–10107–10126; 124–10107–10127; 124–10107–10128; 124–10107–10129; 124–10107–10130; 124–10107–10131; 124–10107–10132; 124–10193–10230; 124–10193–10231; 124–10193–10232; 124–10193–10233; 124–10193–10234; 124–10193–10235; 124–10193–10236; 124–10193–10237; 124–10193–10238; 124–10193–10239; 124–10193–10240; 124–10193–10241; 124–10193–10242; 124–10193–10243; 124–10193–10245; 124–10193–10246; 124–10193–10247; 124–10193–10248; 124–10193–10249; 124–10193–10251; 124–10193–10252; 124–10193–10253; 124–10193–10254; 124–10193–10255; 124–10193–10256; 124–10193–10257; 124–10193–10259; 124–10193–10260; 124–10193–10261; 124–10193–10262; 124–

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10281–10149; 124–10281–10151; 124–10281–10152; 124–10281–10153; 124–10281–10154; 124–10282–10486; 124–10282–10487; 124–10282–10489; 124–10282–10492; 124–10282–10493; 124–10286–10395; 124–10286–10396; 124–10286–12397; 124–10288–10391; 124–10288–10393; 124–10288–10394; 124–10288–10396; 124–10288–10397; 124–10289–10389; 124–10289–10390; 124–10289–10391; 124–10289–10392; 124–10289–10393; 124–10289–10396; 124–10289–10397; 124–10289–10399; 124–10289–10400; 124–10289–10401; 124–10289–10402; 124–10289–10403; 124–10289–10404; 124–10289–10405; 124–10289–10406; 124–10289–10407; 124–10289–10408; 124–10289–10409; 124–10289–10411; 124–10289–10413; 124–10289–10414; 124–10289–10415; 124–10289–10416; 124–10289–10417; 124–10289–10418; 124–10289–10419; 124–10289–10422; 124–10289–10423; 124–10289–10424; 124–10289–10425; 124–10289–10426; 124–10289–10427; 124–10289–10428; 124–10289–10429; 124–10289–10430; 124–10289–10431; 124–10289–10432; 124–10289–10434; 124–10289–10435; 124–10289–10436; 124–10289–10437; 124–10289–10438; 124–10290–10433; 124–10290–10434; 124–10290–10435; 124–10290–10436; 124–10291–10196; 124–10291–10305; 124–10291–10307; 124–10291–10308; 124–10291–10309; 124–10291–10311; 124–10292–10158; 124–10292–10159; 124–10292–10160; 124–10292–10161; 124–10292–10162; 124–10292–10163; 124–10292–10163; 124–10292–10166; 124–10292–10167; 124–10292–10278; 124–10292–10280; 124–10292–10280; 124–10292–10281; 124–10292–10282; 124–10292–10285; 124–10292–10288; 124–10292–10293; 124–10292–10295; 124–10292–10297; 124–10292–10298; 124–10292–10299; 124–10292–10300; 124–10292–10301; 124–10292–10302; 124–10292–10303; 124–10296–10042; 124–10296–10043; 124–10296–10050; 124–10296–10051; 124–10296–10129; 124–10296–10132; 124–10296–10133; 124–10296–10153; 124–10296–10160; 124–10296–10161; 124–10298–10002; 124–10298–10003; 124–10298–10005; 124–10298–10007; 124–10298–10008; 124–10298–10031; 124–10298–10032; 124–10298–10033; 124–10298–10035; 124–10298–10040; 124–10298–10169; 124–10299–10004; 124–10299–10005; 124–10299–10007; 124–10299–10009; 124–10299–10010; 124–10299–10011; 124–10299–10012; 124–10299–10013; 124–10299–10014; 124–10299–10017; 124–10299–10018; 124–10299–10019; 124–10299–10020; 124–10299–10022; 124–10299–10023; 124–10299–10024; 124–10301–10000; 124–10301–10001; 124–10301–10002; 124–10301–10003; 124–10301–10078; 124–10301–10081; 124–10301–10084; 124–10301–10086; 124–10301–10094; 124–10301–10095; 124–10301–10100; 124–10301–10105; 124–10301–10112; 124–10301–10115; 124–10301–10116; 124–10301–10118; 124–10301–10119; 124–10301–10121; 124–10301–10125; 124–10301–10127; 124–10301–10129; 124–10301–10130; 124–10301–10132; 124–10301–10134; 124–10301–10135; 124–10301–10137; 124–10301–10138; 124–10301–10140; 124–10301–10141; 124–10301–10231; 124–10301–10263; 124–10301–10265; 124–10301–10269; 124–10301–10270; 124–10302–10280; 124–10302–10285; 124–10302–10286; 124–10302–10289; 124–10302–10290; 124–10302–10291; 124–10302–10292; 124–10302–10294; 124–10302–10295; 124–10302–10296; 124–10302–10297; 124–10302–10329; 124–10303–10105; 124–10303–10108; 124–10303–10109; 124–10303–10110; 124–10303–10111; 124–10303–10112; 124–10303–10114; 124–10303–10115; 124–10303–10116; 124–10303–10118; 124–10303–10119; 124–10303–10151; 124–90021–10079; 124–90021–10082; 124–90021–10091; 124–90021–10092; 124–90021–10097; 124–90021–10099; 124–90021–10101; 124–90023–10003; 124–90023–10005; 124–90023–10006; 124–90023–10007; 124–90023–10008; 124–90023–10009; 124–90023–10010; 124–90023–10011; 124–90023–10013; 124–90023–10016; 124–90023–10017; 124–90023–10018; 124–90023–10019; 124–90023–10020; 124–90023–10021; 124–90023–10022; 124–90023–10023; 124–90025–10004; 124–90025–10005; 124–90025–10005; 124–90025–10006; 124–90025–10010; 124–90025–10011; 124–90025–10017; 124–90025–10022; 124–90025–10024; 124–90025–10025; 124–90025–10026; 124–90025–10027; 124–90025–10028; 124–90025–10029; 124–90025–10030; 124–90025–10031; 124–90025–10032; 124–90025–10033; 124–90025–10034; 124–90025–10035; 124–90025–10036; 124–90025–10037; 124–90025–10038; 124–90025–10039; 124–90025–10040; 124–90025–10041; 124–90025–10042; 124–90025–10043; 124–90025–10044; 124–90025–10045; 124–90025–10046; 124–90025–10048; 124–90025–10049; 124–90025–10052; 124–90025–10058; 124–90025–10077; 124–90025–10079; 124–90025–10080; 124–90025–10090; 124–90025–10091; 124–90025–10093; 124–90025–10094; 124–90025–10100; 124–90025–10101; 124–90025–10102; 124–90025–10103; 124–90025–10104; 124–90025–10105; 124–90025–10106; 124–90025–10107; 124–90025–10108; 124–90025–10109; 124–90027–10001

After consultation with appropriate Federal agencies, the Review Board announces that the following Central Intelligence Agency records are now being opened in full:

104–10115–10030; 104–10132–10010; 104–10132–10011; 104–10132–10031; 104–10132–10068; 104–10132–10078; 104–10132–10079; 104–10132–10080; 104–10132–10081; 104–10132–10082; 104–10132–10098; 104–10132–10099; 104–10132–10103; 104–10132–10110; 104–10132–10124; 104–10132–10125; 104–10132–10153; 104–10132–10154; 104–10132–10160; 104–10132–10170; 104–10132–10177; 104–10132–10184; 104–10132–10227; 104–10132–10240; 104–10132–10242; 104–10132–10243; 104–10132–10309; 104–10132–10311; 104–10132–10313; 104–10132–10314; 104–10132–10315; 104–10132–10327; 104–10132–10328; 104–10132–10330; 104–10132–10331; 104–10132–10340; 104–10132–10341; 104–10132–10364; 104–10132–10375; 104–10132–10382; 104–10132–10384

After consultation with appropriate Federal agencies, the Review Board announces that the following House Select Committee on Assassinations records are now being opened in full:

180–10046–10292; 180–10067–10480; 180–10070–10422; 180–10070–10486; 180–10070–10489; 180–10072–10261; 180–10073–10136; 180–10074–10268; 180–10075–10054; 180–10075–10427; 180–10077–10265; 180–10077–10270; 180–10077–10462; 180–10077–10463; 180–10077–10483; 180–10077–10491; 180–10078–10367; 180–10078–10448; 180–10078–10472; 180–10084–10452; 180–10089–10316; 180–10089–10478; 180–10091–10407; 180–10091–10475; 180–10092–10308; 180–10093–10060; 180–10095–10262; 180–10095–10289; 180–10095–10332; 180–10095–10418; 180–10096–10048; 180–10096–10079; 180–10096–10099; 180–10096–10462; 180–10097–10224; 180–10097–10486; 180–10098–10327; 180–10099–10444; 180–10100–10127; 180–10101–10019; 180–10101–10160; 180–10101–10307; 180–10101–10419; 180–10102–10076; 180–10102–10096; 180–10103–10174; 180–10103–10174; 180–10103–10175; 180–10103–10176; 180–10103–10177; 180–10103–10178; 180–10103–10179; 180–10103–10180; 180–10103–10181; 180–10103–10182; 180–10103–10183; 180–10103–10184; 180–10103–10185; 180–10103–10186; 180–10103–10187; 180–10103–10188; 180–10103–10189; 180–10103–10190; 180–10103–10191; 180–10103–10192; 180–10103–10193; 180–10103–10194; 180–10103–10195; 180–10103–10196; 180–10103–10197; 180–10103–10198; 180–10103–10199; 180–10103–10200; 180–10103–10201; 180–10103–10202; 180–10103–10203; 180–10103–10204; 180–10103–10205; 180–10103–10207; 180–10103–10208; 180–10103–10209; 180–10103–10210; 180–10103–10211; 180–10103–10213; 180–10103–10214; 180–10103–10215; 180–10103–10216; 180–10103–10217; 180–10103–10218; 180–10104–10290; 180–10104–10293; 180–10104–10411; 180–10105–10158; 180–10105–10160; 180–10105–10251; 180–10105–10253; 180–10105–10258; 180–10105–10259; 180–10105–10260; 180–10105–10261; 180–10105–10262; 180–10105–10265; 180–10105–10266; 180–10105–10267; 180–10105–10269; 180–10105–10289; 180–10105–10311; 180–10105–10311; 180–10105–10326; 180–10105–10466; 180–10106–10020; 180–10106–10460; 180–10107–10483; 180–10107–10485; 180–10107–10491; 180–10107–10494; 180–10107–10497; 180–10108–10063; 180–10108–10068; 180–10108–10074; 180–10108–10075; 180–10108–10080; 180–

10108–10229; 180–10110–10069; 180–10112–10438; 180–10112–10472; 180–10113–10415; 180–10113–10417; 180–10113–10418; 180–10115–10026; 180–10115–10027; 180–10115–10030; 180–10115–10031; 180–10115–10032; 180–10115–10034; 180–10115–10036; 180–10115–10037; 180–10115–10038; 180–10115–10039; 180–10115–10040; 180–10115–10042; 180–10115–10043; 180–10115–10052; 180–10115–10060; 180–10115–10067; 180–10115–10119; 180–10116–10096; 180–10117–10038; 180–10125–10173

After consultation with appropriate Federal agencies, the Review Board announces that the following Johnson Library records are now being opened in full:

177–10001–10038; 177–10001–10066; 177–10001–10084; 177–10001–10085; 177–10001–10090; 177–10001–10092; 177–10001–10095; 177–10001–10103; 177–10001–10112; 177–10001–10123; 177–10001–10124; 177–10001–10125; 177–10001–10131; 177–10001–10133; 177–10001–10136; 177–10001–10140; 177–10001–10299; 177–10001–10300; 177–10001–10311; 177–10001–10312; 177–10001–10313; 177–10001–10314; 177–10001–10316; 177–10001–10317; 177–10001–10318; 177–10001–10319; 177–10001–10325; 177–10001–10327; 177–10001–10343; 177–10001–10351; 177–10001–10386; 177–10001–10392; 177–10001–10442; 177–10001–10443; 177–10001–10446; 177–10001–10452; 177–10001–10457; 177–10001–10461; 177–10001–10463; 177–10001–10467; 177–10001–10477; 177–10001–10479; 177–10001–10480; 177–10001–10490; 177–10001–10497; 177–10002–10007; 177–10002–10013; 177–10002–10018; 177–10002–10024; 177–10002–10028; 177–10002–10029; 177–10002–10030; 177–10002–10031; 177–10002–10041; 177–10002–10059; 177–10002–10060; 177–10002–10065; 177–10002–10066; 177–10002–10082; 177–10002–10091

After consultation with appropriate Federal agencies, the Review Board announces that the following U.S. Army record is now being opened in full:

194–10003–10334

Dated: February 26, 1998.

T. Jeremy Gunn,

Executive Director.

[FR Doc. 98–6440 Filed 3–12–98; 8:45 am]

BILLING CODE 6118–01–P

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Agency Information Collection Activities Under OMB Review

AGENCY: Barry Goldwater Scholarship and Excellence in Education Foundation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (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 review and comment. The ICR describes the nature of the information and its expected cost and burden.

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

FOR FURTHER INFORMATION CONTACT: Gerald J. Smith, (703) 756–6012; FAX: (703) 756–6015; E-mail: *goldh2o@erols.com*.

SUPPLEMENTARY INFORMATION:

Title: Goldwater Scholarship Payment Request form (OMB NO. 3019–0001). This is a request for an extension of a currently approved information collection.

Abstract: Public Law 99–166 authorizes The Goldwater Foundation to conduct an annual nationwide undergraduate scholarship competition for students pursuing careers in mathematics, the natural sciences and engineering. This Information Collection Form is used by the Foundation to verify a Goldwater Scholarship recipient's academic standing and to authorize the disbursement of funds to the Scholar each term.

The Foundation uses this form to ensure that only authorized expenses are requested and to avoid the duplication of other scholarship funding, which is prohibited. Less frequent collection of this information would not allow the Foundation to verify a Scholar's academic and financial status as required, each term. Further, less frequent collection would cause the Foundation to expend funds sooner than would be fiscally responsible, since all funds are interest bearing until expended. Data Collected Include: Current School and Home addresses; Current cost of tuition, fees, books, room and board and additional expenses: list of other scholarships and verification signatures of the Scholar, academic and financial aid officers.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on October 6, 1997 (62 FR 52084).

Burden Statement: The estimated public reporting burden for this collection of information is 45 minutes per respondent semi-annually. This estimate includes the time for reviewing instructions, inserting data and acquiring necessary signatures.

Respondents/Affected Entities: Those affected by this action include Goldwater Scholars, their respective Academic and Financial Aid Officers and the Goldwater Staff.

Estimated Number of Respondents: 400.

Responses: 2 per school year.

Estimated Total Annual Burden on Respondents: 600 hours per year.

Recordkeepers: 2.

Total Burden Hours: 200.

Send comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden to the following addresses: Gerald J. Smith, President, Barry Goldwater Scholarship and Excellence in Education Foundation, 6225 Brandon Avenue, Suite 315, Springfield, VA 22150–2519 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Education, 725 17th Street, NW., Washington, DC 20503.

Dated: March 2, 1998.

Gerald J. Smith,

President.

[FR Doc. 98–6439 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–AK–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 13, 1998.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.
2. The action does not appear to have a severe economic impact on current contractors for the commodities.
3. The action will result in authorizing small entities to furnish the commodities to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Office and Miscellaneous Supplies

(Requirements for the GSA Supply Center, Norfolk, Virginia)

NPA: Virginia Industries for the Blind, Richmond, Virginia at its facility in Charlottesville, Virginia

Pen, Push Cap, Black
M.R. 019

NPA: West Texas Lighthouse for the Blind, San Angelo, Texas

Sling, F/M4 Carbine
1005–01–368–9852

NPA: Susquehanna Association for the Blind and Visually Impaired, Lancaster, Pennsylvania

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action does not appear to have a severe economic impact on future contractors for the commodities and services.
3. The action will result in authorizing small entities to furnish the commodities and services to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

Door Knob Conversion Kit

5340–01–392–6940
5340–01–392–6941
5340–01–392–6944
5340–01–392–6945
5340–01–394–3872
5340–01–392–6943
5340–01–392–6942
5340–01–392–6949
5340–01–395–2928
5340–01–392–6951
5340–01–392–6946
5340–01–392–6950
5340–01–392–6948
5340–01–392–6947
5340–01–392–6954
5340–01–392–6955
5340–01–392–6953
5340–01–392–6958
5340–01–392–6952
5340–01–392–6956
5340–01–392–6959
5340–01–392–6957
5340–01–392–6960
5340–01–392–6962
5340–01–392–6963
5340–01–392–6961
5340–01–394–3873
5340–01–392–6967
5340–01–393–8586
5340–01–393–8585
5340–01–393–8587
5340–01–393–8588
5340–01–393–8589
5340–01–393–8590
5340–01–393–8591
5340–01–394–0238
5340–01–394–0239
5340–01–394–0237
5340–01–394–0240
5340–01–394–3874
5340–01–394–0241
5340–01–394–0242
5340–01–394–0244
5340–01–394–0243
5340–01–391–3805
5340–01–391–8170
5340–01–394–0246
5340–01–394–0247
5340–01–394–7991
5340–01–394–7992
5340–01–394–7994
5340–01–394–7996
5340–01–394–7993
5340–01–394–7995
5340–01–395–1173
5340–01–394–0245

Services

Commissary Shelf Stocking & Custodial
Fort Hamilton, New York

Grounds Maintenance
Naval and Marine Corps Reserve Center, Dayton, Ohio

Janitorial/Custodial
Valley Grove AMSA, Valley Grove, West Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–6518 Filed 3–12–98; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: April 13, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On January 16, 23 and 30, 1998, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (63 FR. 2659, 3535 and 4624) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed

below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Grounds Maintenance

Credit Union, Building 2680, Edwards Air Force Base, California

Janitorial/Custodial

U.S. Coast Guard Air Station, Sitka, Alaska

Janitorial/Custodial

C.W. Whittlesey U.S. Army Reserve Center, 200 Barker Road, Pittsfield, Massaschusetts

Janitorial/Custodial

Buildings 1000, 1001, 1002, 20129, 20130, 20168, 20200, 20201, 20206, 20227, 20228, 20375, 20405, 20410, 20412, 20414, 20420, 20449, 20451, 20600, 20673, 20674, 20675, 20676, 20678–20683, 20687, 20707, 48025, 57001, 57011, 66001, 66006, 66014, 66017, 66029, 66041, 66047, 66049, 66071, 20202D, 20451A–J and 20602AB, Kirtland Air Force Base, New Mexico

Janitorial/Custodial

Buildings 201, 381, 460, 467, 482, 585, 605, 617, 618, 619, 702, 760, 760–3, 762, 763, 765, 916, 926, 945, 996, 1010, 1013, 1015, 1025, 1032, 1037, 1048, 1049, 7906, 20216, 20219, 20220, 20226, 20234, 20360—20364, 20369, 20724, 20749, 20752, 20754, 22004, 27494, 30117, 30134 and 30136, Kirtland Air Force Base, New Mexico

Laundry Service

Medical Clinics (BMC NS, NAS), San Diego, California

Library Services

Travis Air Force Base, California

Locator Operator

Department of Housing and Urban Development, Washington, DC

Switchboard Operation

Veterans Affairs Medical Center, 5901 East Seventh Street, Long Beach, California

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Cloth, Filter
8305–LL–N01–7278

(Requirements for the Naval Supply Center, Puget Sound, WA)

Cloth, Wiping 6532–LL–N83–0490
6532–LL–N83–0491

(Requirements for the Norfolk Naval Shipyard, Portsmouth, VA)

7920–LL–L01–0013
7920–LL–L01–0014

(Requirements for Portsmouth Naval Shipyard, Portsmouth, NH)

7920–LL–L03–6103
7920–LL–L03–6134

(Requirements for Pearl Harbor Naval Shipyard, Pearl Harbor, HI)

7930–00–NSH–0003
7930–00–NSH–0004
7930–00–NSH–0005

(Requirements for the Naval Supply Center, Charleston, SC)

7930–LL–C00–3782
7930–LL–C00–2768

(Requirements for the Mare Island Naval Shipyard, Vallejo, CA)

Napkin, Paper
8540–00–149–1601

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–6519 Filed 3–12–98; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 12–98]

Foreign-Trade Zone 125—South Bend, Indiana; Application for Foreign-Trade Subzone Status: Bayer Corporation (Aspirin Products), Elkhart, Indiana

Application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Joseph County Airport Authority, grantee of FTZ 125, requesting special-purpose subzone status for the pharmaceutical manufacturing facility (aspirin products) of Bayer Corporation (Bayer), located in Elkhart, Indiana. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 4, 1998.

The Bayer facility (1 building/333,194 sq. ft.) is located at 1884 Miles Avenue in Elkhart (St. Joseph County), Indiana. The facility (400 employees) is used for the manufacture of over-the-counter cold medicines and antacid products containing aspirin. The primary material input is bulk aspirin—ortho-acetylsalicylic acid (HTSUS 2918.22.10), which the company currently purchases from a domestic source. Bayer is now planning to purchase bulk aspirin from abroad (up to some 450,000 kg./yr.).

Zone procedures would enable Bayer to choose the lower duty rate that applies to the finished products (duty-free) instead of the duty rate that would otherwise apply to foreign bulk aspirin (duty rate—8.7%). The application indicates that the savings from zone procedures would help improve the plant's competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 12, 1998. Rebuttal comments in response to material

submitted during the foregoing period may be submitted during the subsequent 15-day period to May 27, 1998. A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce Export Assistance Center 55 West Monroe St., Suite 2440, Chicago, Illinois 60603.

Dated: March 16, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–6564 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 11–98]

Foreign-Trade Zone 147—Reading, Pennsylvania; Application for Foreign-Trade Subzone Status: Bayer Corporation (Aspirin Products), Myerstown, Pennsylvania

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone Corporation of Southeastern Pennsylvania, grantee of FTZ 147, requesting special-purpose subzone status for the pharmaceutical manufacturing facility (aspirin products) of Bayer Corporation (Bayer), located in Myerstown, Pennsylvania. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 4, 1998.

The Bayer facility (2 buildings/177,000 sq. ft.) is located at 410 West Stoever Avenue in Myerstown (Lebanon County), Pennsylvania. The facility (175 employees) is used for the manufacture of over-the-counter aspirin products. The primary material input is bulk aspirin—ortho-acetylsalicylic acid (HTSUS 2918.22.10), which the company currently purchases from a domestic source. Bayer is now planning to purchase bulk aspirin from abroad (up to some 950,000 kg./yr.).

Zone procedures would enable Bayer to choose the lower duty rate that applies to the finished products (duty-free) instead of the duty rate that would otherwise apply to foreign bulk aspirin (duty rate—8.7%). The application indicates that the savings from zone procedures would help improve the plant's competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 21, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 27, 1998. A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce Export Assistance Center, 615 Chestnut St., Suite 1501, Philadelphia, Pennsylvania 19106.

Dated: March 6, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–6563 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Circular Welded Non-Alloy Steel Pipe From Mexico; Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

EFFECTIVE DATE: March 13, 1998.

SUMMARY: On January 26, 1998, the Department of Commerce (''the Department'') published in the **Federal Register** (63 FR 3702), a notice announcing the initiation of an administrative review of the antidumping duty order on Circular Welded Non-Alloy Steel Pipe from Mexico. This review covered the period November 1, 1996 through October 31, 1997. This review has now been rescinded as a result of the withdrawal of the request for review of subject merchandise during the period of review.

FOR FURTHER INFORMATION CONTACT: Stephanie Tolson or Helen Kramer, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482–2312 or 482–0405, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 1997, Hylsa, S.A.de C.V. (Hylsa) requested a review of its sales that were subject to the antidumping duty order on Circular Welded Non-Alloy Steel Pipe from Mexico during the period November 1, 1996 through October 31, 1997. On February 27, 1998, in accordance with Section 351.213(d)(1) of the Department's regulations, Hylsa withdraw the request for a review of these sales.

Given that the request was received within 90 days of initiation, the Department has determined that it would be reasonable to grant the withdrawal at this time. Therefore, in accordance with 353.213(d) of the Department's regulations, the Department is rescinding this administrative review.

This administrative review is being rescinded in accordance with Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and Section 351.213(d)(1) of the Department's regulations.

Dated: March 9, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 98–6549 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–840]

Manganese Metal From the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of the administrative review of the antidumping duty order on manganese

metal from the People's Republic of China.

SUMMARY: On Friday November 7, 1997 the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on manganese metal from the People's Republic of China. The period of review is June 14, 1995 through January 31, 1997.

Based on our analysis of comments received, we have made changes to the margins calculated in the preliminary results, including corrections of certain clerical errors. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins are listed below in the section entitled ''Final Results of Review.''

We have determined that sales have been made below normal value during the period of review. Accordingly, we will instruct the US Customs Service to assess antidumping duties based on the difference between export price and normal value.

EFFECTIVE DATE: March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Greg Campbell or Cynthia Thirumalai, Antidumping/Countervailing Duty Enforcement, Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–2239 or (202) 482–4087, respectively.

APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, all references to the Department's regulations are to 19 CFR Part 353 (April 1997).

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1997, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on manganese metal from the People's Republic of China (''PRC''). See Manganese Metal from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review, 62 FR 60226 (November 7, 1997) (''Preliminary Results''). We gave interested parties an opportunity to comment on our preliminary results and held a public hearing on November 19, 1997. The following parties submitted comments: Elkem Metals Company and Kerr-McGee Chemical Corporation (together comprising the ''petitioners''), and China Hunan International Economic Development Corporation (''HIED'') and China Metallurgical Import & Export Hunan Corporation/ Hunan Nonferrous Metals Import & Export Associated Corporation (''CMIECHN/CNIECHN'') (together comprising the ''respondents''). We have conducted this administrative review in accordance with section 751(a)(1) of the Act and 19 CFR 353.22.

Scope of Review

The merchandise covered by this review is manganese metal, which is composed principally, by weight, of manganese, but also contains some impurities such as carbon, sulfur, phosphorous, iron and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this administrative review, including metal flake, powder, compressed powder, and fines. The subject merchandise is currently classifiable under subheadings 8111.00.45.00 and 8111.00.60.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Rescission

The Department received responses from Minmetals Precious & Rare Minerals Import & Export Co. (''Minmetals'') and China National Electronics Import and Export Hunan Company (''CEIEC'') indicating that they had not shipped any subject merchandise during the POR. We confirmed with the US Customs Service that this was correct. Consistent with our administrative practice, therefore, we have rescinded our review of Minmetals and CEIEC. See Certain Cased Pencils from the People's Republic of China; Preliminary Results and Partial Rescission of Antidumping Administrative Review, 62 FR 1734 (January 13, 1997) (rescinded review in part with respect to the respondents which the Department determined had made no shipments of subject merchandise during the POR). See also 19 CFR 351.213(d)(3), 62 FR 27296 (May 19, 1997) (although this review is not governed by these new regulations, they do reflect current Department practice.).

Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy (''NME'') countries a single rate unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588, (May 6, 1991) (''Sparklers''), as amplified in the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (''Silicon Carbide''). Evidence supporting, though not requiring, a finding of de jure absence of government control over export activities includes: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. See Sparklers at 20589. A de facto analysis of absence of government control over exports is based on four factors—whether the respondent: (1) sets its own export prices independent from the government and other exporters; (2) can retain the proceeds from its export sales; (3) has the authority to negotiate and sign contracts; and (4) has autonomy from the government regarding the selection of management. See Silicon Carbide at 22587, and Sparklers at 20589.

In our final determination in the investigation of sales at less than fair value (''LTFV''), the Department determined that there was de jure and de facto absence of government control of each company's export activities and determined that each company warranted a company-specific dumping margin. See Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China, 60 FR 56045 (February 6, 1996) (''LTFV investigation''). For this period of review, HIED and CMIECHN/CNIECHN have responded to the Department's request for information regarding separate rates. We have found that the evidence on the record is consistent with the final determination in the LTFV investigation and continues to demonstrate an absence of government

control, both in law and in fact, with respect to their exports, in accordance with the criteria identified in Sparklers and Silicon Carbide.

Export Price

For sales made by HIED and CMIECHN/CNIECHN to the United States, we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States and a constructed export price (''CEP'') methodology was not warranted.

We calculated the export price based on the price to unrelated purchasers in the United States. Where appropriate we deducted an amount for foreign inland freight, ocean freight, and marine insurance. Generally, these costs were valued in the surrogate country. However, where transportation services were purchased from market economy carriers and paid for in market economy currency, we used the cost actually incurred by the exporter.

Normal Value

1. Non-Market Economy Status

For companies located in NME countries, section 773(c) (1) of the Act provides that the Department shall determine normal value (''NV'') using a factors of production methodology if (1) the merchandise is exported from an NME country, and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

The Department has treated the PRC as an NME country in all previous antidumping cases. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is a NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding has contested such treatment in this review. Furthermore, available information does not permit the calculation of NV using home market prices, third country prices or constructed value (''CV'') under section 773(a) of the Act. Therefore, we treated the PRC as an NME country for purposes of this review, and calculated NV by valuing the factors of production in a market economy country at a comparable level of economic development and which is a significant producer of comparable merchandise. Factors of production include, but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital cost, including depreciation. See Section 773(c)(3) of the Act.

2. Surrogate Country

In accordance with section 773(c)(4) of the Act and 19 CFR 353.52(c), we determined that India is comparable to the PRC in terms of (1) per capita gross national product (''GNP''), (2) the growth rate in per capita GNP, and (3) the national distribution of labor. In addition, India is a significant producer of ferromanganese, which for this proceeding the Department has determined to be comparable merchandise. Therefore, for this review we have selected India as the surrogate country on the basis of the above criteria, and have used publicly available information relating to India, unless otherwise noted, to value the various factors of production. See Memorandum to Susan Kuhbach, Nonmarket Economy Status and Surrogate Country Selection, May 28, 1997 (attached to June 25, 1997 letters to interested parties), and Memorandum to Richard W. Moreland, From the Team, October 24, 1997. (A public version of all documents on the record cited in this notice can be obtained from the Central Records Unit (room B099 of the main Department of Commerce building).)

3. Factors of Production

For purposes of calculating NV, we valued PRC factors of production, in accordance with section 773(c)(1) of the Act. In examining surrogate values, where possible we selected the publicly available value which was: (1) An average non-export value; (2) representative of a range of prices within the period of review (''POR'') or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive. Where we could not obtain a POR-representative price for an appropriate surrogate value, we selected a value in accordance with the remaining criteria mentioned above and which was the closest in time to the POR. For a more detailed explanation of the methodology used in calculating the various surrogate values, see Memorandum to the File, From the Case Team, Calculations for the Final Determination, March 9, 1998. In accordance with this methodology, we have valued the factors as described below.

We valued manganese ore using a September 1993 export price quote from a Brazilian manganese mine for manganese carbonate lump ore (see Comment 3). While it is our normal practice to apply an inflation adjustment to prices predating the period of review, information on the record indicates that prices for world-traded manganese ore have fallen over time. Therefore, we adjusted the price to account for declining manganese ore world prices between September 1993 and the POR.

For the value of process chemicals used in the production process of manganese metal, we used values obtained from the following Indian sources: Indian Chemical Weekly (June 1995–May 1996); the Monthly Trade Statistics of Foreign Trade of India, Volume II—Imports, (February 1996); and the 1995 Indian Minerals Yearbook (''IMY''). Where necessary, we adjusted these values to reflect inflation up to the POR using an Indian wholesale price index (''WPI'') published by the International Monetary Fund (IMF). Additionally, we adjusted these values, where appropriate, to account for differences in chemical content and to account for freight costs incurred between the suppliers and manganese metal producers.

To value the labor input, we used data from the 1996 Yearbook of Labor Statistics (''YLS'') published by the United Nations. We adjusted these rates to reflect inflation up to the POR using an Indian consumer price index (''CPI'') published by the IMF. We used the CPI, rather than the WPI, for calculating the inflation adjustment to labor because the Department views the CPI as more representative of changes in wage rates, while the WPI is more representative of prices for material goods. See Heavy Forged Hand Tools From the People's Republic of China; Final Results of Antidumping Duty Administrative Reviews, 62 FR 11813, 11816 (March 13, 1997).

For selling, general, and administrative expenses (SG&A), factory overhead, and profit values, we used information from the January 1997 Reserve Bank of India Bulletin for the Indian industrial grouping ''Processing and Manufacturing: Metals, Chemicals, and Products Thereof.'' To value factory overhead, we calculated the ratio of factory overhead expenses to the cost of materials, labor, and energy. From the same source, we were able to calculate the selling, general & administrative (SG&A) expense as a percentage of the cost of manufacturing, and profit as a percentage of the cost of production (*i.e.*, the cost of manufacturing plus SG&A).

For most packing materials values, we used the per kilogram values obtained from the Indian Import Statistics. For one particular packing material, we

used a price quote from an Indian manufacturer and adjusted the value to reflect inflation up to the POR using the WPI published by the IMF. We used this price quote rather than the Indian Import Statistics because the quoted price was for the appropriate type of container used, whereas the Indian Import Statistics were aggregated over various types of containers. We made further adjustments to account for freight costs incurred between the PRC supplier and manganese metal producers.

To value electricity, we used the average rate applicable to large industrial users throughout India as reported in the 1995 Confederation of Indian Industries Handbook of Statistics. We adjusted the March 1, 1995 value to reflect inflation up to the POR using the WPI published by the IMF.

To value rail freight, we relied upon rates quoted by a manganese mine in India. We adjusted the rate to reflect inflation up to the POR using WPI published by the IMF. To value truck freight, we used a rate derived from a newspaper article in the April 20, 1994 issue of The Times of India. We adjusted the rate to reflect inflation up to the POR using WPI published by the IMF.

Changes Subsequent to Preliminary Results

The Department has made the changes indicated below to its margin calculations pursuant to comments received from interested parties. We note that because business proprietary treatment was requested by the respondents for certain factor inputs, these inputs will be referred to in the discussion below only as ''Factor A,'' ''Factor B,'' ''Factor C,'' etc. A key to this naming convention is provided in an attachment to the Memorandum to the File, From the Case Team, Calculations for the Final Determination (March 9, 1998).

Rather than using the 82–84% MnO2 ore series listed in the 1995 Indian Minerals Yearbook, we are now using an ore price submitted by the respondents from an Indian ore producer to value ''Factor B.''

In the Preliminary Results, we considered the expense items ''provident fund'' and ''employee welfare expense,'' as taken from the Reserve Bank of India Bulletin, to be part of factory overhead. Following previous Department decisions, however, in these Final Results we have determined that these expenses are included in the direct labor costs. Consequently, these expenses have been excluded from the components of factory overhead.

We have changed the conversion factor used in converting liters to cubic centimeters in the calculation of the per unit cost of packing material ''Factor L.'' The conversion factor used in the preliminary results was incorrect.

Analysis of Comments Received

We received comments from interested parties regarding the following topics:

1. Valuation of Factors of Production
   (a) Ore
   (b) Electricity
   (c) Labor
   (d) Chemicals
   (e) Overhead, SG&A and Profit
   (f) Packing
2. Valuation of By-product Credit
3. Combined Rates

Summaries of the comments and rebuttals, as well as the Department's responses to the comments, are included below. For a more in-depth analysis of the various surrogate options see Memorandum to Richard W. Moreland, From the Manganese Metal Team, (October 24, 1997).

1. Valuation of Factors of Production

(a) Ore Valuation

Comment 1: The petitioners argue that a price provided by Sandur Manganese & Iron Ores Ltd. (''Sandur'') for a manganese ore with 46–48% contained manganese is the best ore surrogate because this ore can be used to make manganese metal, its manganese-to-iron ratio is very close to that of the ore actually used by the respondents (''PRC ore''), and it represents a domestic Indian transaction price.

The respondents contend that the Sandur ore is not chemically comparable to that ore actually used by the PRC producers because of the very significant difference in the manganese contents between the two. The respondents cite information on the record indicating that manganese content is a more important determinant of ore price than the manganese-to-iron ratio.

Department's Position: The Department disagrees with the petitioners' contention that the Sandur price is the best ore surrogate option available. Information provided by the manganese industry expert at the US Geological Survey (the ''Department's expert'') indicates that manganese content is generally a more important determinant of ore prices than the manganese-to-iron ratio. See Memorandum to the File, From the Team, (October 14, 1997). Furthermore, according to the Department's expert, adjustments to ore prices to account for differences in the manganese contents of the PRC and surrogate ores would be reasonable only if the differences were small. The magnitude of difference in manganese contents between the PRC and Sandur ores suggests that the price of the latter is not representative of the value of the PRC ore. Moreover, the record is not explicit as to whether the Sandur price quote is an export price quote or a domestic price. For these reasons, the Department does not consider the Sandur ore price to be the best available surrogate in this review.

Comment 2: The respondents argue in favor of using a domestic Indian price for an ore produced by a certain Indian manganese ore producer (''Producer X''). This price is the most suitable ore surrogate value, the respondents maintain, because the ore from Producer X has a manganese content very similar to that of the PRC ore. The respondents cite expert testimony on the record that this particular ore could theoretically be used to produce manganese metal. The petitioners counter, citing other expert testimony on record, that Producer X's ore is an unsuitable surrogate because its low manganese-to-iron ratio as well as certain other chemical features would prevent it from being used in manganese metal manufacture.

Department's Position: We disagree with the respondents' contention that the ore from the Indian Producer X is the best possible surrogate for the primary ore input in this review. Information on the record from the Department's expert indicates that ore in India with a similar manganese content as that of Producer X's ore is generally not used as the primary ore input in manganese metal production for reasons pertaining to the ore's chemistry. See Memorandum to the File, From Daniel Lessard, May 3, 1995 (included in the record of this review as an attachment to the October 10, 1997 Memorandum to the File, From the Team). The expert's opinion is further confirmed by information contained in the 1995 Indian Minerals Yearbook (''IMY''), which indicates that both the manganese content and the manganese-to-iron ratio of Producer X's ore fall below those of a range of standardized specifications for ore used in Indian ferromanganese manufacture. Moreover, the manganese content of the Brazilian surrogate used by the Department is closer to that of the PRC ore than the content of Producer X's ore. The Department also notes that the manganese-to-iron ratio of ore from Producer X is significantly below the minimum threshold argued by the

petitioners as necessary for producing manganese metal.

Comment 3: The petitioners argue that the surrogate ore must be similar to the PRC ore, most importantly with regard to its manganese-to-iron ratio, so that adjustments would not have to be made to other quantitative inputs. The petitioners continue, however, that though chemically similar to the PRC ore, the Brazilian ore value used by the Department is not the best surrogate choice because (1) Brazil is not among the Department's list of eligible surrogate countries for the PRC, (2) the Brazilian value represents an export price, which in the past the Department has considered less preferable to a domestic price because the exported ore may benefit from subsidies, (3) the value is a single price observation rather than an average value over a period of time, and (4) the price does not reflect a mine-mouth ore price and is therefore not representative of the PRC producers' ore costs.

The respondents argue that the Brazilian ore price is an unsuitable surrogate value because it exceeds the value of high-grade Indian peroxide ore listed in the *IMY* which the Department's expert argued would itself overstate the value of the PRC ore. Moreover, the manganese-to-iron ratio of the Brazilian ore price is almost double the minimum argued by the petitioners. The petitioners counter that the respondents are wrong, as a point of fact, and that the record clearly indicates that both the Brazilian ore value used by the Department in its preliminary results and the Sandur ore price recommended by the petitioners are significantly lower on an MTU basis (*i.e.*, per percent of contained manganese) than the high grade Indian peroxide ore.

Department's Position: The Department disagrees with both the petitioners and the respondents. In considering the totality of evidence on record and in weighing the relative merits of all the surrogate options, the Department maintains that the Brazilian ore best reflects the physical and chemical characteristics of the PRC ore and, thus, best reflects the value of the PRC ore.

With regard to the petitioners' first specific objection to the Brazilian ore as enumerated above, while it is true the Department's preference is to use surrogate values from a country it has deemed to be at a level of economic development comparable to that of the non-market economy involved, the Act states that the Department must only do so ''to the extent possible.'' *See* section 773(c)(4) of the Act. Section 773(c)(1) of the Act further states that, ''the valuation of the factors of production shall be based on the best available information regarding values of such factors in a market economy country or countries considered appropriate by the administering authority.'' In the past, in proceedings where the facts on record indicate that the Department's usual practice would not permit the accurate valuation of a factor input, the Department has chosen surrogates from countries not included among the Department's list of potential surrogate countries. See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils from the People's Republic of China, 59 FR 55625 (November 8, 1994) (''Pencils'').

After careful consideration of the information submitted in this review by both the petitioners and the respondents, as well as information resulting from the Department's own research, we have determined that none of the proposed Indian ore prices represents the best surrogate for the PRC ore available in this review. In making this decision we have taken into account *inter alia* the fact that there is no consensus among the petitioners and the respondents regarding the suitability of any of the Indian ore surrogate choices. Each party has submitted a considerable amount of evidence and expert opinion detailing why every one of the other party's proposed Indian surrogate is inappropriate on grounds of either price or chemical comparability.

The proposed Brazilian ore surrogate, however, falls within the criteria for comparability advocated by both sides. The manganese content of the Brazilian ore is even closer to that used by the PRC producers than the Indian surrogate advocated by the respondents, while the manganese-to-iron ratio is above the minimum necessary, as the petitioners argue it should be, for the ore to be useable in manganese metal manufacture. Moreover, with regard to a certain unique chemical feature, the Brazilian ore is of the same type as the PRC ore, whereas none of the potential Indian surrogates is of this type. Information on the record indicates that certain unique aspects of the respondents' manufacturing process and, consequently, the respondents' costs of production are contingent on the use of ore with this particular chemical feature.

Regarding the petitioners' second objection, it is correct that the Department has generally not chosen to use for a surrogate value an export price from a country which maintains non-specific export subsidies, or subsidies specific to the factor in question. We note however, that the Department has the discretion to use such a factor where appropriate.

The petitioners have cited the 1997 National Trade Estimate on Foreign Trade Barriers (USTR), which indicates that the government of Brazil offers a variety of tax and tariff incentives to encourage production of exports. The one export subsidy program identified explicitly in that report is Brazil's export credit program known as PROEX.

The Department first notes that the Brazilian price quote was for exports of manganese ore to the United States. In the course of its investigations into subsidies in other cases of Brazilian exports to the United States, the Department has identified certain export subsidies schemes in Brazil. However, in all the cases reviewed these programs have been deemed by the Department either to have been not in use at the time, terminated altogether, or of such a small magnitude as to confer only a *de minimis* or minimal benefit. See, e.g., Final Results of Countervailing Duty Administrative Review: Certain Castor Oil Products from Brazil, 60 FR 20478 (April 26, 1995); Cotton Yarn from Brazil; Preliminary Results of Countervailing Duty Administrative Review 59 FR 68 (January 3, 1994); Certain Agricultural Tillage Tools from Brazil; Final Results of Countervailing Duty Administrative Review, 60 FR 48692 (September 20, 1995); Final Affirmative Countervailing Duty Determination: Certain Hot Rolled Lead and Bismuth Carbon Steel Products from Brazil, 58 FR 6213 (January 27, 1993). PROEX, in particular, is among the programs the Department determined were not in use. In the two Brazilian countervailing cases involving iron ore and iron ore pellets, the Department determined that iron ore, a mineral extraction industry like manganese ore, was not eligible to participate in the PROEX (or its predecessor FINEX) program, which is available only to producers of ''manufactured'' products. See Pig Iron from Brazil; Preliminary Results of Countervailing Duty Administrative Review, 58 FR 6246 (January 27, 1993) and Final Affirmative Countervailing Duty Determination; Iron Ore Pellets from Brazil, 51 FR 21961, 21964 (June 17, 1986). For these reasons, the Department has determined that the merits of using the Brazilian ore price outweigh concerns over Brazilian export subsidies and, consequently, that an exception to the Department's more general practice of not using export prices as surrogate values is appropriate in this case.

Addressing the petitioners' point that the Brazilian price is for an individual transaction, information on the record indicates that prices for globally-traded manganese ore are usually set on an annual contract basis. It is therefore reasonable to assume that the September 1993 Brazilian price quote represents a price which was in effect at least over several months rather than a stand-alone spot price.

Finally, in their fourth objection to the Brazilian ore, the petitioners imply that there is significant variation in the price of a given ore, on an MTU, ex-mine basis, arising from differences in the distance over which the ore must be transported. However, information on the record provided by the Department's expert indicates that prices for relatively high-quality ore—which, the petitioners have argued, any ore useable in manganese metal production (including the Brazilian ore series) must be—are largely uniform worldwide. There is no significant bifurcation of the market for higher-grade ores. Consequently, the Brazilian export price, adjusted for inland transportation, is a reasonable surrogate value for the PRC ore at the mine-mouth.

Turning to the respondents' arguments, the Department disagrees with the respondents' assertion that the Brazilian ore price is higher than the prices of the peroxide ores listed in the *IMY*. Rather, on an ex-mine, $/MTU basis the Brazilian value is less than two-thirds that of the lowest-cost Indian peroxide ore (*i.e.*, 82–84% MnO2). See Exhibit B of Memorandum to the File, From the Team, Calculations for the Preliminary Determination of the First Administrative Review of the Antidumping Duty Order on Manganese Metal from the People's Republic of China (October 31, 1997). Moreover, the respondents have argued that manganese content is the largest determinant of ore prices and, therefore, surrogate suitability. The Department notes that the manganese content of the Brazilian ore is more comparable to that used by the PRC producers than the respondents' proposed ore surrogate from Producer X.

For all these reasons, the Department has decided that none of the possible Indian ore surrogates would allow for the accurate valuation of the PRC ore. Consequently, we are continuing to use the Brazilian ore price for the purposes of the Final Results.

Comment 4: The petitioners argue that the Department's adjustment to the 1993 Brazilian ore price to make it contemporaneous with the POR was incorrect. According to the petitioners, the Brazilian ore is more properly treated as a domestically traded ore influenced by local conditions. The correct adjustment methodology, the petitioners therefore contend, would be to adjust the 1993 Brazilian price (restated in Reals/MTU) by the change in the Brazilian wholesale price index between September 1993 and the POR, and then convert this adjusted price into US dollars using the POR exchange rate.

Department's Position: The Department disagrees with the petitioners' proposed method of adjustment. The petitioners have argued that only relatively higher-quality ore can be used in manganese metal manufacture, and they have also noted that the Brazilian ore appears to be suitable for use in the production of manganese metal. We can reasonably conclude, therefore, that the Brazilian ore is a higher-quality ore. Moreover, exports of such ore from Brazil constitute part of an international market for which there are well-established, quoted prices that are denominated in US dollars. In such circumstances, a price index for this market would be the most appropriate basis for making an intertemporal adjustment to the Brazilian export price. However, to the Department's knowledge no such index exists. As a proxy for such an index, therefore, we have used the annual contract prices for the years 1993–1995 charged by one of the largest producers in the international manganese ore market. According to the Department's expert, this is a reasonable adjustment methodology because inter alia the higher-grade manganese ores traded on world markets are generally priced within a narrow band.

Comment 5: The petitioners argue that the Sandur ore, with 46–48% contained manganese, is the best surrogate value for Factor B because the chemical composition of the Sandur ore is comparable to Factor B. Moreover, the Sandur ore, the petitioners claim, represents a domestic Indian transaction price. If, the petitioners argue, the Department persists in using the 82–84% MnO_2 peroxide ore as listed in the IMY to value Factor B, the price should be time-adjusted using the Indian wholesale price index to make it contemporaneous to the POR.

The respondents also argue that the 82–84% MnO_2 peroxide ore used by the Department in its preliminary results was an unsuitable surrogate for Factor B because of a significant difference in the manganese contents between the two. For reasons similar to those cited in the Department's response to Comment 1 above, the Department's chosen surrogate significantly overstates the cost of the ore actually used by the PRC producers. Thus, the respondents contend that the Department should use the ore price of ''Producer X'' (discussed in Comment 2 above) or, in lieu of that, the Sandur ore proposed by the petitioners.

Department's Position: The Department has chosen the ore price quote from Producer X because its manganese content coincides with the reported range of Factor B, the price is contemporaneous with the POR, and it is clearly a domestic price for India, the surrogate country chosen for this review. Although the Sandur ore also coincides with the reported range of manganese content for Factor B, the price is not contemporaneous with the POR. Moreover, as discussed in the Department's position in Comment 1 above, the record is not explicit as to whether the Sandur value is a domestic market or an export price for India.

Finally, with regard to the petitioners' argument about the time-adjustment methodology, the Department is now using the ore price from Producer X to value Factor B. Because this price is contemporaneous with the POR, no time-adjustment is necessary.

(b) Electricity Valuation

Comment 6: The petitioners argue that the most suitable surrogate value for electricity is an average rate in effect in 1996 across those Indian states which contain the bulk of the Indian manganese ferroalloy production. The rate used by the Department in the Preliminary Results understates the true cost, the petitioners contend, because it represents an average rate applicable to all Indian states, including those states in which the electricity sector is still state-owned and therefore rate increases are tightly controlled, as well as those states in which no ferroalloy production is located. Moreover, although the record indicates that a few Indian ferroalloy producers in these states have captive electricity generation and are therefore not subject to the grid rate for that energy which is self-generated, these producers represent only a small percentage of the total number of Indian producers. The petitioners further argue that the strategy of the manganese industry in China is to locate manganese metal production facilities close to the manganese mine and, therefore, if India did have manganese metal producers they, like the Indian ferroalloy producers, would also likely be located in those states with large manganese ore deposits.

The respondents counter that there is no evidence on the record to support the petitioners' assertion that there is a

general strategy in China to locate the manganese metal plants at the mine-mouth, noting that three or four manganese metal producers investigated by the Department were not located at the mine mouth.

Department's Position: We disagree with the petitioners. There is insufficient evidence on the record from which to conclude that the developments affecting the electricity prices of Indian ferromanganese necessarily reflect conditions in which the PRC manganese metal producers likewise must operate. For example, the generally higher electricity rates in those Indian states which contain the bulk of ferromanganese producers are not necessarily a result of the presence of a ferromanganese industry in those states. To the contrary, the record suggests the rate differences among states are usually due to more general, state-specific circumstances such as uneven progress in the privatization of power generation and distribution, as well as local power shortages. See Metal Bulletin, July 4, 1996. In lieu of concrete evidence that the higher state-specific rates are directly a result of the presence of manufacturers of identical or comparable merchandise, Departmental practice in past cases has been to take a simple average of electricity rates for the surrogate country as a whole. See Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 14062 (March 29, 1996).

Moreover, information on the record provided by the petitioners in fact indicates that some manganese ferroalloy producers in those Indian states with some of the highest electricity rates will likely be forced to close precisely because of their high energy costs. Other producers in these states, the information suggests, will either be forced to move production to other states with lower rates or build self-generating electricity capacity. See Metal Bulletin, June 27, 1996.

The petitioners also maintain that the record only identifies four ferroalloy producers in these states who have captive electrical generation capacity out of a total of roughly 70 Indian ferroalloy producers. In response, the Department notes that according to information in the 1993 Ferroalloy Directory & Databook, the four producers named together represent a disproportionately large percentage of overall Indian ferroalloy production.

Furthermore, we agree with the respondents' contention that there is insufficient information on the record to conclude that the general strategy of the PRC manganese metal industry is to locate its plants at the mine mouth. To the contrary, information on the record states that imports of manganese ore into China grew to more than 1.5 million tons annually during the POR, making China one of the world's largest importers of manganese ore. Among the reasons cited for an increasing preference among the PRC for imported manganese ore is that the high grade imported ore is more economical than domestically-mined low-grade ore. In the absence of explicit factual information supporting the petitioners' contention of a general PRC strategy, one would expect that the general strategy would be to locate plants close to ports of importation in order to minimize the costs of transportation which, as the petitioners' have argued, can be considerable.

(c) Labor Valuation

Comment 7: In its preliminary results, the Department used a 1991 labor cost for India as reported in the 1996 Yearbook of Labor Statistics (''YLS''). The respondents argue that this is an inappropriate surrogate because it does not differentiate between skilled and unskilled workers. This is a crucial distinction, the respondents contend, because a very high percentage of lower cost, unskilled labor is used by the respondents. If the unskilled to skilled ratio is lower in India than in China, the average Indian labor cost would overstate the respondents' actual costs of labor. The respondents recommend using instead the labor cost information contained in Investing, Licensing & Trading Conditions Abroad: India 1996 (''IL&T'') as published by the Economist Intelligence Unit or, in lieu of the IL&T data, using the cost data in Foreign Labor Trends. Both of these sources, the respondents note, report a separate value for skilled and unskilled workers, and the information in both more closely coincides with the POR. Furthermore, the Department has used information from Foreign Labor Trends to value labor costs in other cases.

The petitioners first argue that the respondents' reported percentage of unskilled to overall workers is unrealistically high. Moreover, the petitioners continue, the data in the Foreign Labor Trends represents minimum wages for factory workers in Delhi only, an area in which no producers of comparable material are located. The petitioners further contend the IL&T is also not a suitable surrogate because its rates are only ''indicative'' and therefore may be distorted by significant variation in wages by state and industry. Rather, the petitioners argue, the YLS information provides the best surrogate value because it is specific to the Indian basic metals industry, and it was used in the underlying investigation.

Department's Position: We disagree with the respondents' contention that either the IL&T or the Foreign Labor Trends data represent surrogate labor values preferable to the YLS. The data in Foreign Labor Trends represent only minimum wage rates for workers in Delhi factories. Given the information on record indicating that wages in India vary considerably by industry, company size and region, there is no basis on which to conclude that minimum factory wages in Delhi factories reflect average wage rates across the Indian economy. The YLS, on the other hand, provides labor rates for the basic metals industry for India as a whole. The Department notes that in the final determination of the furfuryl alcohol investigation cited by the respondents, the Department changed its methodology and abandoned use of the Foreign Labor Trends data on the grounds that that data were found to be ''not appropriate for valuing labor factors.'' See Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China, 60 FR 22544, 22545 (May 8, 1995).

With regard to the IL&T data, in corresponding with the Economist Intelligence Unit regarding the methodology used to compile labor information, the Department learned that the reported average monthly wages are based solely on wages stipulated by Indian law rather than on any survey of average wages actually paid. Moreover, it appears from the text in the IL&T data that the wage rates do not include additional mandatory and voluntary benefits which normally add an additional 40–50% to the base pay. See IL&T at 52 and 53. The Department, in choosing a surrogate labor value, seeks to reflect the average fully-loaded cost (i.e., including all costs and benefits in addition to basic wage) of employing labor on as industry-specific a basis as possible. See, e.g., Certain Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Administrative Review, 61 FR 66255, 66259 (December 17, 1996) and Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 14061 (March 29, 1996).

Finally, it has been a longstanding practice of the Department to apply the single average labor rate reported for India in the YLS to all reported skill levels. See e.g., Notice of Final

Determination of Sales at Less Than Fair Value: Persulfates from the People's Republic of China, 62 FR 27222, 27229 (May 19, 1997); Heavy Forged Hand Tools from the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews, 62 FR 11814, 11815 (March 13, 1997); Certain Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Duty Administrative Review, 62 FR 61794, 61780 (November 19, 1997).

(d) Chemical Valuation

Comment 8: The petitioners argue that the Department's use in the preliminary results of a domestic Indian price for sodium sulphide as a surrogate for a certain process chemical (''Factor C'') is incorrect. Instead, the petitioners contend, a U.S. price quote on record for the actual chemical is a preferable surrogate to sodium sulphide which, the petitioners further allege, is not even a true substitute for Factor C. The respondents counter by pointing to expert testimony on the record stating that sodium sulphide is a reasonable substitute for Factor C in the manganese metal production process. The respondents further argue that using the petitioners' U.S. price for a surrogate value for Factor C would be contrary to the Act because the United States is not at a level of economic development comparable to that of China.

Department's Position: We agree with the respondents in part. There is sufficient factual information on the record to conclude that sodium sulphide is comparable to Factor C. Generally, the Department's practice is to use values taken from the chosen surrogate country wherever possible. In this review, therefore, the Department has chosen the domestic Indian market price available for sodium sulphide over the surrogate value from the US market.

Comment 9: The petitioners contend that the Department erroneously classified four process chemicals (i.e., Factor D, Factor E, Factor F, and Factor G) as part of factory overhead rather than as direct material costs. The petitioners provide an excerpt from Plant Design and Economics for Chemical Engineers (1991) (''Plant Design'') which they claim demonstrates that under ordinary cost accounting principles these process chemicals are treated as direct factors of production. Moreover, the petitioners contend, any distinction drawn in the use of these chemicals and other chemicals which have been treated as direct material inputs in this review is arbitrary. They note, for instance, that certain chemicals which were treated as direct material inputs in the preliminary results are not entirely consumed in the manufacturing process but, rather, are recycled back through the production circuit.

The respondents counter that it has been the Department's established policy to treat indirect materials as part of factory overhead. Indirect materials, according to the respondents, have been defined as materials which are not physically incorporated into the final product. The respondents note that during the Department's verification of the PRC production facility, these chemicals were observed to be used for cleaning and pacification purposes only. Therefore, the respondents argue, these chemicals are indirect costs subsumed within the general overhead cost category.

Department's Position: We agree with the respondents. In the Final Determination of Sales at Less than Fair Value: Manganese Metal from the PRC, 60 FR 56045, 56051 (November 6, 1995), the petitioners also relied on Plant Design to support their claim that the same process chemicals should be treated as direct factors of production. However, in that segment the Department determined that, because the process chemicals were used either after the metal had been produced or for cleaning purposes unrelated to the actual production process, the chemicals in question are properly classified as part of factory overhead. This distinction is consistent with the methodology used by the Department in prior cases. See e.g., Heavy Forged Hand Tools from the People's Republic of China, 60 FR 49251, 49254 (September 22, 1995). Furthermore, in the Preliminary Determination of Sales at Less Than Fair Value; Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China, 62 FR 31972, 31977 (June 11, 1997), the Department determined that the treatment of indirect materials as overhead is consistent with the Compendium of Statements and Standards: Accounting (India). Therefore, we have continued to classify the process chemicals in question as part of factory overhead.

(e) SG&A/Profit Valuation

Comment 10: The petitioners argue that the Department's use in its preliminary results of data reported in the Reserve Bank of India Bulletin (''RBI Bulletin'') to value overhead, SG&A, and profit is incorrect. The reported average for the RBI Bulletin industrial grouping ''Processing and Manufacture—metals, chemicals and products thereof,'' the petitioners contend, understates the actual profit and SG&A expenses incurred in manganese metal manufacture because the composite includes several low-value-added (fabrication) industries which generally experience low SG&A expenses and profits compared with high-value-added (processing) industries such as manganese metal. The petitioners argue that the understated nature of the RBI Bulletin data is clearly illustrated by comparing the RBI Bulletin profit with the significantly higher certificate of deposit, commercial paper and Treasury Bill yields in effect in India during the same period. No new private investors would invest in the Indian manganese metal or ferroalloy industry, the petitioners contend, if they expected a rate of return on their investment comparable to the RBI Bulletin profit level, especially given the much higher rates of return in the relatively less risky alternative investments noted above. The petitioners argue that a more suitable surrogate for SG&A and profit would be actual data taken from the financial statements of two Indian companies (i.e., Hindalco and TISCO), both operating in high-value-added industries. In the case of profits, the petitioners argue that if the Department chooses not to use the company-specific data it should, at a minimum, use a figure which reflects a low risk alternative investment strategy such as an Indian CD, commercial paper, or Treasury Bill rate.

The respondents counter that neither Hindalco or TISCO, the two Indian companies for which the petitioners have provided financial statements, is dedicated solely to the production of manganese metal or a comparable product and, therefore, their specific financial performance does not necessarily reflect that of the manganese industry. On the other hand, because India is a large producer of comparable merchandise, it is reasonable to assume that the financial performance of the domestic manganese industry is reflected in the RBI Bulletin average data. Therefore, the RBI Bulletin data provides the best surrogate value for SG&A and profit.

Department's Position: The Department agrees with the respondents that the RBI Bulletin data represent the best available surrogate value for SG&A and profit in this review. While the Department would generally prefer to base SG&A and profit on financial information specific to the production of identical or comparable merchandise in India, this information is not available in this administrative review.

The petitioners argue that the RBI Bulletin should not be used because it contains a broad variety of industries.

However, according to its 1995–96 Annual Report, TISCO also produces a broad variety of products including, *inter alia,* cement, welded steel tubes, cold rolled strips, ammonium sulphate, bearing rings, and metallurgical machinery in addition to a small amount of comparable merchandise (i.e., ferromanganese). The aggregate TISCO data therefore do not resolve the problems raised by the petitioners.

With respect to Hindalco, this company produces aluminum—a product which has not been found to be comparable to manganese metal by either party or the Department. See e.g., the petitioners' submission dated March 17, 1995 at page 4. Additionally, Hindalco's 1996–97 Annual Report at pages 14 and 37 seems to indicate that the company also produces a number of other products wholly unrelated to the production of manganese metal, including fabricated products (e.g., rolled and extruded products). Moreover, the Hindalco data include energy which cannot be separated from factory overhead.

The Department likewise disagrees with the petitioners' contention that at the very least profit should reflect the return on a low risk investment strategy in India. Whether or not the RBI Bulletin rate would have been sufficient to induce new investment into the industry, what is relevant in this case to the valuation of the PRC profit rate is the actual financial experience of existing Indian ferromanganese producers during the POR. Although the RBI Bulletin data are not specific to producers of comparable merchandise, they do reflect the actual experience of producers of comparable merchandise and a reasonably close group of like industries. Thus, this information is the best surrogate available.

Comment 11: The respondents argue that ''provident fund'' and ''employee's welfare expense'' should not be included among the overhead expenses as taken from the RBI Bulletin. These expenses, the respondents argue, are labor related and therefore already included in the direct labor cost component of the cost of manufacture (''COM''). The respondents note that in certain recent proceedings the Department included such expenses in the direct labor component rather than in overhead. The petitioners argue that in the underlying investigation, the Department determined that the provident fund should be included in factory overhead based on the nature of how the expense was incurred. There is no information on the record of this review which supports a different determination from that in the investigation and, therefore, the Department should continue using the methodology used in the preliminary results.

Department's Position: We agree with the respondents. The Department has reconsidered the methodology used in its final determination of the LTFV investigation for classifying the expense items ''provident fund'' and ''employee welfare expense.'' The Department considers the YLS data to be fully loaded with respect to all labor expenses, incorporating such costs as contributions to the provident fund and employee welfare expenses. See Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 140614 (March 29, 1996). Therefore, in order to be consistent with Department practice in other cases (e.g., Sulfanilic Acid from the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review, 61 FR 53702, 53710 (October 15, 1996)), we have removed these two expense items from the factory overhead and reclassified them as part of the direct labor inputs component of the COM.

(f) Packing Material Valuation

Comment 12: The respondents and the petitioners both contend that the Department erred in its conversion from liters to cubic centimeters in calculating the per unit cost of Factor L in the preliminary results.

Department's Position: We agree with both the petitioners and the respondents that an error was made in the conversion from liters to cubic centimeters in calculating the cost of Factor L. We have made the appropriate changes to the packing calculations for these Final Results.

(2) Valuation of By-Product Credit

Comment 13: The petitioners argue that the by-product generated during the respondents' manufacturing process is a low-quality and, therefore, low-value product. Electrolytic manganese dioxide (''EMD''), which the respondents argue is a product comparable to the by-product, is a very high-value product. The petitioners contend that because there are such fundamental differences in the chemical composition of EMD and the by-product, EMD would not be a suitable surrogate for the by-product.

The respondents counter that the by-product resulting from manganese metal manufacture has value, as illustrated by the fact that the PRC producers sell it to nearby unaffiliated industrial operations. It cannot be valued as an ore, the respondents continue, because it is a product resulting from the electrolysis of an ore. Thus, the respondents conclude, a more suitable surrogate would be the value of EMD. The Department, the respondents argue, acknowledged the intrinsic value of this by-product in the original investigation when it used for a surrogate the Indian import value of ''Manganese Dioxide, excluding ores.''

Department's Position: The Department disagrees with the respondents' argument for the use of EMD as a surrogate value. First, the respondents are incorrect in stating that the Department used for a by-product surrogate in the LTFV investigation an Indian import value for manganese dioxide excluding ores. In the LTFV Final Determination, the Department used an 82–84%MnO2 peroxide ore, as listed in the 1993 Indian Minerals Yearbook, to value the respondents' by-product credit. EMD is a very high-valued product used mainly in the production of dry-cell batteries. *See* Attachment III to Memorandum to Richard W. Moreland, From the Manganese Metal Team, October 24, 1997. The respondents have not sufficiently demonstrated that the PRC by-product is of the same rigorous specifications as EMD.

The respondents have demonstrated, however, that their by-product does have some resale value. See Memorandum For: The File, From: Daniel Lessard, Subject: Verification of XTMM, October 12, 1997. In lieu of any information on the Indian value of the actual by-product in question, the Department is maintaining the methodology used in the LTFV Final Determination of using for a surrogate the price of high-valued Indian manganese dioxide ore.

3. Combined Rates

Comment 14: The petitioners argue, citing the Department's new regulations adopted in May 1997, that combination duty deposit rates should be established separately for XTMM/HIED and XTMM/CMIECHN/CNIECHN. The current company-specific rates are far lower than the China-wide rate, the petitioners argue, leading to the potential for PRC producers not reviewed in this proceeding to export through one of the companies with the lower company-specific rate.

The respondents counter that the new regulations do not change the Department's past policy regarding the assignment of rates in non-market economy cases. Moreover, the current review is not subject to the Department's new regulations.

Therefore combination rates should not be established.

Department's Position: We agree with the respondents. It has been the Department's practice in cases involving non-market economies to assign rates to exporters rather than producers because it is the exporter who actually determines the price at which the subject merchandise is sold in the United States. See Persulfates from the People's Republic of China, 62 FR 27222, 27227 (May 19, 1997). Moreover, in the preamble to the final regulations (see, Antidumping Duties; Countervailing Duties, 62 FR 27296, 27305 (May 19, 1997)), the Department states that it intends to continue calculating antidumping rates for NME export trading companies, and not the manufacturers supplying the trading companies. Therefore, combination rates in this case are not appropriate.

Final Results of Review

As a result of our analysis of the comments we received, we have made changes to those margins presented in our preliminary results. We determine the following weighted-average margins existed for the period June 1, 1995 through January 31, 1997:

Manufacturer/exporter	Margin (percent)
HIED	2.80
CMIECHN/CNIECHN	1.56
CEIEC*	11.77
Minmetals*	5.88
PRC-wide	143.32

*CEIEC and Minmetals both reported that they had no sales to the United States during the POR. The specific rate for each of these companies will therefore remain unchanged from that determined in the Final Determination of LTFV investigation.

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price (''EP'') and normal value (''NV'') may vary from the percentages stated above. We have calculated exporter/importer-specific duty assessment rates based on the ratio of the total amount of duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the POR. In order to estimate entered value, we subtracted international movement expenses (e.g., international freight and marine insurance) from the gross sales value. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

The following cash deposit requirements will be effective upon publication of this notice of Final Results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the companies named above that have separate rates and were reviewed (i.e., China Hunan International Economic Development Corporation (HIED) and China Metallurgical Import & Export Hunan Corporation/Hunan Nonferrous Metals Import & Export Associated Corporation (CMIECHN/CNIECHN)), the cash deposit rates will be the rates listed above specifically for those firms; (2) for companies which established their eligibility for a separate rate in the LTFV investigation but were found not to have exported subject merchandise to the United States during the POR (i.e., China National Electronics Import & Export Hunan Company (''CEIEC'') and Minmetals Precious & Rare Minerals Import & Export Co. (''Minmetals'')), the cash deposit rates continue to be the currently applicable rates of 11.77% and 5.88%, respectively; (3) for all other PRC exporters, all of which were found not to be entitled to a separate rate, the cash deposit rate will continue to be 143.32%; and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements will remain in effect until publication of the Final Results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 9, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–6551 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–501]

Natural Bristle Paintbrushes and Brush Heads From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of final results of the antidumping duty administrative review of natural bristle paintbrushes and brush heads from the People's Republic of China.

SUMMARY: On November 7, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping order on natural bristle paint brushes and brush heads (paint brushes) from the People's Republic of China (PRC). The review covers two exporters of the subject merchandise and the period February 1, 1996 through January 31, 1997.

We gave interested parties an opportunity to comment on our preliminary results. We received comments from Hunan Provincial Native Produce and Animal By-Product Import and Export Corporation (Hunan). We did not receive rebuttal comments. After considering these comments, we have not changed the final results from those presented in the preliminary results of review and have determined that sales have not been made below normal value (NV), as explained below.

EFFECTIVE DATE: March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Eric Scheier or Maureen Flannery, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 353, as of April 1, 1996.

Background

On November 7, 1997, the Department published the preliminary results of review (62 FR 60228). The Department has now completed this administrative review in accordance with section 751 of the Act.

Scope of Review

Imports covered by this review are shipments of natural bristle paint brushes and brush heads from the PRC. Excluded from the order are paint brushes with a blend of 40 percent natural bristles and 60 percent synthetic filaments. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise is dispositive.

This review covers the period February 1, 1996 through January 31, 1997.

Interested Party Comments

We gave interested parties an opportunity to comment on the preliminary results of review. We received comments from Hunan. We did not receive rebuttal comments from any party.

Comment 1

Hunan argues that the Department should correct the calculation of the surrogate overhead rate to avoid double-counting certain overhead expenses. While Hunan notes that all parties agree on the use of Indonesia's *Large and Medium Manufacturing Statistics: 1995, Volume II* as the source of information to be used in calculating a surrogate factory overhead rate, Hunan disagrees with the Department's methodology using these data to calculate the surrogate overhead rate. Hunan states that it was inappropriate for the Department to add ''new purchases,'' ''second-hand purchases,'' and ''constructions major repairs and improvements'' to the expenses included for total factory overhead. Hunan claims that ''new purchases,'' ''second-hand purchases'' and ''constructions major repairs and improvements'' are incorrectly classified as fixed overhead items, and maintains that these items are properly classified as capital expenditures, which are charged to asset accounts and are included only as a balance sheet item.

Secondly, Hunan states that its own proposed methodology for valuing factory overhead already includes fixed overhead expenses of ''repairs and industrial services received'' and ''rent of building, machinery and equipment.'' Hunan alleges that the classification of ''repairs and industrial services received'' and ''rent of building, machinery and equipment'' as variable overhead expenses is incorrect because neither expense varies in proportion to the number of units produced.

Furthermore, Hunan disagrees with the use of new and second-hand purchases as a proxy for depreciation, which had not been accounted for in Indonesia's *Large and Medium Manufacturing Statistics: 1995, Volume II.* Hunan states that new and second-hand purchases and construction, major repairs and improvements are capital expenses partially expensed through depreciation, and are booked as assets on the balance sheet. The value of fixed assets, Hunan states, is depreciated over time.

Hunan submits that, while the exclusion of depreciation from overhead may artificially depress the surrogate overhead rate, it will artificially inflate the surrogate profit rate calculated as the total value for gross value added output less the amount for total expenditures. Hunan states that, should the Department continue to use the methodology it used in the preliminary results for the final results, an adjustment must be made to the profit calculation to compensate for the exclusion of depreciation from total expenditures.

Lastly, Hunan notes that the methodology proposed by Hunan for the calculation of factory overhead, the SG&A rate, and the profit rate was used previously by the Department in *Notice of Final Determination of Sales at Less than Fair Value: Collated Roofing Nails from the People's Republic of China* 62 FR 51410 (Oct. 1, 1997) (*Roofing Nails*). Hunan further notes that in the initiation of the antidumping investigation on *Bicycles from the People's Republic of China* 60 FR 21065 (May 1, 1995) (*Bicycles*), the Department accepted this same data source and acknowledged that new purchases, second-hand purchases and constructions, major repairs and improvements were capital expenditures that should not be included in factory overhead.

Department's Position

While we agree with Hunan that new and second-hand purchases and construction, major repairs and improvements are generally considered capital assets rather than overhead items, the fact that, in the data used, they are not recognized as assets and depreciated indicates that they are being recognized in the year in which the expense was incurred, and therefore are appropriately considered overhead expenses. Therefore, we have continued to include these items as overhead expenses. Hunan's assertion that certain items characterized as variable overhead items in our preliminary results are actually fixed overhead items is moot, because for these final results we have not differentiated fixed and variable overhead.

We disagree with Hunan's assertion that the Department must make an adjustment to the profit calculation to compensate for the exclusion of depreciation from total expenditures. As noted above, depreciation was not one of the expense items reported on the income statement, however, the income statement did include a line items for capital assets expensed. These capital assets were expensed during the period rather than capitalized and depreciated. Therefore, it is not appropriate to include an additional amount for depreciation in total expenditures. Furthermore, while we note that the absence of depreciation from factory overhead would cause the factory overhead percentage to be less and profit to be greater than if depreciation existed on the income statement in question, we disagree that we should arbitrarily assign an amount of depreciation to be deducted from profit when depreciation is not recognized on the income statement, nor identified elsewhere.

Finally, we disagree with Hunan that because we used or accepted a certain methodology in *Roofing Nails* and *Bicycles*, we should continue to do so in this review. We have reviewed the methodology used in *Roofing Nails* and *Bicycles*, and have more closely examined the components from which factory overhead was constructed for the current preliminary results. As discussed above, we have determined that ''new purchases,'' ''second-hand purchases'' and ''constructions major repairs and improvements'' are overhead items in that they were recognized in the year in which the expenses were incurred and, as stated in

the preliminary results, represent part of the costs incurred to produce the subject merchandise. Therefore, we have determined that the methodology used for the preliminary results, which includes these items in factory overhead, is the most appropriate for the surrogate data in question. Based on the foregoing we have not changed the calculations for these final results.

Final Results of Review

We determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Hunan Provincial Native Produce & Animal By-Products I/E Corp	2/1/96–1/31/97	0.01
PRC-Wide rate	2/1/96–1/31/97	351.92

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price and NV may vary from the percentage stated above for Hunan. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of this notice of final results of review for all shipments of paint brushes from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) for Hunan, which was found to merit a separate rate for the final results of this review, the cash deposit rate will be zero, because the company-specific rate established in the final results of this administrative review is, in accordance with 19 CFR 353.6, de minimis, i.e., less than 0.5 percent; (2) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, which is 351.92 percent; (3) for previously reviewed non-PRC exporters, the cash deposit rate will be the rate established in the most recent segment of the proceeding; and (4) for all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 9, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–6550 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98–010. *Applicant:* Montana State University—Bozeman, Physics Department, EPS Building, Bozeman, MT 59717. *Instrument:* Optical Helium Cryostat. *Manufacturer:* Institute of Physics, National Academy of Sciences of Ukraine, C.I.S. I*ntended Use:* The instrument will be used to perform both spectroscopic and holographic experiments and various combinations thereof. These experiments will involve the study of (1) crystalline and polymeric dye-doped materials which show complicated photochemical transformation behavior at low temperatures and (2) the dependence of these processes on temperature and on the illumination conditions. *Application accepted by Commissioner of Customs:* February 13, 1998.

Docket Number: 98–011. *Applicant:* University of Wisconsin-Madison, Kegonsa Research Campus, 3725 Schneider Drive, Stoughton, WI 53589. *Instrument:* Hydrostatic Leveling System. *Manufacturer:* Fogale-Nanotech, France. *Intended Use:* The instrument will be used for studies of the vertical positional stability of very sensitive monitors and magnetic elements in an electron storage ring. The objective of the investigations is to produce a circulating electron beam in a storage ring which will be stable to micron level in position. In turn, this produces a radiation source for optical beamlines and user instrumentation that is stable to the same level. Concurrent with improved positional stability, is also an improvement in angular stability of the radiation. *Application accepted by Commissioner of Customs:* February 13, 1998.

Docket Number: 98–012. *Applicant:* University of New Orleans, Lakefront, Science Building, Room 2007, New Orleans, LA 70148. *Instrument:* Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to study the physio-chemical properties of inorganic particulates in the environment and thin film. These particles will include naturally occurring mineral fibers, synthetic vitreous fibers, clays, talc, zeolites, crystalline silica polymorphs, titania polymorphs, ceramics or other particulates. The thin films will include

semiconductors and magnetic composites. In addition, the instrument will be used on a one-on-one basis for training staff, graduate students and faculty from both the Earth and Environmental Sciences, and Chemistry Doctoral Departments. *Application accepted by Commissioner of Customs:* February 19, 1998.

Docket Number: 98–013. *Applicant:* North Carolina State University, Purchasing Department, Campus Box 7212, Raleigh, NC 27695–7212. *Instrument:* Automatic Pure Bending Tester, Model NESFB2–A. *Manufacturer:* Kato Tech Co., Ltd., Japan. *Intended Use:* The instrument will be used during studies of ''melt-blown fiber'' and ''melt-blown fabrics'' for evaluation of pure bending properties thus allowing for proper and adequate evaluation of different fabrics manufactured under different conditions. *Application accepted by Commissioner of Customs:* February 19, 1998.

Docket Number: 98–014. *Applicant:* University of Wisconsin-Eau Claire, Department of Geology, Eau Claire, WI 54702–4004. *Instrument:* Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for detailed examination of spores (called cryptospores because of the lack of associated non-microscopic remains). The objectives of the collaborative research projects are: (1) to further characterize the cryptospores assemblage from near the boundary between the Ordovician and Silurian periods of geologic time, (2) to expand the spatial and temporal coverage of ultrastructural information on Ordovician and Silurian cryptospores and (3) to engage an undergraduate student in cutting edge botanical research involving electron microscopy. *Application accepted by Commissioner of Customs:* February 25, 1998.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–6552 Filed 3–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030698C]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team (CPSPDT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) will hold public meetings.

DATES: The CPSPDT meeting will be held in La Jolla, CA on Friday, March 27, 1998, at 10:00 a.m. and may go into the evening until business for the day is completed. The CPSAS meeting will be held in Monterey, CA on Wednesday, April 1, 1998, at 10:00 a.m. and may go into the evening until business for the day is completed. Persons wishing to attend these meetings should check to make sure that the meetings will be held by calling Dr. Doyle Hanan; telephone: (619) 546–7170 or Dr. Larry Jacobson; telephone: (619) 546–7117.

ADDRESSES: The meeting in La Jolla will be held at NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, Room C–127, La Jolla, CA. The meeting in Monterey will be held at the California Department of Fish and Game office, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA.

Council address: Pacific Fishery Management Council, 2120 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dr. Doyle Hanan, telephone: (619) 546–7170; or Dr. Larry Jacobson, telephone: (619) 546–7117.

SUPPLEMENTARY INFORMATION: The primary purpose of the CPSPDT meeting is to continue revisions to the draft fishery management plan for coastal pelagic species for presentation to the Council at its April meeting, including analysis of options for limited entry, maximum sustainable yield control rules, essential fish habitat, and other matters related to the fishery management plan. The primary purpose of the CPSAS meeting is to review documents developed by the CPSPDT.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Eric Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: March 6, 1998.

Richard W. Surdi,

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

[FR Doc. 98–6567 Filed 3–10–98; 3:04 pm]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of intent to renew information collection #3038–0025—practice by former members and employees of the commission.

SUMMARY: The Commodity Futures Trading Commission is planning to renew Information Collection 3038–0025, Practice by Former Members and Employees of the Commission, which is due to expire on May 31, 1998. The information collected pursuant to this regulation, which generally governs the practice by former members and employees of the Commission before the Commission, is intended to ensure that the Commission is aware of any conflict of interest that may exist. In compliance with the Paperwork Reduction Act of 1995, the Commission solicits comments to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including the validity of the methodology and assumptions used; (2) evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of 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, e.g., permitting electric submission of responses.

DATES: Comments must be received on or before May 12, 1998.

ADDRESSES: Persons wishing to comment on this information collection should contact the CFTC Clearance Officer, 1155 21st Street NW, Washington, DC 20581, (202) 418–5160.

Title: Practice by Former Members and Employees of the Commission.

Control Number: 3038–0025.

Action: Extension.

Respondents: Former Members and Employees of the Commission.

Estimated Annual Burden: 0.60.

Respondents	Regulation (17 CFR)	Estimated number of respondents	Annual responses	Est. Avg. hours per response
Former Employees & Members	140.735–10	6	6	0.10

Issued in Washington, D.C. on March 5, 1998.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 98–6492 Filed 3–12–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0123]

Submission for OMB Review; Comment Request Entitled Change in Rates or Terms and Conditions of Service for Regulated Services

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0123).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Change in Rates or Terms and Conditions of Service for Regulated Services. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

DATES: Comments may be submitted on or before April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR clause at 52.241–7 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved or proposed revisions when proposed.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *1,000;* responses per respondent, *5;* total annual responses, *5,000;* preparation hours per response, *15 minutes;* and total response burden hours, *1,250.*

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, *1,000;* hours per recordkeeper, *1;* and total recordkeeping burden hours, *1,000.*

Obtaining Copies of Proposals: Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

Dated: March 10, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–6544 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0122]

Submission for OMB Review; Comment Request Entitled Scope and Duration of Contract

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0122).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Scope and Duration of Contract. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

DATES: Comments may be submitted on or before April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0122, Scope and Duration of Contract, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR clause at 52.241–3 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved rates.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *.25* hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *1,000;* responses per respondent, *5;* total annual responses, *5,000;* preparation hours per response, *.25;* and total response burden hours, *1,250.*

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, *1,000;* hours per recordkeeper, *1;* and total recordkeeping burden hours, *1,000.*

Obtaining Copies of Proposals: Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0122, Scope and Duration of Contract, in all correspondence.

Dated: March 10, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–6545 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0124]

Submission for OMB Review; Comment Request Entitled Capital Credits

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0124).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Capital Credits. A request for public comments was published at 63 FR 1094, January 8, 1998. No comments were received.

DATES: Comments may be submitted on or before April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR clause 52.241–13, Capital Credits, is designed to obtain an accounting of Capital Credits due the Government when the Government is a member of a cooperative.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 450; responses per respondent, *1;* total annual responses, 450; preparation hours per response, *2;* and total response burden hours, 900.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 450; hours per recordkeeper, *1;* and total recordkeeping burden hours, 450.

Obtaining Copies of Proposals

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0124, Capital Credits, in all correspondence.

Dated: March 10, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–6546 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0125]

Submission for OMB Review; Comment Request Entitled Written Refusal of a Utility Supplier to Execute a Utility Contract

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0125).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Written Refusal of a Utility Supplier to Execute a Utility Contract. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

DATES: Comments may be submitted on or before April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0125, Written Refusal of a Utility Supplier to Execute a Utility Contract, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Regulation requires that contracts comply with the applicable Federal laws and the relevant parts of the FAR. The written and definite refusal by a utility supplier to execute a tendered contract (41.202(c)) is intended to identify those suppliers who refuse to do so and the rationale of the supplier for refusing.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *.5 hours* per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *50*; responses per respondent, *1;* total annual responses, *50;* preparation hours per response, *.30;* and total response burden hours, *25*.

Obtaining Copies of Proposals: Requester may obtain copies of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0125, Written Refusal of a Utility Supplier to Execute a Utility Contract, in all correspondence.

Dated: March 10, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–6547 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0014]

Submission for OMB Review; Comment Request Entitled Statement and Acknowledgment (Standard Form 1413)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension of an existing OMB clearance (9000–0014).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Statement and Acknowledgment (Standard Form 1413). A request for public comments was published at 63 FR 473, January 6, 1998. No comments were received.

DATES: Comments may be submitted on or before April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Jack O'Neill, Federal Acquisition Policy Division, GSA (202) 501–3856.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0014, Statement and Acknowledgment (Standard Form 1413), in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

Standard Form 1413, Statement and Acknowledgment, is used by all Executive Agencies, including the Department of Defense, to obtain a statement from contractors that the proper clauses have been included in subcontracts. The form includes a signed contractor acknowledgment of the inclusion of those clauses in the subcontract.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *.15* hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *14,000;* responses per respondent, *1.5;* total annual responses, *21,000;* preparation hours per response. *.15;* and total response burden hours, *3150*.

Obtaining Copies of Proposals: Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0014, Statement and Acknowledgment, Standard Form 1413, in all correspondence.

Dated: March 10, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–6548 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday and Wednesday, April 1, 1998.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. This opt-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense program throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. section 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

L.N. Bynun,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6426 Filed 3–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Adivosry Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 1600–1900, Thursday, May 14, 1998.

ADDRESSES: The meeting will be held at the Hyatt Regency, Old Golf Course Rd., Monterey CA 93940.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6428 Filed 3–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, April 28, 1998.

ADDRESSES: The meeting will be held Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Timothy Doyle, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Direct Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6429 Filed 3–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on April 7, 1998; April 14, 1998; April 21, 1998; and April 28, 1998, at 10:00 a.m. in Room A105, the Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: March 9, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6427 Filed 3–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Going to Space Panel Chairs Meeting in support of the HQ USAF Scientific Advisory Board 1998 Summer Study will meet at ANSER in Arlington, VA on May 19, 1998 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to gather information and receive briefings for 1998 Summer Study.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–6436 Filed 3–12–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Record system notice amendment.

SUMMARY: The Department of the Air Force proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendment will be effective on April 13, 1998, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 614–7819.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the record system being amended are set forth below followed by the notice as amended, published in its entirety.

Dated: March March 9, 1998.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F034 AF SVA C

SYSTEM NAME:

Child Development/Youth Activities Records *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'Child Development/Youth Programs Records'.

SYSTEM LOCATION:

Delete entry and replace with 'Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Ste 402, San Antonio, TX 78216–4138; Major Command Headquarters, and each Air Force installation with Child Development/Youth Programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices'.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Eligible children and youths enrolled in Air Force Child Development or Youth Programs, their parents/guardians, and Family Child Care (FCC) Providers.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Enrollment/registration records; record of injuries; medication permission records; permanent register; staff and child record; weekly activity plans; accident reports; annual and semiannual program reports; parents/guardians and program surveys; parents'/guardians authorization for field trips; children's assessments/observations; daily reservation logs; daily attendance records, and volunteers applications.

The system will also contain FCC providers' license application; license, and home approval records.'

* * * * *

F034 AF SVA C

SYSTEM NAME:

Child Development/Youth Programs Records.

SYSTEM LOCATION:

Headquarters Air Force Military Personnel Center, Directorate of Morale and Welfare Operations, Randolph Air Force Base, Texas 78150–6001, Major Command Headquarters, and each Air Force installation with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible children and youths enrolled in Air Force Child Development or Youth Activities programs, their parents/guardians, and Family Child Care (FCC) Providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment/registration records; record of injuries; medication permission records; permanent register; staff and child record; weekly activity plans; incident reports; annual and semiannual program reports; parents/guardians and program surveys; parents'/guardians authorization for testing/field trips; student progress reports; test results; forwarding of school records; daily reservation logs; daily attendance records, and volunteers applications.

The system will also contain FCC Providers' license application; license, and home approval records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; implemented by Air Force Instruction 34-701, Child Development Programs; and Air Force Instruction 34–801, Youth Programs.

PURPOSE(S):

Used by child development and youth program personnel to enroll children/youths in the child development/youth programs; locate parents/guardians in case of emergency; monitor and properly report injuries and accidents; receive documentation and permission to dispense medications; record and monitor staff-to-child ratio; report program participation and activities; report financial data; assess program needs; enroll and license FCC Providers; record, reserve, and monitor daily attendance; and maintain information for waiting lists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Records from this system may be disclosed to civilian physicians or hospitals in the course of obtaining emergency medical attention for children.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and card stock records maintained in file folders. Data will also be maintained in computer files.

RETRIEVABILITY:

Retrieved by family name or FCC Providers' name.

SAFEGUARDS:

Records are maintained in locked file cabinets, locked desk drawers or locked offices. Computers and disks will be stored in locked cabinets or locked rooms. Records are accessed by the program directors, assistant directors, family day care coordinators/out-reach workers and clerks/administrative personnel responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained in office files for one year after child/youth leaves program or until parent/FCC provider requests transfer of records to another base, whichever comes first. In the event the records are not transferred, they will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216–4138.

Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Chief, Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216–4138, or Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

The full name of the person/provider will be required to determine if the system contains a record about him or her. A military identification card or drivers license will be required as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to the Chief, Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216–4138, or Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

A military identification card or drivers license will be required as proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from parents, volunteers, FCC applicants, and documentation by authorized child development and/or youth activities personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98–6421 Filed 3–12–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Chief of Naval Operations (CNO); Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice of meeting.

SUMMARY: The Chief of Naval Operations Executive Panel will meet to conduct the midterm briefing of the Revolution in Business Affairs Task Force to the Chief of Naval Operations. This meeting will be closed to the public.

DATES: The meeting will be held on Tuesday, March 31, 1998, from 1:30 p.m. to 2:30 p.m.

ADDRESSES: The meeting will be held at the office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Janice Graham, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302–0268, telephone number (703) 681–6205.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2). The purpose of this meeting is to conduct the midterm briefing of the Revolution in Business Affairs Task Force to the Chief of Naval Operations. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that the meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

Dated: March 5, 1998.

Lou Rae Langevin,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 98–6458 Filed 3–12–98; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3507(d)(1)(A) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) Collection number and title; (2) summary of the collection of information (includes sponsor (the DOE component)), current OMB document number (if applicable), type of request (new, revision, extension, or reinstatement); response obligation (mandatory, voluntary, or required to obtain or retain benefits); (3) a description of the need and proposed use of the information; (4) description of the likely respondents; and (5) estimate of total annual reporting burden (average hours per response × proposed frequency of response per year ×

estimated number of likely respondents.)

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place N.W., Washington, D.C. 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585. Mrs. Sutherland may be telephoned at (202) 426–1068, FAX (202) 426–1081, or e-mail at gsutherl@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. EIA–1605 and EIA–1605EZ, ''Voluntary Reporting of Greenhouse Gases''.

2. Energy Information Administration, OMB No. 1905–0194, Extension of Currently Approved Collection; Voluntary.

3. EIA–1605 and EIA–1605EZ forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and carbon fixation. Data are used to establish a publicly available database. Respondents are participants in a domestic or foreign activity that either reduces greenhouse gas emissions or increases sequestration.

4. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

5. 6,240 hours (29.7 hours per response × 1 response per year × 210 respondents).

Statutory Authority: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

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

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 98–6531 Filed 3–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP98–150–000 and CP98–151–000]

Millennium Pipeline Company, L.P. Columbia Gas Transmission Corporation; Notice of Change of Location for Scoping Meeting

March 9, 1998.

The location for the environmental scoping meeting in Binghamton, New York, on March 18, 1998, has been changed from the Binghamton High School to the following facility: East Middle School, 167 Frederick Street, Auditorium, Binghamton, New York.

For further information, call Paul McKee, Office of External Affairs, at (202) 208–1088.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6491 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DR98–50–000]

PacificCorp; Notice of Filing

March 9, 1998.

Take Notice that PacifiCorp on January 14, 1998, tendered for filing a petition for approval of a change in depreciation rates for accounting purposes only. Copies of the filing have been served on the Utah Public Service Commission, Washington Public Service Commission, Idaho Public Service Commission, Montana Public Service Commission, and the Wyoming Public Service Commission.

Any persons 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 385.214). All such motions or protests should be filed on or before April 7, 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. 98–6486 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 10822–000 and 10823–000]

Summit Hydropower; Notice of Site Visit to Project Area

March 9, 1998.

On March 27, 1998, the Federal Energy Regulatory Commission staff will visit the Upper and Lower Collinsville Projects, FERC Project Nos. 10822 and 10823, respectively. The projects are located on the Farmington River in the Village of Collinsville, Town of Canton, Hartford County, Connecticut.

The site visit is scheduled to begin at 10:00 a.m. at the Main Street entrance of the Canton Town Hall in Collinsville, Connecticut.

If you have any questions concerning this matter, please contact Mr. James T. Griffin at (202) 219–2799.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6489 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–315–001, CP97–319–000, CP98–200–000]

Independence Pipeline Company, ANR Pipeline Company, National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Independence Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

March 9, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an

Environmental Impact Statement (EIS) that will discuss the environmental impacts of the construction and operation of approximately 473 miles of natural gas transmission pipeline, three new and three modified compressor stations, metering and delivering facilities, other appurtenant facilities, and abandonment of approximately 39 miles of pipeline proposed in the Independence Pipeline Project.[1] This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner whose property will be crossed by the proposed project, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company may seek to negotiate a mutually acceptable agreement relative to land use and access. However, if the project is approved by the Commission, the pipeline has the right to us eminent domain. Therefore, if negotiations fail to produce an agreement between the pipeline company and landowner, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.

Summary of the Proposed Project

Independence Pipeline Company (Independence) wants to build new natural gas pipeline transmission facilities in Ohio and Pennsylvania. The facilities would provide transportation services to shippers seeking to transport natural gas principally from expansion projects destined for the Chicago, Illinois area to the Leidy, Pennsylvania Hub, thereby facilitating access to gas markets in Ohio, Pennsylvania, and throughout the Eastern United States. The proposed facilities would have a summer design delivery capacity of 916.3 thousand cubic feet per day (Mcf/d) and a winter design delivery capacity of 1.0 million cubic feet per day (MMcf/d). Independence requests Commission authorization, in Docket Nos. CP97–315–000, CP97–315–001, CP97–320–000, and CP97–321–000 to construct and operate the following facilities:

• 400.4 miles of 36-inch-diameter pipeline in Defiance, Henry, Wood, Seneca, Huron, Ashland, Wayne, Stark, Summit, and Columbian Counties, Ohio, and Lawrence, Butler, Armstrong, Clarion, Jefferson, Elk, Forest, McLean, Cameron, Potter, and Clinton Counties, Pennsylvania. Of the 400.4 miles of pipeline, about 220.9 miles would be in Ohio and 179.5 miles would be in Pennsylvania.

• Three new compressor stations with a total of 60,000 horsepower (hp) of compression:

—East Defiance Compression Station (30,000 hp) in Defiance County, Ohio.
—Cannan Compression Station (15,000 hp) in Wayne County, Ohio.
—Porter Compression Station (15,000 hp) in Clarion County, Pennsylvania.

• One pig launcher and receiver located at the proposed Canaan and Porter Compressor Stations.

• Three new meter stations located in Defiance County, Ohio, and Elk and Clinton Counties, Pennsylvania.

• Other associated aboveground facilities, including six taps in Wood (1), Ashland (1), Wayne (2), and Columbiana (1) Counties, Ohio and Lawrence County, Pennsylvania (1).

• A total of 28 mainline block valves, 16 located in the following counties in Ohio: Defiance (1), Henry (1), Wood (2), Seneca (2), Huron (2), Ashland (1), Wayne (2), Summit (1), Stark (2), and Columbiana (2); and 12 located in the following counties in Pennsylvania: Lawrence (2), Butler (1), Armstrong (1), Clarion (1), Jefferson (2), Elk (1), McKean (1), Cameron (1), Potter (1) and Clinton (1).

ANR Pipeline Company (ANR) wants to expand its existing Michigan Leg South and Tieline facilities to provide incremental transportation between Joliet, Illinois and Defiance, Ohio. This would allow ANR's existing Northern Zone to become an economical link between the Chicago Hub and Independence's proposed pipeline facilities. ANR's proposed facilities would have a design delivery capacity of 750 MMcf/d. ANR requests Commission authorization, in Docket No. CP97–319–000, to construct and operate the following facilities:

• 72.4 miles of 42- and 30-inch-diameter pipeline loop extending from Joliet, Illinois to Defiance, Ohio:

—Joliet Loop—15.9 miles of 42-inch-diameter pipeline in Kendall and Will Counties, Illinois.
—St. John West Loop—5.5 miles of 42-inch-diameter pipeline in Will County Illinois and Lake County, Indiana.
—St. John East Loop—20.9 miles of 42-inch-diameter pipeline in Lake and Porter Counties, Indiana.
—Bridgman Loop—16.0 miles of 30-inch-diameter pipeline in Berrien County, Michigan.
—Defiance Loop—14.1 miles of 30-inch-diameter pipeline in Defiance County, Ohio.

• 15,000 hp additional compression at the existing Bridgman Compressor Station in Berrien County, Michigan, and Modifications not involving compression change at the existing Lagrange Compressor Station in Lagrange County, Indiana and Defiance Compressor Station in Defiance County, Ohio.

• Associated aboveground facilities, including the installation of pig receivers at the St. John and Defiance Compressor Stations, and at the end of the Bridgman Loop facilities in Berrien County, Michigan. Also, new pig launchers would be installed at the St. John and Bridgman Compressor Stations, at the beginning of the Joliet Loop in Kendall County, Illinois, and on the Defiance Loop in Defiance County, Ohio.

National Fuel Gas Supply Corporation (National Fuel) wants to abandon, primarily by removal, three contiguous sections of its existing natural gas pipeline facilities in Pennsylvania to facilitate construction of Independence's proposed pipeline in that area. National Fuel would also make minor changes to its remaining facilities in that area to maintain service to existing customers. National Fuel requests Commission authorization, in Docket No. CP98–200–000, to:

• Abandon by removal 13.3 miles of its 12-inch-diameter Line K, from Eshbaugh to Eldred in Clarion and Jefferson Counties, Pennsylvania.

• Abandon by removal 8.6 miles of its 12-inch-diameter Line C and 22-inch-diameter Line K–197, from Eldred to Overbeck in Jefferson County, Pennsylvania.

• Abandon by removal 17.4 miles of its 12-inch-diameter Line C and 22-inch-diameter Line K–197, from Overbeck to Lamont in Jefferson, Elk and Forest, Counties, Pennsylvania.

• Relocate taps, regulator stations, and inlet piping from Line C to Line K, and install gas heaters and pipeline jumpers, in Jefferson and Elk Counties, Pennsylvania.

• Perform an automation upgrade at its existing Knox Compressor Station in Jefferson County, Pennsylvania.

A general location map of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of Independence's proposed facilities would affect a total of about 3,702 acres. Of this total, about

[1] Independence Pipeline Company, ANR Pipeline Company, and National Fuel Gas Supply Corporation's applications were filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

3,640 acres would be disturbed by construction of the pipeline. The remaining 62 acres would be disturbed by construction and operation of the three compressor stations and two meter stations. Mainline valves would be built within or adjacent to Independence's permanent right-of-way. Extra work areas would be needed for pipe installation at roads, railroads, waterbody and wetland crossings, additional topsoil storage, pipe and equipment yards, and access roads. Approximately 209.7 miles (52 percent) of the new pipeline would be installed adjacent to or within existing rights-of-way. Independence would generally use a 75- to 100-foot-wide construction right-of-way. Following construction and restoration of the right-of-way and temporary work spaces, Independence would retain a 50-foot-wide permanent pipeline right-of-way. Existing land uses on the remainder of the disturbed areas, as well as most land uses on the permanent right-of-way, would be allowed to continue following construction. Total land requirements for the permanent right-of-way would be about 2,426 acres.

Construciton of ANR's proposed facilities would affect a total of about 1,222 acres. Of this total, about 1,124 acres would be disturbed by construction of the pipeline loops. The remaining 98 acres would be disturbed by extra work areas, contractor yards, and access roads. Approximately 63.7 miles (88 percent) of the new pipelines loops would be installed adjacent and parallel to the existing mainline. ANR would deviate from existing mainline in several locations to avoid environmental or engineering constraints. Construction of the pipeline loops would require a 75- to 145-foot-wide construction right-of-way. ANR would retain a 35- to 50-foot-wide permanent pipeline right-of-way. Existing land uses on the remainder of the disturbed areas, as well as most land uses on the permanent right-of-way, would be allowed to continue following construction. Total land requirements for the permanent right-of-way would be about 291 acres.

Removal of National Fuel's Lines K, C, and K–197, and modifications to its existing taps and regulator stations would be entirely within National Fuel's existing rights-of-way, and entirely within the construction work areas that would be affected by construction of the Independence Pipeline. National Fuel's proposed facilities would affect a total of about 319 acres.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The EIS we are preparing will give the Commission the information to do that. NEPA also requires us to discover and address concerns the public may have about the proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. We encourage state and local government representatives to notify their constituents of this proposed action and encourage them to comment on their areas of concern. Local agencies are requested to provide information on other projects, either ongoing or planned, which might conflict with, or have cumulative effects when considered in combination with, the Independence Pipeline Project.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on pages 8 and 9 of this Notice.

Currently Identified Environmental Issues

We have identified a number of issues based upon our preliminary review of the proposed facilities, the environmental information provided by Independence, ANR, National Fuel, and interested parties. Some of these issues are listed below. Keep in mind that this is a preliminary list, and is *not* a complete list of site-specific issues. We may add to, subtract from, or change the list of issues based on your comments and our analysis.

- Geology and Soils:

—Temporary and permanent impact on prime farmland soils.
—Mixing of topsoil and subsoil during construction.
—Crossing of agricultural drainage systems.
—Compaction of soil by heavy equipment.
—Crossing of reclaimed and operating strip mines and abandoned deep coal mines.
—Crossing of East Ohio Gas Company Storage Fields.
—Effect of blasting during trench excavation.
—Erosion control and restoration of the right-of-way.

- Water Resources:

—Crossing of 786 perennial and intermittent waterbodies.
—Crossing of 7 perennial waterbodies over 100 feet wide, including Des Plain, St. Joseph, Dowagiac, Allegheny, and Clarion Rivers, and Slippery Rock and Kettle Creeks.
—Effect on water supplies, including 57 private wells within 150 feet of the construction work area.
—Potentially contaminated sediments at waterbody crossings, including Middle Fork of Little Beaver Creek in Columbiana County, Ohio.

- Vegetation and Wildlife:

—Crossing of 135 acres of wetlands (totaling 13.7 miles).
—Clearing of about 1,290 acres of forest (totaling 169.6 miles) and removal of stumps, timber, and slash.
—Effect of construction on wildlife and fisheries habitat.
—Effect on federally listed endangered and threatened species, including bald eagle, Indiana bat, copper-belly watersnake, clubshell mussel, northern riffleshell mussel, northern monkshood, purple cats paw, and eastern prairie fringed orchid.

- Cultural Resources:

—Impact on historic and prehistoric sites.
—Native American and tribal concerns.

- Land Use:

—Use of eminent domain to acquire rights-of-way.
—Impact on crop production.
—Proximity to schools and residential developments.
—Effect on 45 residences within 50 feet of the construction work area.
—Crossings of septic fields and drains.
—Effect on local roads.
—Crossing of scenic highways, including State Routes 424 and 65 in Ohio.
—Effect on Canton-Akron regional airport, Summit County, Ohio, and Willard Airport, Huron County, Ohio.
—Control of unauthorized access to rights-of-way.

- Recreation and Public Interest Areas:

—Crossing of hiking trails, including the North Country National Trail System in Ohio and Pennsylvania, and the Buckeye Trail in Ohio.
—Crossing of the Allegheny National Forest in Pennsylvania.
—Crossing of the Allegheny National Forest in Pennsylvania.
—Crossing of Illinois and Michigan Canal in Illinois; Independence Dam State Park in Ohio; Clear Creek, McConnell' Mill, and Elk State Parks in Pennsylvania; and Elk, Sproul, and

Susquehannock State Forests in Pennsylvania.
—Crossing of Channahon Community Park in Illinois, Plum Grove Reserve in Illinois/Indiana, Deep River County Park in Indiana, and F.H. Dutlinger Preserve in Pennsylvania.
—Crossing of one river included on the National Wild and Scenic River System (Little Beaver Creek, in Columbiana County, Ohio).
—Crossing of state designated or proposed wild, scenic, and recreational rivers, including Maumee and Sandusky Rivers in Ohio, and Allegheny and Clarion Rivers and Slippery Rock and Kettle Creeks in Pennsylvania.

- Socioeconomics:

—Impact on property values.
—Effect of construction workforce on demands for services in surrounding areas.

- Air Quality and Noise:

—Impact on local air quality during construction, and regional air quality during operation, of pipelines and compressor stations.
—Noise impact on nearby areas from construction and operation of pipelines and compressor stations.

- Reliability and Safety:

—Assessment of hazards associated with national gas pipelines, including placement in vicinity of schools and residential developments.

- Cumulative Impact:

—Assessment of the combined effect of the proposed project with other projects which have been or may be proposed in the same region and similar time frame.

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. A number of alternatives have been identified to date, both in filings made by the applicants and in comments received. We will evaluate all feasible alternatives identified.

Our independent analysis of the issues will be in a Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for these proceedings. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will treat all comments received on the Draft EIS.

Public Participation and Scoping Meetings

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

- Reference Docket Nos. CP97–315–001, CP97–319–000. and CP98–200–000.
- Send *two* copies of your comments to: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426;
- Label one copy for the attention of the Environmental Review and Compliance Branch, PR–11.1.
- Please mail your comments so that they will be received in Washington, DC on or before April 29, 1998.

In addition to or in lieu of sending written comments, you are invited to attend one or more of the six public scoping meetings being held in the project area. An additional meeting(s) may be held in July or August. Meetings will be held at the following times and locations:

Date	Time	Location
Tuesday, April 7, 1998	7:00 p.m	Joliet Central High School, Little Theatre, Corner of Van Buren and Herkimer, (815) 727–6743, Joliet, Illinois 60432.
Wednesday, April 8, 1998	7:00 p.m	Buchanan High School Auditorium, 401 W. Chicago, (616) 695–8403, Buchanan, Michigan 49107.
Monday, April 20, 1998	7:00 p.m	Tiffin Columbian High School Auditorium, 300 South Monroe Street, (419) 447–6331, Tiffin, Ohio 44883.
Tuesday, April 21, 1998	7:00 p.m	Hoover High School, Hoover Hall, 525 Seventh Street, NE, (330) 497–5600, North Canton, Ohio 44720.
Wednesday, April 22, 1998	7:00 p.m	Butler Intermediate High School Auditorium, 551 Fairground Hill Road, (724) 287–8721, Butler, Pennsylvania 16001.
Thursday, April 23, 1998	7:00 p.m	Royal Inn, US Route 219 Boot Jack Road, (814) 773–3153, Ridgeway, Pennsylvania 15853.

The purpose of the scoping meetings is to obtain input from state and local governments and from the public. Federal agencies have formal channels for input into the Federal process (including separate meeting where appropriate). Federal agencies are expected to file their written comments directly with the FERC and not use the scoping meetings for this purpose.

Independence, ANR, and National Fuel will be invited to present a description of their proposals. Interested groups and individuals are encouraged to attend the meetings and present oral comments on the environmental issues which they believe should be addressed in the Draft EIS. A transcript will be made of the meetings and will be made part of the Commission's record in this proceeding. Written comments and oral comments will be treated equally in our review.

We are asking a number of Federal agencies to indicate whether they wish to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated each proposal relative to their agencies' responsibilities. The list of agencies is provided in appendix 3.[2]

On the above dates we will also be conducting limited site visits to the project area in the vicinity of each scoping meeting location. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs, identified at

[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, Room 2A or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

the end of this notice, for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding, known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy to all other parties on the Commission's service lists for these proceedings. If you want to become an intervenor you must file a Motion to Intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed, having ended February 23, 1998. 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. However, you do not need intervenor status to have your comments considered.

Environmental Mailing List

Anyone offering scoping comments will be automatically kept on our environmental mailing list for the project. If you do not want to offer comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, please return the Environmental Mailing List Information (appendix 5). If you do not return the card you will be taken off the mailing list.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs at (202) 208–1088.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6524 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA)

March 9, 1998.

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

a. *Type of Application:* Major New License.

b. *Project No.:* 420–000.

c. *Applicant:* Ketchikan Public Utilities, City of Ketchikan, Alaska.

d. *Name of Project:* Ketchikan Lakes Hydroelectric Project.

e. *Location:* Partially within the Tongass National Forest, on Ketchikan and Granite Creeks, east of the city of Ketchikan, Alaska.

f. *Applicant Contact:* Mr. Ron Settje, Ketchikan Public Utilities, 2930 Tongass Avenue, Ketchikan, Alaska 99901, (907) 225–1000 (ext. 388).

Send Comments to: Mr. Larry Keith, Greystone, 5231 South Quebec Street, Greenwood Village, Colorado 80111, (303) 850–0930.

g. *FERC Contact:* Charles Hall (202) 219–2853.

h. Ketchikan Public Utilities mailed a copy of the PDEA and Draft License Application to interested parties on March 3. The Commission received a copy of the PDEA and Draft License Application on March 4.

i. As discussed in the Commission's September 18, 1996 letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations for the PDEA and comments on the draft license application.

j. All comments on the PDEA and draft license application for the Ketchikan Lakes Project should be sent to the address noted above in item (f) with one copy filed with the Commission at the following address: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, Dockets—Room 1A, 888 First Street, Washington, DC 20426.

All comments must (1) bear the heading ''Preliminary Comments'', ''Preliminary Recommendations'', ''Preliminary Terms and Conditions'', or ''Preliminary Prescriptions''; and (2) set forth in the heading the name of the applicant and the project number of the application. Any party interested in commenting must do so before June 3, 1998.

k. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6487 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License

March 9, 1998.

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

a. *Type of Application:* Amendment of License.

b. *Project No:* 2232–349.

c. *Date Filed:* September 22, 1997.

d. *Applicant:* Duke Power Company.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* Gaston County, Mount Holly, North Carolina.

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

h. *Applicant Contact:* Mr. E. Mark Oakley, Duke Power Company, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006, (704) 382–5778.

i. *FERC Contact:* Allyson Lichtenfels, (202) 219–3274.

j. *Comment Date:* April 20, 1998.

k. *Description of the Filing:* The licensee filed a revised exhibit K–7–B drawing to indicate removal of an island from the Catawba-Wateree Project boundary. The island is located within the Catawba River approximately four and one-half miles downstream of the Mountain Island Dam. The revised project boundary is based on an updated survey reflecting the filling of the canal which created the island. The land proposed to be removed lies entirely outside or up-slope of the 570-foot contour pond elevation of Lake Wylie. A 0.41 -acre parcel of land is to be conveyed to Squires Enterprises, Inc., in exchange for a 1.52-acre parcel of land to be conveyed to Duke Power Company.

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

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214.

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

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

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

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6488 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Proceeding Pursuant to Reserved Authority To Determine Whether Modifications to License Are Appropriate

March 9, 1998.

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

a. *Type of Action:* Proceeding pursuant to reserved authority to determine whether modifications to license are appropriate.

b. *Project No.:* 4718–010.

c. *License Issued:* December 8, 1982.

d. *Licensee:* Southern New Hampshire Hydroelectric Development Corporation.

e. *Name of Project:* Cocheco Falls.

f. *Location:* Cocheco River, Dover, New Hampshire.

g. *Authorization:* Article 11 of the project.

h. *Licensee Contact:* Mr. John Webster, Southern New Hampshire Hydroelectric Development Corporation, P.O. Box 178, South Berwick, ME 03908.

i. *FERC Contact:* Robert Grieve, (202) 219–2655.

j. *Comment Date:* April 11, 1998.

k. *Description of Proceeding:* The Commission has initiated a proceeding to determine if reserved authority under article 11 of the project license should be used to require modifications to the project. On September 25, 1995, the New Hampshire Department of Justice filed New Hampshire Fish and Game Department's (FGD) petition to revise the license for the Cocheco Falls Project with respect to upstream and downstream fish passage. In the petition, the FGD requested that a proceeding be initiated to require the licensee to modify the upstream and downstream fish passage facilities and trash boom and to extend the schedule of operation of the passage facilities. On August 30, 1996, Commission staff forwarded its preliminary analysis to the licensee, the New Hampshire Department of Justice and the FGD. Comments were received from each entity and the U.S. Fish and Wildlife Service.

Commission staff concluded in the preliminary analysis that modifications to the fish passage facilities and their operating schedules are warranted, along with a plan to correct trash boom problems.

Copies of the New Hampshire Department of Justice petition and Commission staff's preliminary analysis may be obtained from the Commission's public file in this proceeding.

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

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

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

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

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6490 Filed 3–12–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5977–2]

Proposed Settlement Agreement, Clean Air Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act'' or ''CAA''), 42 U.S.C. 7413(g), notice is hereby given of a proposed partial consent decree, which was lodged with the United States District Court for the District of Columbia by the United States District Court of Columbia by the United States Environmental Protection Agency (''EPA'') on February 27, 1998, to address a lawsuit filed by the Sierra Club. This lawsuit, which was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), addresses EPA's

alleged failure to meet a mandatory deadline under section 202(i)(2)(B) of the Act, 42 U.S.C. 7521(i)(2)(B), which concerns a study and report to Congress regarding whether EPA should require further reductions in emissions from light-duty vehicles and light-duty trucks. The proposed partial consent decree provides, in part, that ''[n]o later than July 15, 1998, the Administrator shall sign a letter transmitting a report to Congress containing the results of the study described by CAA section 202(i)(1) and (2), 42 U.S.C. 7521(i)(1) and (2). Within five business days thereafter, EPA shall deliver to Congress such letter and report.''

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed partial consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the final partial consent decree will establish a deadline for specific actions under section 202(i)(2)(B) of the Act.

A copy of the proposed partial consent decree was lodged with the Clerk of the United States District Court for the District of Columbia for February 27, 1998. Copies are also available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7606. Written comments should be sent to Michael J. Horowitz at the address above and must be submitted on or before April 13, 1998.

Dated: March 6, 1998.

Scott C. Fulton,

Acting General Counsel.

[FR Doc. 98–6537 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5977–3]

Proposed Settlement Agreement, Clean Air Act Citizen Suit; Consent Decree Setting Deadlines for Issuance of Regulations or Control Techniques Guidelines Under CAA Section 183(e)

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (the ''Act''), 42 U.S.C. 7413(g), the United States Environmental Protection Agency (the ''EPA'') hereby gives notice of a proposed consent decree, which EPA lodged with the United States District Court for the District of Columbia on February 20, 1998, to address a lawsuit filed by the Sierra Club. The Sierra Club filed this lawsuit pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), to address EPA's alleged failure to meet a mandatory deadline under section 183(e) of the Act, 42 U.S.C. 7511b(e), which concerns issuance of rules or control techniques guidelines to reduce emissions of volatile organic compounds from consumer or commercial products. The proposed consent decree provides, in part, the EPA shall issue either rules or control techniques guidelines for certain categories of consumer or commercial products as follows: (1) August 15, 1998, for consumer products; (2) August 15, 1998, for autobody refinishing coatings; (3) August 15, 1998, for architectural coatings; (4) December 1, 1998, for wood refinishing coatings; (5) December 1, 1998, for aerospace coatings; and (6) December 1, 1998, for shipbuilding and ship repair coatings.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will establish deadlines for specific actions under section 183(e) of the Act.

EPA lodged a copy of the proposed consent decree with the Clerk of the United States District Court for the District of Columbia on February 20, 1998. Copies are also available from Phyllis J. Cochran, Air and Radiation Law Office (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7606. Written comments should be sent to Geoffrey L. Wilcox at the address above and must be submitted on or before April 13, 1998.

Dated: March 6, 1998.

Scott C. Fulton,

Acting General Counsel.

[FR Doc. 98–6538 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed March 02, 1998 through March 06, 1998

Pursuant to 40 CFR 1506.9.

EIS No. 980063, DRAFT EIS, FHW, WA, A–104/Edmonds Crossing Project, Connecting Ferries, Bus and Rail, Funding, NPDESs Permit, COE Section 10 and 404 Permit, City of Edmonds, Snohomish County, WA, Due: April 27, 1998, Contact: Gene Fong (360) 753–2120.

EIS No. 980064, FINAL EIS, AFS, UT, Spruce Ecosystem Recovery Project, Implementation, Dixie National Forest, Cedar City Ranger District, Iron County, UT, Due: April 13, 1998, Contact: Ronald S. Wilson (435) 865–3200.

EIS No. 980065, DRAFT EIS, FHW, MO, MO–50/West-Central Corridor Location Study, Transportation Improvements, Sedallia to St. Martins, Pettis, Cooper, Morgan and Moniteau and Cole Counties, MO, Due: April 27, 1998, Contact: Don Newman (573) 636–7104.

EIS No. 980066, DRAFT EIS, COE, WV, Bluestone Lake Dam Safety Assurance Project, Modifications to withstand the Probable Maximum Flood, (PMF) Huntington District, Summer County, WV, Due: April 27, 1998, Contact: A. Benjamin Borda (304) 529–5712.

EIS No. 980067, DRAFT EIS, AFS, VT, Sugarbush Ski Resort Project,

Improvements and Development, Special-Use-Permit, Green Mountain National Forest, Rochester Range District, Fayston and Warren, Washington County, VT, Due: April 27, 1998, Contact: Bob Bayer (802) 362–2307.

EIS No. 980068, FINAL EIS, NPS, AS, National Park of American Samoa, Implementation, General Management Plan, Islands of Tutulla, Ta'u and Ofu, Territory of American Samoa, Due: April 13, 1998, Contact: Alan Schmierer (415) 427–1441.

EIS No. 980069, DRAFT EIS, COE, MD, Ocean City, Maryland and Assateaque Island Project, Implementation, Vicinity Water Resources Feasibility Study, Town of Ocean City, Worcester County, MD, Due: April 27, 1998, Contact: Michele A. Bistang (410) 962–4934.

Dated: March 10, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–6565 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 23, 1998 Through February 27, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the OFFICE OF FEDERAL ACTIVITIES AT (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

Draft EISs

ERP No. D–AFS–E65050–MI Rating EC2, Porter Creek Recreational Lake and Complex, Implementation, Homochitto National Forest, Homochitto Ranger District, Franklin County, MI.

Summary: EPA expressed environmental concerns about loss of floodplain resources and water quality problems from potential sewage discharge.

ERP No. D–AFS–L65297–AK Rating EC2, Indian River Timber Sales(s) Project, Implementation, Tongass National Forest, Chatham Area, Sitka and Hoonah Ranger Districts, COE Section 10 and 404 Permit, NPDES and Coast Guard Bridge Permit, Chichagof Island, AK.

Summary: EPA expressed environmental concerns with mitigation strategies and made recommendations for improving those strategies. EPA recommended that all log transfer facilities be designed and operated in a manner that allows for direct transfer of logs from land to barge. EPA also recommended that the project area watershed analysis, dive report and wetland delineation be included in the final EIS.

ERP No. D–FHW–C40142–NY Rating EC2, S–20/Broadway (Transit Road to Lancaster East Village Line) Reconstruction, Funding, COE Section 10 and 404 Permit, in the Villages of Depew and Lancaster, Erie County, NY.

Summary: EPA requested that the final EIS provide air quality analysis which demonstrates that Phase II will conform to the state implementation plan as well as a commitment to characterize and plan for the disposal of contaminated waste. EPA also requests that the final EIS address mitigation for adverse effects to historic or cultural resources.

ERP No. D–FHW–K40229-HI Rating EO2, Saddle Road (HI–200) Improvements between Mamalahoa Highway HI–190) to Milepost 6 near Hilo, Funding, NPDES and COE Section 404 Permit, Hawaii County, HI.

Summary: EPA Region 9 raised environmental objections to the build alternative. EPA suggested that other alternatives be examined and raised concerns with the alternatives analysis, impacts to water resources, and indirect and cumulative effects of the project.

ERP No. D–USA–C11014–NY Rating EC2, Seneca Army Depot Activity Disposal and Reuse, Implementation, Seneca County and the City of Geneva, Ontario County, NY.

Summary: EPA expressed environmental concerns about ground water contamination remediation, and impacts to wetlands and cultural resources.

ERP No. D–USA–E11042–AL Rating EC2, Fort McClellen (Main Post) Disposal and Reuse, Implementation, Calhoun, Cleburne, Randolph, Clay, Talledega, St. Clair, Etowah and Cherokee Counties, AL.

Summary: EPA has environmental concerns with the preferred alternative based on the unknowns associated with its potential environmental impacts. Additional information will need to be developed to determine the actual long-term consequences of this more intensive reuse option.

ERP No. D–USN–K11083–CA Rating EC2, Hunters Point (Former) Naval Shipyard Disposal and Reuse, Implementation, City of San Francisco, San Francisco County, CA.

SUMMARY: EPA requested additional information on project description, alternatives land use compatibility, air quality cumulative impacts, hazardous wastes and environmental justice analysis. In particular, we are concerned by a general lack of specificity in the draft EIS/EIR.

ERP No. D-USN-K11086-CA Rating EC2, US Pacific Fleet F/A 18 E/F Aircraft for Development of Facilities to Support Basing on the West Coast of the United States, Possible Installations are (1) Lemoore Naval Air Station and (2) El Centro Naval Air Facility, Fresno, King and Imperial Counties, CA.

SUMMARY: EPA expressed environmental concerns that the proposed project and DEIS was developed without consideration of Executives Orders that require pollution prevention, energy efficiency, water conservation, hazardous waste minimization, and solid waste reduction and recycling. EPA expressed concerns that air mitigation measures required under EPA's general conformity rule are conceptual in nature and lack definitiveness.

ERP No. DA-FHW-L40049-OR Rating EC2, West 11th Avenue—Garfield Street (West Eugene Parkway) Highway Project, Florence—Eugene Highway (OR–126) New Alignment, Comparison of the Originally Approved Design and a New Modified Design, Funding, Lane County, OR.

SUMMARY: EPA expressed environmental concerns regarding alternative analysis and their rejection since it appeared some had reduced environmental impacts especially to rare wet prairie meadows. Also, there is insufficient information to determine whether the design of wildlife crossings proposed for mitigation will accommodate all species frequenting the area.

Final EISs

ERP No. F-CGD-C50012–00 Staten Island Bridges Program—Modernization and Capacity Enhancement Project, Construction and Operation, Funding, Right-of-Way Grant, COE Section 404 Permit and NPDES Permit, Staten Island, NY and Elizabeth, NJ.

SUMMARY: Based on EPA review of the final EIS, and with the understanding that EPA will continue to provide input to the interagency mitigation group regarding pending

wetland mitigation issues, and that the stages IB cultural resource survey will be completed. EPA's concerns have been adequately addressed. EPA have concluded that the proposed project would not result in significant adverse environmental impacts; therefore, EPA has no objections to its implementation.

ERP No. F-DOE-C06013-NY Disposal of the Defueled S3G and D1G Prototype Reactor Plants, Implementation, Located at the Knolls Atomic Power Laboratory Kesselring Site near West Milton, Saratoga County, NY.

SUMMARY: EPA had no objections to the implementation of the proposed project.

ERP No. F-USN-K11077-CA Novato, California Department of Defense Housing Facility Disposal and Reuse, Implementation, City of Novato, Marin County, CA.

SUMMARY: EPA express environmental concern about the draft EIS, which include requests for information regarding project description, cumulative impacts water and wetlands, air quality and cultural resources protection, are generally addressed in the Final EIS. EPA asks the Navy to better use the no-action baseline in its impacts analysis.

Dated: March 10, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–6573 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30450; FRL–5779–7]

Agtrol Chemical Products; Applications to Register a Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of an application to register a pesticide product involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by April 13, 1998.

ADDRESSES: By mail, submit written comments identified by the docket control number [OPP–30450] and the file symbols to: Public Information and Records Integrity Branch (7502C), Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under ''SUPPLEMENTARY INFORMATION.'' No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Luis Suguiyama, Fungicide Branch Chief, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–6027; e-mail: suguiyama.luis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received an application to register a pesticide product involving a changed use pattern pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

I. Product Involving a Changed Use Pattern

File Symbol: 55146–TG. Applicant: Agtrol Chemical Products, 7322 Southwest Freeway, Houston, TX, 77074. Product name: Flourish Fungicide. Active ingredient: Metalaxyl at 25.1 percent. Proposed classification: None. Use: To include, controlling diseases on growing food crop plants.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket control number [OPP–30450] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP–30450]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: March 11, 1998.

Luis Suguiyama,

Chief, Fungicide Branch, Registration Division, Office of Pesticide Programs.

[FR Doc. 98–6690 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5977–6]

Enviropur West Corporation Superfund Removal Site; Notice of Proposed First Amendment to Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comments.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (''CERCLA''), 42 U.S.C. 9266(i) notice is hereby given of a First Amendment to Administrative Agreement (Region 9, Docket No. 97–08) pursuant to section 122(h) of CERCLA concerning the Enviropur West Corporation Removal Site located in Signal Hill, California. The proposed amendment adds Advanced Environmental, Inc. as a Settling Party to this Agreement. Under the Amendment, Advanced Environmental, Inc. is to pay $35,000 to EPA. The payment amount is based on Advanced Environment Inc.'s ability to pay EPA response costs. The proposed Amendment is to resolve the liability of Advanced Environmental, Inc. under section 107 of CERCLA for the EPA's response costs incurred in conducting removal of aboveground waste in containers at the Enviropur West Corporation removal site. For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the Amendment. The Agency's response to any comments received will be available for public inspection at EPA's Region IX offices located at 75 Hawthorne Street, San Francisco, California 94105.

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

ADDRESSES: The proposed Amendment may be obtained from Danielle Carr, Hearing Clerk, telephone (415) 744–1389. Comments regarding the proposed Amendment settlement should be addressed to Danielle Carr (ORC–3) at 75 Hawthorne Street, San Francisco, California 94105, and should reference the Enviropur West Corporation Superfund Removal Site located at 1835 E 29th Street, Signal Hill, California, EPA Docket No. 97–08.

FOR FURTHER INFORMATION CONTACT: Janet Carlson, Office of Regional Counsel, (415) 744–1345, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: February 24, 1998.

Keith A. Takata,

Director, Superfund Division.

[FR Doc. 98–6539 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5977–7]

San Gabriel Valley Superfund Sites; Notice of Proposed Administrative Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9600 *et seq.*, notice is hereby given that on February 24, 1998, the United States Environmental Protection Agency (''EPA'') and the United States Department of Justice (''DOJ'') executed a proposed Prospective Purchaser Agreement pertaining to a property transaction within the San Gabriel Valley Superfund Sites. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against Trammell Crow So. Cal. Properties, Inc. (the ''Purchaser''). The Purchaser plans to acquire 8.93 acre parcel located within the Puente Valley Operable Unit of the San Gabriel Valley Superfund Sites near Los Angeles, California for the purposes of developing and operating a light industrial and commercial facility. The proposed settlement would require the Purchaser to make a one-time payment of $150,000, which would be placed into a special account for response actions in the Puente Valley Operable Unit.

For thirty (30) calendar days following the date of publication of this document, EPA will receive written comments relating to this proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

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

ADDRESSES: *Availability:* The proposed Prospective Purchaser Agreement and additional background documentation relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may also be obtained from Brett Moffatt, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference ''Cardinal Industrial Finishes—Puente Valley Operable Unit, San Gabriel Valley Superfund Sites'' and ''Docket No. 97–12'' and should be addressed to Brett Moffatt at the above address.

FOR FURTHER INFORMATION CONTACT: Brett Moffatt, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: moffatt.brett@epamail.epa.gov; Phone: (415) 744–1374.

Dated: March 2, 1998.

Michael Feeley,

Deputy Director, Superfund Division, Region IX.

[FR Doc. 98–6540 Filed 3–12–98; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

March 9, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, 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 information techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 12, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0736.

Title: Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96–149.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 5.

Estimated Time Per Response: 60.6 hours per response (avg.).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 303 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Needs and Uses: Section 272 of the Telecommunications Act of 1996 requires that BOCs make information available to third parties if it makes that information available to its section 272(a) affiliates. In an Order released February 6, 1998, the Commission's Common Carrier Bureau resolved questions regarding the application of sections 10 and 272 of the Communications Act of 1934, as amended, (Act) to the provision of E911 services by the Bell Operating Companies (BOCs). Bell Operating Companies, Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities, CC Docket No. 96–149, DA 98–220, Memorandum Opinion and Order (Com. Car. Bur. Feb. 6, 1998) (February 6 Order). E911 services enable emergency service personnel to identify the location of the party calling 911, and are essential to the safety of many Americans. In the February 6 Order, the Bureau determined that the BOCs' E911 services are interLATA information services. One consequence of this determination was that each BOC had an obligation under section 272(a)(2)(C) of the Act to provide E911 services only through a separate affiliate. In the February 6 Order, the Bureau forbore from the application of this separate affiliate requirement pursuant to the forbearance authority in section 10 of the Act, thus permitting the BOCs to provide E911 services on an integrated basis. The Bureau determined that requiring the BOCs to provide E911 services only through separate affiliates would have increased the cost, but not the quality, of those services. In the February 6 Order, the Bureau maintained the substance of the statutory nondiscrimination requirement by requiring each BOC to provide unaffiliated entities with all listing information, including unlisted and unpublished numbers as well as the numbers of other local exchange carriers' customers, that the BOC uses to provide E911 services, even though that Order was permitting the BOCs to provide those services on an integrated basis. The Bureau required that this listing information be provided at the same rates, terms, and conditions, if any, the BOC charges or imposes on its own E911 services. The BOCs are already required to account for their E911 services on the books of account that they maintain in accordance with Part 32 of the Commissions rules. The Commission requires that the BOCs treat their E911 serves as nonregulated activities for federal accounting purposes to the extent they involve storage and retrieval functions included within the statutory definition of information service. The BOCs shall record any charges they impute for their E911 services in their revenue accounts. The BOCs shall account for any imputed charges by debiting their nonregulated operating revenue accounts and crediting their regulated revenue accounts by the amounts of the imputed charges. The BOCs shall make any changes to their cost allocation manuals necessary to reflect this account. The BOCs' independent auditors shall include this accounting in their review of the BOCs compliance with their cost allocation manuals. The requirements will be used to ensure that BOCs comply with the nondiscrimination requirements under the 1996 Act.

OMB Approval No.: 3060–0785.

Title: Changes to the Board of Directors of the National Exchange Carrier Association and the Federal-State Joint Board on Universal Service, CC docket Nos. 97–21 and 96–45.

Form No.: FCC Form 457.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 5,000.

Estimated Time Per Response: 11.13 hours per response (avg.).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 55,650 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $4,903,000.

Needs and Uses: The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96–45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96–45, Report and Order in CC Docket Nos. 96–45, 96–262, 94–1, 91–213, 95–72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsidered certain aspects of the Universal Service Order and exempted additional entities from universal service contribution and reporting requirements. Broadcasters and schools, colleges, universities, rural health care providers, and systems integrators that derive de minimis amounts of revenue from the resale of telecommunications will not be required to contribute to universal service. Entities whose annual contribution would be less than $10,000 will not be required to contribute to universal service or comply with universal service reporting requirements. Contributors exempt from filing and contributing because of de minimis revenues must complete and retain the FCC 457 worksheet and make it available to the Commission or to the Universal Service Administrator upon request. Underlying carriers should

include revenues derived from providing telecommunications to entities qualifying for the de minimis exemption in line 34–47, where appropriate of their Universal Service Worksheet. The Universal Service Worksheet, FCC Form 457 was revised to make it consistent with recent actions taken by the Commission in the universal service proceeding. The information will be used by the Commission and the Administrator or Temporary Administrator to calculate contributions to the universal service support mechanisms.

OMB Approval No.: 3060–0536.

Title: Rules and Requirements for Telecommunications Relay Services (TRS) Interstate Cost Recovery.

Form No.: FCC Form 431.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 5,000.

Estimated Time Per Response: 3.11 hours per response (avg.).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 15,593 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Needs and Uses: Title IV of the Americans with Disabilities Act, Public Law 101–336, Section 401, 104 Stat. 327, 366–69 (codified at 47 U.S.C. Section 225) requires the Federal Communications Commission to ensure that telecommunications relay services are available to persons with hearing and speech disabilities in the United States. Among other things, the Commission is required by 47 U.S.C. 225(d)(3) to enact and oversee a shared-funding mechanism (TRS Fund) for recovering the costs of providing interstate TRS. The Commission's regulations concerning the TRS Fund are codified at 47 C.F.R. 64.604(c)(4). Pursuant to these regulations, the National Exchange Carrier Association (NECA) has been appointed Administrator of the TRS Fund. The Commission's rules require all carriers providing interstate telecommunications services to contribute to the TRS Fund on an annual basis. Contributions are the product of the carrier's gross interstate revenues for the previous year and a contribution factor determined annually by the Commission. The collected contributions are used to compensate TRS providers for the costs of providing interstate TRS service. The Commission releases an order each year approving the contribution factor, payment rate and TRS Fund Worksheet for the following year. Accordingly, on December 22, 1997, the Commission's Common Carrier Bureau, acting under delegated authority, released an order approving the contribution factor for the April 1998 through March 1999 contribution period and the 1998 TRS Fund Worksheet (FCC Form 431) and also making several revisions to the form. The data in the report will be used to ensure that carriers properly fund interstate TRS. All carriers providing interstate telecommunications service must file this worksheet. Other telecommunications carriers may voluntarily file this worksheet. The requested information is used to administer the TRS Fund. Information is used to calculate a national average to recover the total interstate TRS revenue requirements and to determine the appropriate payment due to the TRS providers participating in the shared-funding plan.

OMB Approval No.: 3060–0814.

Title: Section 54.301 Local Switching Support and Local Switching Support Data Collection Form and Instructions.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 192.

Estimated Time Per Response: 21.55 hours per response (avg.).

Frequency of Response: On occasion reporting requirement; annually.

Total Annual Burden: 4,138 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Needs and Uses: The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96–45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96–45, Report and Order in CC Docket Nos. 96–45, 96–262, 94–1, 91–213, 95–72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsiders certain aspects of the Universal Service Order. Among other things, the Fourth Order on Reconsideration adopts a precise methodology for the universal service administrator to use in calculating the average unseparated local switching revenue requirement. Although this rule generally requires carriers to submit data on October 1 of each year, the universal service administrator must collect data from carriers that do not participate in the NECA common line pool immediately to prepare for the 1998 year. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with the projected total unseparated dollar amount assigned to each account in Section 54.301(b) for 1998. Of the carriers that do not participate in the NECA common line pool, 20 of these carriers are ''average schedule'' companies as defined in Part 69.605(c) of the Commission's rules. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that is an average schedule company, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with their total number of access lines, total number of central offices, and projected access minutes for 1998. These companies receive local switching support calculated pursuant to section 54.301(f), whereas the remaining companies receive support calculated pursuant to section 54.301(b). This data request is necessary to calculate the average unseparated local switching revenue requirement. This revenue requirement calculation is necessary to calculate the amount of local switching support that carriers will receive. This data request is necessary to calculate the average unseparated local switching revenue requirement.

OMB Approval No.: 3060–0819.

Title: Lifeline Assistance (Lifeline), Lifeline Connection Assistance (Link Up) Reporting Worksheet and Instructions (47 CFR 54.400–54.417).

Form No.: FCC Form 497.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 1,500 respondents (18,000 responses).

Estimated Time Per Response: 3 hours per response (avg.)

Frequency of Response: On occasion reporting requirement; monthly; quarterly; semi-annually.

Total Annual Burden: 42,000.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Needs and Uses: The Telecommunications Act of 1996 directed the Commission to initiate a

rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released a Report and Order on Universal Service (Universal Service Order) in CC Docket 96–45 that established new federal universal service support mechanisms consistent with section 254. In the Universal Service Order, the Commission expanded and made competitively neutral its programs for low-income consumers, Lifeline and Link Up. On December 30, 1997, the Commission released a Fourth Order on Reconsideration that amended some of the Lifeline and Link Up rules. The following describes the universal service support reimbursement available to eligible telecommunications carriers for providing Lifeline and Link Up programs to qualifying low-income customers: Eligible telecommunications carriers are permitted to receive universal service support reimbursement for offering Lifeline service to qualifying low-income customers; eligible telecommunications carriers may receive universal service support reimbursement for the revenue they forego in reducing their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the charges assessed for commencing service for which the consumer does not pay interest, in conformity with 47 CFR 54.411; eligible telecommunications carriers providing toll-limitation services (TLS) for qualifying low-income subscribers will be compensated from universal service mechanisms for the incremental cost of providing either toll blocking or toll control; and eligible telecommunications carriers that serve qualifying low-income consumers who have toll blocking shall receive universal service support reimbursement for waiving the Presubscribed Interexchange Carriers Charge (PICC) for Lifeline customers. FCC Form 497 implements the Lifeline and Link Up reimbursement programs. This information is necessary in order for eligible telecommunications carriers to receive universal service support reimbursement for providing Lifeline and Link Up.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6424 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–10–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 6, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Any agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 12, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–XXXX.

Title: Application for DTV Broadcast Station License.

Form Number: FCC Form 302–DTV.

Type of Review: New collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 50.

Estimated Time Per Response: 19 hours (1.5 for applicant; 17.5 for contact engineer).

Total Annual Burden: 75 hours.

Frequency of Response: On occasion reporting requirement.

Estimated Cost Per Respondent: $172,375.

Needs and Uses: Licensees and permittees of DTV broadcast stations are required to file FCC Form 302–DTV to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

The data is used by Commission staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302–DTV for inclusion in the subsequent license to operate the station.

OMB Approval Number: 3060–XXXX.

Title: Application for Assignment of a Multipoint Distribution Service Authorization.

Form Number: FCC Form 305.

Type of Review: New collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 160.

Estimated Time Per Response: 55 hours (12.7 hours—assignor; 37.3 hours—assignee).

Total Annual Burden: 800 hours.

Frequency of Response: On occasion reporting requirement.

Estimated Cost Per Respondent: $1,609,660.

Needs and Uses: The Commission has developed a new FCC Form 305 application form which streamlines the application process for assignment of a Multipoint Distribution Service (MDS) authorization. This new form will replace the FCC Form 702 (3060–0068) for facilities governed by 47 CFR Part 21. The new FCC Form 305 will collect only the information required to evaluate a proposed assignee's qualifications to become a Commission MDS licensee. This new form has been developed to accommodate electronic filing of an assignment of authorization for MDS applicants. The data is used by FCC staff to determine if the applicant is qualified to become a licensee or permittee and to carry out the statutory provisions of Section 310(d) of the Communications Act of 1934, as amended.

OMB Approval No.: 3060–0185.

Title: Section 73.3613, Filing of Contracts System Operation.

Form No.: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 3,180.

Estimated Hours Per Response: 0.75 hours reporting requirement (0.25 hours licensee/0.5 hours contract time); 0.5 hours recordkeeping requirement.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Cost to Respondents: $74,000.

Estimated Total Annual Burden: 1,405 hours.

Needs and Uses: Section 73.3613 requires that licensees of TV and low power TV broadcast stations file with the FCC copies of network affiliation contracts, instruments, and documents together with amendments, supplements and cancellations. In addition, all radio and full service TV broadcast station licensees are required to file contracts, instruments, or documents relating to ownership or control and personnel.

Section 73.3613 also requires licensees to file, within 30 days of execution, a copy of any local time brokerage agreement which would result in the arrangement being counted in determining the brokering licensee's compliance with local and national radio multiple ownership rules.

Certain contracts, agreements or understandings need not be filed with the FCC under Section 73.3613(e), but must be retained at the station and be made available for inspection upon request by the FCC.

The contracts filed with the FCC and filed in the station file are used by FCC staff to assure that a licensee maintains full control over the operation and maintenance of the station.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6425 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2261]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

March 6, 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 March 30, 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 Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Tylertown, Mississippi) (CC Docket No. 97–45).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6459 Filed 3–12–98; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

DATE & TIME: Friday, April 24 at 8:00 a.m., Saturday, April 25 at 8:30 a.m.

PLACE: Doubletree Hotel, Columbia River, 1401 N. Hayden Island Drive, Portland, OR 97217.

NAME: Federal Election Commission, Election Administration Advisory Panel.

STATUS: The Advisory Panel Meeting is open to the public, dependent on available space.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appl I) and Office of Management and Budget Circular A–63, as revised, the Federal Election Commission announces the 1998 Adivosry Panel meeting.

ITEMS TO BE DISCUSSED: Using the Internet in Election Offices; Developing a Statewide Voter Registration Database; Year 2000 Compliance in Election Offices: Problems and Solutions; Updating the Voting Systems Standards; A Review of Recent Election Case Law; Confirming Identity Through Biometric Technology; Census 2000; Communicating with the Electronic Media.

PURPOSE OF THE MEETING: The Panel will present their views on problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Office of Election Administration for its future program development.

Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, Panel Chair may allow public presentation or oral statements at the meeting.

PERSON TO CONTACT FOR INFORMATION: Ms. Penelope Bonsall, Director, Office of Election Administration, Telephone: (202) 694–1095.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 98–6720 Filed 3–11–98; 3:04 p.m.]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, March 18, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Proposed amendments to Regulation D (Reserve Requirements of Depository Institutions) regarding a proposed reserve maintenance system under which reserves are maintained on a lagged basis (proposed earlier for public comment; Docket No. R–0988).

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: March 11, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–6655 Filed 3–11–98; 11:25 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 10:30 a.m., Wednesday, March 18, 1998, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 11, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–6656 Filed 3–11–98; 11:25 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98C–0158]

Linvatec Corp.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Linvatec Corp. has filed a petition proposing that the color additive regulations be amended to provide for the safe use of D&C Violet No. 2 to color absorbable meniscal tacks made from poly(L-lactic acid).

FOR FURTHER INFORMATION CONTACT: Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 721(d)(1) (21 U.S.C. 379e(d)(1)), notice is given that a color additive petition (CAP 8C0255) has been filed by Linvatec Corp., P.O. Box 2917, Largo, FL 33779–2917. The petition proposes to amend the color additive regulations in § 74.3602 *D&C Violet No. 2* (21 CFR 74.3602) to provide for the safe use of D&C Violet No. 2 to color absorbable meniscal tacks made from poly(L-lactic acid).

The agency has determined under 21 CFR 25.32(l) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 2, 1998.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–6570 Filed 3–12–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D–0133]

FDA Modernization Act of 1997: Guidance for Industry on Implementation of Section 126, Elimination of Certain Labeling Requirements; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Implementation of Section 126, Elimination of Certain Labeling Requirements, of the Food and Drug Administration Modernization Act of 1997.'' The Food and Drug Administration Modernization Act of 1997 (FDAMA) amends the Federal Food, Drug, and Cosmetic Act (the act) to require, at a minimum, that before dispensing, the labels of prescription products contain the symbol ''Rx only'' instead of the ''Caution: Federal law prohibits dispensing without prescription'' statement. In addition, the requirement that the labels of certain habit-forming drugs bear the statement ''Warning—May be habit forming'' has been repealed. This guidance is intended to clarify FDA policy with respect to implementation of these amendments that became effective February 19, 1998. The agency requested comments on this guidance.

DATES: Written comments may be submitted at any time.

ADDRESSES: Copies of this guidance may be obtained on the Internet at http://www.fda.gov/cder/guidance/index.htm. Submit written requests for single copies of this guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jerry Phillips, Center for Drug Evaluation and Research (HFD–610), Food and Drug Administration, Office of Generic Drugs, 7500 Standish Pl., Rockville, MD 20855, 301–827–5846.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a guidance for industry entitled ''Implementation of Section 126, Elimination of Certain Labeling Requirements, of the Food and Drug Administration Modernization Act of 1997.'' Section 126 of Title I of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115), signed into law by President Clinton on November 21, 1997, amends section 503(b)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 353(b)(4)) to require, at a minimum, that prior to dispensing, the label of prescription products contain the symbol ''Rx only.'' In addition, section 502(d) of the act (21 U.S.C. 352(d)) is repealed. This section required the labels of certain habit-forming drugs to bear the statement ''Warning—May be habit forming.'' The amendments to section 503(b)(4) of the act and the repeal of section 502(d) of the act became effective February 19, 1998.

This guidance for industry is intended to: (1) Describe the new prescription drug labeling requirements of the act as amended by FDAMA and (2) advise manufacturers, packers, and distributors of the policy the agency will follow in implementing the requirements of section 126. The guidance advises that, for a limited period of time, FDA does not intend to object if manufacturers, packers, or distributors of already approved products implement section 126 of FDAMA at the time of next printing of its labels, but that such entities should implement the

amendments no later than August 18, 1998, which is 180 days from the effective date of FDAMA. For full or abbreviated applications approved between February 19, 1998, and August 18, 1998, manufacturers, packers, and distributors have until August 18, 1998, to comply with the amendments. The guidance also advises that full or abbreviated applications submitted after February 19, 1998, should provide labels in compliance with the amendments.

This guidance document represents the agency's current thinking on implementation of elimination of certain labeling requirements. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

Interested persons may, at any time, submit written comments on the guidance to the dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 3, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–6572 Filed 3–13–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–417 and HCFA–724]

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.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Form No.:* HCFA–417 (OMB# 0938–0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists HCFA in determining whether providers have sufficient personnel to participate in the Medicare program. The form summarizes data relative to: type of hospice; types of services provided by the hospice; and number of full time equivalents; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations Contained in 42 CFR 482.60, 482.61 and 482.62; *Form No.:* HCFA–724 (OMB# 0938–0378); *Use:* The Medicare/Medicaid Psychiatric Hospital Survey Data Form is used for hospital identification, and program planning and evaluation. The information captured on this form is entered into a data base which assists HCFA in maintaining accurate information on all free-standing psychiatric hospitals participating in the Medicare program. The form summarizes data relative to: hospital characteristics; types of services provided by the hospital; and hospital statistics; *Frequency:* Annually; *Affected Public:* Federal government, Business or other for-profit, Not-for-profit institutions, and State, local or tribal government; *Number of Respondents:* 350; *Total Annual Responses:* 350; *Total Annual Hours:* 175.

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: March 5, 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. 98–6453 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–26]

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:* Clinical Laboratory Improvement Amendment (CLIA) and the Information Collection Requirements (ICRs) contained in the Supporting Regulations 42 CFR 493.1–2001; *Form No.:* HCFA–R–26 (OMB# 0938–0612); *Use:* The ICRs referenced in 42 CFR 493.1–.2001 outline the requirements necessary to determine an entities compliance with CLIA. CLIA requires laboratories that perform testing on human specimens to meet performance requirements in order to be certified by HHS. HHS conducts inspections in order to determine a laboratory's compliance with the CLIA requirements. CLIA implements certificate, laboratory standards and inspection requirements; *Frequency:* As needed; *Affected Public:* Individuals or Households, Business or other for profit, Not for profit institutions, Federal Government, State, local or tribal government; *Number of Respondents:* 149,700; *Total Annual Responses:* 631,459; *Total Annual Hours:* 9,133,625.

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: March 2, 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. 98–6438 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–906]

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

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Health Maintenance Organizations & Competitive Medical Plans National Data Reporting Requirements and Supporting Regulations 42 CFR 417.100, .940, .126, .478, .162; *Form No.:* HCFA–906; *Use:* This form captures information which governs qualification of new Health Maintenance Organizations (HMOs) and the eligibility of Competitive Medical Plans (CMPs), employer compliance, recovery of Federal loan and loan guarantees, financial disclosure, and continuing regulation of qualified HMOs and CMPs which provide health care services to beneficiaries for a fixed fee which is paid on a periodic basis. *Frequency:* Annually, Quarterly; *Affected Public:* Federal Government, Business or other for-profit, Not-for-profit institutions, State, local or Tribal Government; *Number of Respondents:* 313; *Total Annual Responses:* 953; *Total Annual Hours:* 3,130.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 4, 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. 98–6448 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–265]

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

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement without change of a previously approved collection for which approval has expired; *Title of Information Collection:* Independent Renal Dialysis Facility Cost Report Form and Supporting Regulations 42 CFR 413.198,413.20; *Form No.:* HCFA–265; *Use:* The Medicare Independent Renal Dialysis Facility Cost Report provides for determinations and allocation of costs to the components of the Renal Dialysis facility in order to establish a proper basis for Medicare payment.

Frequency: Annually; *Affected Public:* Business or other for profit; *Number of Respondents:* 2,472; *Total Annual Responses:* 2,472; *Total Annual Hours:* 484,512.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 26, 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. 98–6454 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–231 (OMB #0938–New)]

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, 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 collection 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. In particular, emergency approval is necessary to ensure provider sponsored organizations (PSOs) are given an adequate opportunity to provide the information necessary to receive a Medicare+Choice contract, as provided by Section 1855(a) of the Social Security Act (as amended by the Balanced Budget Act of 1997) by the beginning of the 1999 contract year. We currently estimate that it will take ten months to: (1) Review and approve the waiver request, (2) review and approve the PSO contract application, and (3) prepare HCFA's information systems for individual PSOs prior to the 1999 contract year. Since the collection of waiver information requested in this form is the first step in this process, we need to begin receiving this information by no later than April 1, 1998.

Therefore, HCFA is requesting OMB review and approval of this collection by 03/27/98, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by 03/26/98. 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: Medicare+Choice (M+C) Provider Sponsored Organization (PSO) Waiver Request Form.

Form Number: HCFA–R–231.

Use: The PSO waiver request form is for use by PSO's that do not have a state risk-bearing entity licence and that wish to enter into an M+C contract with HCFA to provide prepaid health care services to eligible Medicare beneficiaries. HCFA will use the information requested on this form to determine whether the applicant is eligible for a waiver of the state licensure requirement for M+C organizations as allowed under section 1855(a)(2) of the Social Security Act.

Frequency: One-time.

Affected Public: Business or other for-profit, not-for-profit institutions, and Federal Government.

Annual Number of Respondents: 30.

Total Annual Responses: 30.

Total Annual Hours Requested: 300.

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, and HCFA form number, 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 03/26/98:

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 Burke HCFA–R–231

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: March 4, 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. 98–6455 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–667]

Agency Information Collection Activities: Submission for OMB Review; 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:* Alternate Quality Assessment Survey; *Form No.:* HCFA–667 (OMB#0938–0650); *Use:* The HCFA–667 is used in lieu of an onsite survey for those Clinical Laboratories Improvement Amendment (CLIA) laboratories with good performance as determined by their last onsite survey. This form is designed to determine current CLIA compliance as well as prepare laboratories for future onsite surveys. This system rewards good performance and facilitates quality assurance. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 10,000.

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 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, DC. 20503.

Dated: March 5, 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. 98–6456 Filed 3–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ofice of Inspector General

Program Exclusions: February 1998

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of February 1998, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
ABEL, ANN LABATUT ..... BATON ROUGE, LA	03/19/1998
ALESSI, THOMAS J ..... W COLUMBIA, SC	03/19/1998
ANDERSEN, DEBRA S ..... ALOHA, OR	03/19/1998
CHEIFETZ, LESLIE ..... NEW YORK, NY	03/19/1998
DBG HOME HEALTH AGENCY, INC ..... ALICE, TX	03/19/1998
DOYLE, JAFAYE ELAINE ..... AURORA, CO	03/19/1998
EASTERN LABORATORIES .... PORT WASHINGTON, NY	03/19/1998
GONZALEZ HEALTH CARE SYSTEMS ..... ALICE, TX	03/19/1998
GRESL, BARBARA J ..... WAUPUN, WI	03/19/1998
GUY, ROY LEE JR ..... LITTLE ROCK, AR	03/19/1998
HERRLEIN, DAVID ALLEN ..... KIMBALL, SD	03/19/1998
HUMBERGER, DONALD ..... MCDONALD, TN	03/19/1998
INWANG, ENO PATRICK ..... N MIAMI BEACH, FL	03/19/1998
JENKINS, STEVE ..... FAYETTEVILLE, NC	03/19/1998
JONES, VERNON ..... LITTLE ROCK, AR	03/19/1998
KHAN, ASIF ALI ..... ELMHURST, NY	03/19/1998
LASHKEVICH, JOHN P ..... CHERRY HILL, NJ	03/19/1998
MAYFIELD, JENNIFER ..... VICKSBURG, MS	03/19/1998
MCNINCH, DAVID LEON ..... ALICE, TX	03/19/1998
MILLER-DAVIS, MARILYN ..... SAVANNAH, MO	03/19/1998
MIRA, CHRIS MANUEL ..... BRANDON, FL	03/19/1998
MUIGAI, JOSEPH GITHINJI .... WATERTOWN, NY	03/19/1998
NTSHONA, NOKUZOLA ..... BROOKLYN, NY	03/19/1998
PHYSICAL & SPORTS THERAPY, INC ..... WILSON, NC	03/19/1998
RHODES, JEANETTE POWELL ..... NEWPORT, NC	03/19/1998
ROFFMAN, SOL ..... PEABODY, MA	03/19/1998
SADRI, MANOUCHEHR ..... POTOMAC, MD	03/19/1998
SCHWARTZ, JOANNE ..... SIOUX FALLS, SD	03/19/1998
SUNRISE ADULT DAY HEALTH CARE ..... PINE BLUFF, AR	03/19/1998
SWEAT, JOHN EDWARD ..... BRADENTON, FL	03/19/1998
VOSSMAN, DANIEL J ..... OSAGE BEACH, MO	03/19/1998
FELONY CONTROL SUBSTANCE CONVICTION	
REYES, SAMSON DYPIANGCO ..... WINTERSVILLE, OH	03/19/1998
PATIENT ABUSE/NEGLECT CONVICTIONS	
BLUMENSCHEIN, SHEILA KATHLEYNE ..... DELAWARE, OH	03/19/1998
GONZALEZ, OCTABIA ..... OKLAHOMA CITY, OK	03/19/1998
GUILBERT, RICARDO ..... DELMONT, NJ	03/19/1998
HUTSON, BUFFI ..... CORINTH, MS	03/19/1998
JONES, MICHAEL DONNEL .... ST PETERSBURG, FL	03/19/1998
MARTINEZ-SUASTEGUI, CONSTANCIO ..... CROWLEY, CO	03/1998
MITCHELL, CASSANDRA L	03/19/1998

Subject, city, state	Effective date
WARREN, AR	
SHEPPARD, MARCIA ANN ..... BUFFALO, NY	03/19/1998
SIMON, NELSON G ..... COHOES, NY	03/19/1998
STATEN, BARBARA ANN ..... RAYVILLE, LA	03/19/1998
VIERTEL, RITA FORDYCE ..... DAVENPORT, IA	03/19/1998
CONVICTION FOR HEALTH CARE FRAUD	
BORDERS, WILLIAM F JR ..... LAKE OZARK, MO	03/19/1998
CAMPBELL, GAIL B ..... SHREVEPORT, LA	03/19/1998
FIVES, JOSEPH R ..... ST JOSEPH, MO	03/19/1998
GLASS, GILBERT ..... UNION, NJ	03/19/1998
LANGSTON, JENNIFER ELIZABETH ..... WEST HELENA, AR	03/19/1998
ROMAN, KIMBERLY L ..... TOLEDO, OH	03/19/1998
LICENSE REVOCATION/SUSPENSION/SURRENDERED	
ABBAS, SYED R ..... JAMAICA, NY	03/19/1998
AGIN, CATHY ..... HARRISBURG, IL	03/19/1998
ALLEN, SUZANNE B ..... SPRINGFIELD, NH	03/19/1998
ALLEN, PHYLLIS E ..... GODMAN, MS	03/19/1998
AMAYA, CARLOS ERNESTO .. AVENTURA, FL	03/19/1998
ARNOLD, KIMBERLY RAE ..... JACKSON, MS	03/19/1998
AUSTIN, SHERRY CHRISTINE COURTLAND, MS	03/19/1998
BACARDI, BRIAN ..... MCHENRY, IL	03/19/1998
BALDWIN, MARK ..... COLUMBUS, OH	03/19/1998
BASECKI, TADEUSZ ..... CLIFFSIDE PARK, NJ	03/19/1998
BEDWELL, RODNEY D ..... CHESTER, VA	03/19/1998
BEHESHTI, EMIL ..... RIVERHEAD, NY	03/19/1998
BELMONT, MATT ..... MORTON, IL	03/19/1998
BILLINGSLEY, WALTER ..... CHICAGO, IL	03/19/1998
BUCKLEY, PATRICIA J ..... WINTHROP, MA	03/19/1998
CALLAHAN, KATHLEEN ANNE BOCA RATON, FL	03/19/1998
CASCIO, SHARON CLAUDETTE ..... SEMINARY, MS	03/19/1998
CHO, LUCY OKHI ..... ORLANDO, FL	03/19/1998
CHODOCK, TED ..... SOMERVILLE, MA	03/19/1998
CHRISTENSON, NAN ..... WINTHROP, MA	03/19/1998
CONLIN, THOMAS H ..... LOWELL, MA	03/19/1998
CONRAD, MAE L ..... EAST BURKE, VT	03/19/1998
COX, MICHELLE P ..... LITTLETON, CO	03/19/1998
CROSS, NANCY L ..... MONTPELIER, VT	03/19/1998
CURRENT, SHARON ..... NEW BERRY, FL	03/19/1998
DANCHIMAH, STEPHEN UK ... CHICAGO, IL	03/19/1998
DEGUZMAN, MARIA ..... CHICAGO, IL	03/19/1998
DENARDO, MARY ALICE ..... LOS ALTOS, CA	03/19/1998
DICKERSON, STEPHANIE L ... LAUREL, MS	03/19/1998
DLHOPOLSKY, ALOIS J ..... LINDENHURST, NY	03/19/1998
DOONAN, GREGG ..... PEABODY, MA	03/19/1998
DOVER, JANET K ..... W. PEABODY, MA	03/19/1998
ELLIS, SHALIMAR A ..... E. TAUNTON, MA	03/19/1998
EPPERSON, ROGER ..... EDWARDSVILLE, IL	03/19/1998
FAIRLEY, LINDA RUTH ..... WIGGINS, MS	03/19/1998
FLAHERTY, CAROL M ..... NORTON, MA	03/19/1998
FLANNERY, ANNETTE M ..... ROSLINDALE, MA	03/19/1998
FREDETTE, JENNIFER D ..... PORTSMOUTH, NH	03/19/1998
GAGLIANO, CARY PAUL ..... HATTIESBURG, MS	03/19/1998
GAMEZ, ROBIN LYNN ..... CERES, CA	03/19/1998
GEORGE, GEORGIA GALE .... CROWLEY, TX	03/19/1998
GOLDBERG, GERALD L ..... BAYSIDE, NY	03/19/1998
GRAEBNER, ROBERT CHARLES ..... TYLER, TX	03/19/1998
GROSS, MARIE MIDLER ..... SUNRISE, FL	03/19/1998
HAUPTMANN, CAROLE ..... WORTH, IL	03/19/1998
HICKS, HERBERT HOLLIS ..... NATCHEZ, MS	03/19/1998
HOLTZBERG, ALBERT ..... ARLINGTON, TX	03/19/1998
HUNT, DEBBIE KAY ..... BILOXI, MS	03/19/1998
INANC, DOGAN ..... CLEARWATER, FL	03/19/1998
JACKMAN, RICHARD V ..... WATERBURY, CT	03/19/1998
JOHNS, JAMES CHARLES JR TEXAS CITY, TX	03/19/1998
JONES, PATRICIA G ..... CHICAGO, IL	03/19/1998
KEMP, RALPH A ..... APTOS, CA	03/19/1998
KRZYZEWSKI, ROBERT JR .... WHEATON, IL	03/19/1998
LANDRY, GAYLE A ..... W BRIDGEWATER, MA	03/19/1998
LAROSA, JEAN M ..... BRAINTREE, MA	03/19/1998
LENCI, WYNNE ..... OXFORD, MI	03/19/1998
LIPOWSKI, EDWARD J ..... ASHEVILLE, NC	03/19/1998
LIZARDO, JENNIFER ..... JOLIET, IL	03/19/1998
LOFTUS, GORDON T ..... FORT DODGE, IA	03/19/1998
LUCERNO, ERLINDA BERNARDEZ ..... ALAMEDA, CA	03/19/1998
MARTIN, JOHN COLBY ..... NAPERVILLE, IL	03/19/1998
MCCARTHY, JOSEPH F ..... BRAINTREE, MA	03/19/1998
MCQUEEN, VERNITA R ..... HOUSTON, TX	03/19/1998
MERCHANT, LINDA ..... WESTON, MA	03/19/1998
MILTON, ROBERT E ..... REDDING, CA	03/19/1998
MOLNAR, JEAN THOMAS ..... ARIMO, ID	03/19/1998
MORANTTE, BERNARDO D JR ..... RIVERBANK, CA	03/19/1998
MORRONE, ROSALIE ..... ELMHURST, IL	03/19/1998
MURPHY, CHRISTOPHER G .. PEPPERELL, MA	03/19/1998
NAJARIAN, FRANCIS A ..... WORCESTER, MA	03/19/1998
NASRAWAY, AMY ..... MEDFIELD, MA	03/19/1998
NEHRING, RICHARD V ..... BATTLE MOUNTAIN, NV	03/19/1998
NGUYEN, BANG DUY ..... SEATTLE, WA	03/19/1998
ORLOWSKI, JOHN V ..... BRUNSWICK, ME	03/19/1998
OSBORN, VICKIE LYNN ..... BILOXI, MS	03/19/1998
PAQUETTE, LAURIE C ..... MANCHESTER, NH	03/19/1998
PARSHALL, NANCI O FROST ARCATA, CA	03/19/1998
PETERSON, EDWARD JAMES JR ..... LEEDS, AL	03/19/1998
PISNANONT, PETER P ..... MT VERNON, NY	03/19/1998
PUERTOLLANO, RAUL ..... NEW YORK, NY	03/19/1998
RALLO, TIMOTHY O ..... EDWARDSVILLE, IL	03/19/1998
RANDALL, RICHARD R ..... NEWTON, MA	03/19/1998
REISWIG, ORAN K ..... CHICO, CA	03/19/1998
RENSTROM, GRACE A ..... LITTLE CANADA, MN	03/19/1998
REVETER, KIM M ..... DENVER, CO	03/19/1998
RICE, MARC ..... ASTORIA, NY	03/19/1998
RINEHART, BILLY DALE JAY JR ..... JACKSON, MS	03/19/1998
ROSENTHAL, ALAN S ..... BROOKLINE, MA	03/19/1998
RYDZEWSKI, J ANDREW ..... LAWRENCE, MA	03/19/1998
SEELYE, CAROLYN ..... PEORIA, IL	03/19/1998
SHAW, DEBORAH N ..... CANTON, MA	03/19/1998
SIAUCIUNAS, CHARLES	03/19/1998

Subject, city, state	Effective date
PALM HARBOR, FL	
SILCOX, JANICE M ..... QUINCY, MA	03/19/1998
SIMMONS, TIMOTHY KEITH ... BIRMINGHAM, AL	03/19/1998
SLOANAKER, JOHN L ..... BELMONT, MA	03/19/1998
SPURR, JOHN ..... SANTA CRUZ, CA	03/19/1998
STARRING, DORIS DEAN INMAN ..... LAKEWOOD, WA	03/19/1998
STEELE, PATRICIA CLARE .... MADISON, MS	03/19/1998
STEPHENS, JANICE ..... FLORA, IL	03/19/1998
STEWARD, VINCENT ..... CHICAGO, IL	03/19/1998
STOCKING, LANETTE L ..... BETTENDORF, IA	03/19/1998
STRINGER, CHRISTY LYNN ... BAY SPRINGS, MS	03/19/1998
STUTTS, BETTY B ..... PASCAGOULA, MS	03/19/1998
SULLIVAN, BARBARA L ..... SALEM, MA	03/19/1998
SUTHERLAND, CHARLES ..... CARTHAGE, IL	03/19/1998
SWARTZFAGER, IVY H ..... JACKSON, MS	03/19/1998
TAYLOR, BOBBY LEWIS ..... ALTAMONTE SPNGS, FL	03/19/1998
THORNTON, JANE ETTA ..... DALLAS, TX	03/19/1998
TICHENOR, T DAVID JR ..... DALLAS, TX	03/19/1998
TICHENOR'S BROADWAY PHARMACY ..... MESQUITE, TX	03/19/1998
VIGIL, FAITH ..... PUEBLO, CO	03/19/1998
WALKER, ELAINE PHYLLIS .... SONORA, CA	03/19/1998
WARREN, VONNIE NELL ..... YAZOO CITY, MS	03/19/1998
WATSON, ALLEN J ..... HAVELOCK, NC	03/19/1998
WEBB, SUSAN K ..... ORMOND BEACH, FL	03/19/1998
WEST, ALICIA A ..... STONEHAM, MA	03/19/1998
WHEATLEY, ANITA CORINNE MADISON, MS	03/19/1998
WILLIAMS, MELLONY ..... HOUSTON, TX	03/19/1998
WILSON, KATHRYN ANN ..... RENO, NV	03/19/1998
WISEMAN-SMITH, PAMELA .... ELDORADO, IL	03/19/1998
WORTHINGTON, DEBORAH TIDWELL ..... JACKSON, MS	03/19/1998
YOUNG, JANICE ..... DUNLAP, IL	03/19/1998
FEDERAL/STATE EXCLUSION/ SUSPENSION	
CHANG, GUILLERMO ..... FOREST HILLS, NY	03/19/1998
GARDNER, BARBARA ..... INWOOD, NY	03/19/1998
MUGAHID MEDICAL SHUTTLE, INC ..... JERSEY CITY, NJ	03/19/1998
OLIVERA, JUAN A ..... BROOKLYN, NY	03/19/1998
SAM SUNG PHARMACY CORP ..... BRONX, NY	03/19/1998
OWNED/CONTROLLED BY CONVICTED EXCLUDED	
A-COMMUNITY HOME HEALTH, INC ..... N MIAMI BEACH, FL	03/19/1998
FLORIDA CTR FOR THE HANDICAP ..... BRANDON, FL	03/19/1998
GERIATRIC HEALTH OF S CAROLINA ..... CHARLESTON, SC	03/19/1998
HEALTH ESTEEM INCORPORATED ..... N MIAMI BEACH, FL	03/19/1998
DEFAULT ON HEAL LOAN	
ALLEN, DEBRA LYNN ..... SAN DIEGO, CA	03/19/1998
ANDERSON, PAUL J ..... LUBBOCK, TX	03/19/1998
BARKER, ESMOND A ..... LAFAYETTE, LA	3/19/1998
BARR, TIMOTHY G ..... CYPRESS, CA	3/19/1998
BLOMELEY, ROBERT EUGENE ..... CERRITOS, CA	3/19/1998
BUMGARDNER, THOMAS M .. HOUSTON, TX	3/19/1998
CALHOUN, LYNN E ..... AUSTIN, TX	3/19/1998
DEAN, GREGORY EDWIN ..... PHILADELPHIA, PA	3/19/1998
DIAZ, ADOLFO FARIAS JR ..... EL PASO, TX	3/19/1998
FINNEY, DEIRDRE L ..... WINTER PARK, FL	3/19/1998
FOSTER, STEPHEN A ..... PASADENA, TX	3/19/1998
GIBBONS, STACEY L ..... GALVESTON, TX	3/19/1998
HALLMAN, HELEN R ..... WILLIS, TX	3/19/1998
HETH, DAVID M ..... LAYTON, UT	3/19/1998
JOHNSON, RUSSEL K ..... REXBURG, ID	3/19/1998
LAHAIE, SHERI L ..... MENLO PARK, CA	3/19/1998
LOPERFIDO, DENISE R ..... BALDWIN, NY	3/19/1998
LYONS, DOROTHY A ..... GROVELAND, CA	3/19/1998
POWERS, CARLOS H ..... WASHINGTON, DC	3/19/1998
QADE, LARREN WADE ..... WASHINGTON, DC	3/19/1998
RICHARD, MYRLENE R ..... CALUMET CITY, IL	3/19/1998
RINES (LEBLANC), SUSAN B TUCSON, AZ	3/19/1998
ROLLAND, STEVEN BRENT ... HARLINGEN, TX	3/19/1998
ROSS, ALEXANDER E ..... MANVEL, TX	3/19/1998
TAYLOR, EMMA J ..... HOUSTON, TX	3/19/1998
EXCLUSION BASED ON SETTLEMENT AGREEMENT	
ELNESER, RAFAEL ..... MIAMI, FL	12/31/1998
HERNANDEZ, CARMEN ..... MIAMI, FL	1/31/1998
MT ZION MEDICAL REHABILITATION ..... MIAMI, FL	1/31/1998

Dated: March 5, 1998.

Joanne Lanahan,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 98–6447 Filed 3–12–98; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

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

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301)443–8005.

Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The

dataset produced will be used to provide national statistical estimates and will be the basis of the National Directory of Mental Health Services. The annual burden estimate is as follows:

Respondent category	3 Year total—Number of respondents	3 year total—Responses per respondent	Annual average—Number of respondents	Hours per response	Annual burden—Total annualized response burden (hours)
Phase I (Directory Registry):					
Specialty Mental Health Organizations (Self reporting)	3,045	1	1,015	0.25	254
Specialty Mental Health Organizations (State MIS reports)	761	1	254	0.09	23
General Hospitals with known Psychiatric Services	1,616	1	534	0.25	135
General Hospitals screened for Psychiatric Services	4,800	1	1,600	0.25	400
Community Residential Organizations	1,500	1	500	0.25	125
Managed Care Organizations	700	1	233	0.25	58
Phase II (Sample Survey):					
Specialty Mental Health Organizations (self reporting)	1,841	1	614	2.5	1,534
Specialty Mental Health Organizations (State MIS reports)	533	1	178	1.0	178
General Hospitals with Psychiatric Services (Self reporting)	962	1	321	2.5	802
Grand Total	15,758		5,249		3,509

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Daniel J. Chenok, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10236, Washington, DC 20503.

Dated: March 9, 1998.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 98–6498 Filed 3–12–98; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–01]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

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

DATES: *Comments due date:* April 13, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 6, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Minimum Property Standards for Housing.

Office: Housing.

OMB Approval Number: 2502–0321.

Description of the Need for the Information and Its Proposed Use: These standards establish the acceptability of properties for mortgage insurance and will further the goal of a decent and a suitable living environment for every American family. These standards will protect the Department's interest by requiring certain features of design and construction not normally required by State and local codes. These requirements will insure the durability of housing for the life of the mortgage.

Form Number: None.

Respondents: Businesses or Other For-Profit, Federal Government, Individual or Households.

Frequency of Submission: On Occasion and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Review	1,350		1		8		10,800

Total Estimated Burden Hours: 10,800.

Status: Reinstatement, with change, of a previously approved collection for which approval has expired.

Contact: Marion F. Connell, HUD, (202) 708–6423; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 6, 1998.

[FR Doc. 98–6422 Filed 3–12–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–02]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

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

DATES: *Comments due date:* April 13, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 6, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Housing Discrimination Complaint Form (English/Spanish Version).

Office: Fair Housing and Equal Opportunity.

OMB Approval Number: 2529–0011.

Description of the Need for the Information and Its Proposed Use: Information collected will be used for purposes of contacting persons who wish to file a compliant of housing discrimination and for making initial assessments regarding HUD's jurisdiction under the Fair Housing Act. The revised form is user-friendly; enhances the quality and clarity of information collected; reduces the time to complete; and makes the public aware of their fair housing rights.

Form Number: HUD–903 and HUD–903A.

Respondents: Individual or Households, Business or Other For-Profit, Not-For-Profit Institutions, and State, Local, or Tribal Government.

Frequency of Submission: Ongoing.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–903 and 903A	10,750		1		20 min		3583

Total Estimated Burden Hours: 3583.

Status: Revision of a currently approved collection.

Contact: Barbara Steck, HUD, (202) 708–2111 x203; Joseph R. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 6, 1998.

[FR Doc. 98–6423 Filed 3–12–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4341–N–01]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

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

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

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–0G (D.D.C).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.). HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–2059; INTERIOR: Ms. Lola Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; (These are not toll-free numbers).

Dated: March 5, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/13/98

Suitable/Available Properties

Buildings (by State)

California

112 Bldgs.—Skaggs Island
Naval Security Group
Skaggs Island Co: Sonoma CA
Landholding Agency: GSA
Property Number: 549730001
Status: Excess
Comment: 32–13,374 sq. ft., temp. quonset huts to perm. wood/concrete most recent use—housing, admin., support facilities, remote location, below sea level, high maintenance
GSA Number: 9–N–CA–1488

Vallejo Federal Building
823 Marin Ave.
Vallejo Co: Solano CA
Landholding Agency: GSA
Property Number: 549730014
Status: Excess
Comment: 15,134 sq. ft., most recent use—office, possible asbestos/lead paint, historic significance
GSA Number: 9–G–CA–1502

Visitor Motel—Upper Kaweah
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720007
Status: Unutilized
Comment: 39403 sq. ft., wood, 2-story, needs repair, presence of asbestos/lead paint, off-site use only

Hawaii

Bldg 5417
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779810085
Status: Excess
Comment: 1700 sq. ft., concrete wood, most recent use—residence, relocation may not be feasible, off-site use only

Bldg. 5419
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779810086
Status: Excess
Comment: 300 sq. ft., concrete/wood, most recent use—carport, relocation may not be feasible, off-site use only

Bldg. 1533
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810088
Status: Excess
Comment: 3200 sq. ft., possible asbestos/lead paint, most recent use—handball courts, off-site use only

Bldg. 472
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810089
Status: Excess
Comment: 23,660 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—boat repair shop, off-site use only

Bldg. 1202
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810090
Status: Excess
Comment: 1200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1204
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810091

Status: Excess
Comment: 120 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1205
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810092
Status: Excess
Comment: 64 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Michigan

Parcel 1
Old Lifeboat Station
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730011
Status: Excess
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places
GSA Number: 1–UU–MI–500

Parcel 2
Tawas Point Lighthouse
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730012
Status: Excess
Comment: lighthouse, duplex dwelling, garage, storage, possible asbestos/lead paint, wetlands, listed on National Register of Historic Places, restricted access
GSA Number: 1–U–MI–500

S. Haven Keeper's Dwelling
91 Michigan Ave.
South Haven Co: Van Buren MI 49090–
Landholding Agency: GSA
Property Number: 549740012
Status: Excess
Comment: 3257 sq. ft., 2-story dwelling and 800 sq. ft. garage, presence of asbestos/lead paint
GSA Number: 1–U–MI–475C

Eagle Harbor Lighthouse
Rt. 26
Eagle Harbor Co: Keweenaw MI 44950–
Landholding Agency: GSA
Property Number: 549740018
Status: Excess
Comment: 2 bldgs., 3111 sq. ft. combined, presence of asbestos/lead paint, most recent use—museum and storage
GSA Number: 1–U–MI–420A

Minnesota

Duluth Duplex Housing
725 & 725½ Lake Ave.
Duluth Co: St. Louis MN 55802–
Landholding Agency: GSA
Property Number: 549740013
Status: Excess
Comment: 2-story brick dwelling, possible lead paint
GSA Number: 1–U–MN–571

Nebraska

Natl Weather Svc Forecast Ofc
Rt. 2
Alliance Co: Box Butte NE
Landholding Agency: GSA
Property Number: 549740021
Status: Excess
Comment: 1500 sq. ft., presence of asbestos, most recent use —office
GSA Number: 7–C–NE–0524

New Jersey

ESMT Manasquan
124 Ocean Ave.
Manasquan Co.: Monmouth NJ
Landholding Agency: GSA
Property Number: 549730025
Status: Excess
Comment: main bldg. (5714 sq. ft.), paint locker (96 sq. ft.), garage (3880 sq.ft.), need repairs, presence of asbestos/lead paint, Coast Guard easement
GSA Number: 1–U–NJ–0632

Former Tyberg Residence
National Park Service
Wallpack Co: Sussex NJ 07881–
Landholding Agency: Interior
Property Number: 619720053
Status: Unutilized
Comment: most recent use—housing, off-site use only

New York

Fed. Office Building
35 Ryerson Street
Brooklyn Co: Kings NY
Landholding Agency: GSA
Property Number: 549630011
Status: Excess
Comment: nine floors and basement, possible asbestos, needs rehab, most recent use—VA Clinic
GSA Number: 1–G–NY–637A

Stockton School/Maint Garage
Mill Street
Stockton NY 14784–
Landholding Agency: GSA
Property Number: 549730024
Status: Surplus
Comment: 13,555 sq. ft., 1-story, most recent use—training center, 4.8 acres of land
GSA Number: 1–L–NY–0860

101 Housing Units
Mitchel Complex
82B Mitchel Avenue
East Meadow Co: Nassau NY 11554–
Landholding Agency: Navy
Property Number: 779810093
Status: Unutilized
Comment: 422 sq. ft., frame, 2-story, presence of asbestos/lead paint, most recent use—residential, off-site use only

36 Garages
Mitchel Complex
82B Mitchel Avenue
East Meadow Co: Nassau NY 11554–
Landholding Agency: Navy
Property Number: 779810094
Status: Unutilized
Comment: 350 sq. ft., masonry, most recent use—garage, off-site use only

Ohio

Keeper's Dwelling & Shed
110 Wall Street
Huron OH 55802–
Landholding Agency: GSA
Property Number: 549740015
Status: Excess
Comment: 5100 sq. ft. single family residence and a 216 sq. ft. storage shed, possible lead based paint
GSA Number: 1–U–OH–800

Pennsylvania

Airport Surv. Radar Site
Beacon Road
New Cumberland Co: Cumberland PA 17070—
Landholding Agency: GSA
Property Number: 549810010
Status: Surplus
Comment: 1512 sq. ft., concrete block bldg. and 340 sq. ft. bldg. in disrepair, water and sewer lines not installed, limited accessibility
GSA Number: 4–U–PA–783

Former Florio House
National Park Service
Bushkill Co: Monroe PA 18324–
Landholding Agency: Interior
Property Number: 619720050
Status: Unutilized
Comment: 936 sq. ft. frame, most recent use—housing, off-site use only

Former Hardtla House
Raymondskill
Milford Co: Pike PA
Landholding Agency: Interior
Property Number: 619720051
Status: Unutilized
Comment: 1527 sq. ft. frame, 2-story, needs repair, most recent use—housing, off-site use only

Former Hickman House
National Park Service
Bushkill Co: Monroe PA 18324–
Landholding Agency: Interior
Property Number: 619720052
Status: Unutilized
Comment: approx. 1604 sq. ft. frame, 2-story, most recent use—housing, off-site use only

Texas

Bryan Federal Building
216 W 26th Street
Bryan Co: Brazos TX 77801–
Landholding Agency: GSA
Property Number: 549730003
Status: Underutilized
Comment: portion of 4000 sq. ft. bldg., most recent use—office, limitations due to potential historic significance
GSA Number: 7–G–TX–1048

Bldg. 115
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553
Landholding Agency: GSA
Property Number: 879630001
Status: Surplus
Comment: 500 sq. ft., most recent use—garage, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 114
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630002
Status: Surplus
Comment: 3150 sq. ft. per floor, 2-story, most recent use—residence, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 113
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630003
Status: Surplus
Comment: 200 sq. ft., most recent use—garage, historic properties

GSA Number: 7–U–TX–0549G, H, I

Bldg. 112
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630004
Status: Surplus
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 111
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630005
Status: Surplus
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 110
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630006
Status: Surplus
Comment: 500 sq. ft., most recent use—garage, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 109
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630007
Status: Surplus
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 428
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630009
Status: Surplus
Comment: 2700 sq. ft., most recent use—warehouse/office, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 433
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630010
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 439
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630011
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 439
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630011
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 440
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630012
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 441
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630013
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 442
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630014
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 106
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630015
Status: Surplus
Comment: 2000 sq. ft., most recent use—Garage, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 105
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630016
Status: Surplus
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 104
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630017
Status: Surplus
Comment: 1634 sq. ft. per floor, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 103
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630018
Status: Surplus
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Bldg. 102
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: GSA
Property Number: 879630019
Status: Surplus
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties
GSA Number: 7–U–TX–0549G, H, I

Virginia

Nichols Property
Rt. 2, Box 554
Galax Co: Grayson VA 24333–
Landholding Agency: Interior
Property Number: 619640009
Status: Unutilized
Comment: 1520 sq. ft. residence, off-site use only

Golding Property
Rt. 2, Box 555
Galax Co: Grayson VA 24333–
Landholding Agency: Interior
Property Number: 619640010
Status: Unutilized
Comment: 2224 sq. ft. residence, needs repair, barn, rental cottage, shed, off-site use only

Bldg. 35
Naval Medical Center
20 Gendreau Road
Portsmouth VA 23708–
Landholding Agency: Navy
Property Number: 779810115
Status: Unutilized
Comment: 6513 sq. ft., wood, needs repair, presence of asbestos, most recent use—club, off-site use only

Bldg. 1
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810116
Status: Excess
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 2
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810117
Status: Excess
Comment: 3000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 3
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810118
Status: Excess
Comment: 5126 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 4
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810119
Status: Excess
Comment: 3000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 6
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810120
Status: Excess
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 7
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810121
Status: Excess
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 11

St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810122
Status: Excess
Comment: 5000, sq. ft., good condition, most recent use—office, off-site use only

Bldg. 12
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810123
Status: Excess
Comment: 10,000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 13
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810124
Status: Excess
Comment: 13,469 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 14
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810125
Status: Excess
Comment: 10,791 sq. ft., good condition, most recent use—office, off-site use only

Bldgs. 16, 17
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810126
Status: Excess
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 18
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810127
Status: Excess
Comment: 5315 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 26
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810128
Status: Excess
Comment: 3072 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 38
St Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810129
Status: Excess
Comment: 11654 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 39
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810130
Status: Excess
Comment: 7300 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 40
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810131
Status: Excess
Comment: 8325 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 41
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810132
Status: Excess
Comment: 7200 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 46
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810133
Status: Excess
Comment: 15,530 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 47
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810134
Status: Excess
Comment: 22,680 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 51
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810135
Status: Excess
Comment: 10,120 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 53
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810136
Status: Excess
Comment: 1984 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 54
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810137
Status: Excess
Comment: 1015 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 63
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810138
Status: Excess
Comment: 8745 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 64
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810139
Status: Excess
Comment: 8745 sq. ft., poor condition, most recent use—office, off-site use only

Bldgs. 65, 66, 67
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810140
Status: Excess
Comment: 9128 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 70
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810141
Status: Excess
Comment: 12,000 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 72
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810142
Status: Excess
Comment: 9950 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 81
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810143
Status: Excess
Comment: 12,000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 82
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810144
Status: Excess
Comment: 2120 sq. ft., good condition, most recent use—office, off-site use only

Bldgs. 84, 86, 87, 88
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810145
Status: Excess
Comment: 10,000 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 134
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810146
Status: Excess
Comment: 3112 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 146
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810147
Status: Excess
Comment: 5635 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. 152–155
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810148
Status: Excess
Comment: 800 sq. ft., good condition, most recent use—storage, off-site use only

Bldgs. 159, 160, 163
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810149
Status: Excess
Comment: 1250 sq. ft., good condition, most recent use—storage, off-site use only

Bldg. 176
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810150
Status: Excess
Comment: 5151 sq. ft., good condition, most recent use—storage, off-site use only

Bldg. 177
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810151
Status: Excess
Comment: 5151 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 185
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810152
Status: Excess
Comment: 7700 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 201
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810153
Status: Excess
Comment: 15,146 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 202
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810154
Status: Excess
Comment: 3391 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 203
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810155
Status: Excess
Comment: 11,340 sq. ft., poor condition, most recent use—office, off-site use only

Bldgs. 207, 208, 210
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810156
Status: Excess
Comment: 165 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 216
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810157
Status: Excess
Comment: 3624 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 217
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810158
Status: Excess
Comment: 1716 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 226
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810159
Status: Excess
Comment: 6780 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 233
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810160
Status: Excess
Comment: 1161 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 247
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810161
Status: Excess
Comment: 4492 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 269
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810162
Status: Excess
Comment: 468 sq. ft., poor condition, most recent use—disposal/salvage, off-site use only

Bldg. 272
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810163
Status: Excess
Comment: 1920 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 277
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810164
Status: Excess
Comment: 26,146 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 278–279
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810165
Status: Excess
Comment: 5820 sq. ft., good condition, most recent use—office, off-site use only

Bldg. 305
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810166
Status: Excess
Comment: 972 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. 328
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810167
Status: Excess
Comment: 83 sq. ft., poor condition, off-site use only

Bldg. 356
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810168
Status: Excess
Comment: 1080 sq. ft., poor condition, most recent use—office, off-site use only

Bldg. H
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779810169
Status: Excess
Comment: 5564 sq. ft., good condition, most recent use—office, off-site use only

Washington

Vancouver Info Center
Vancouver Co: Clark WA 98663–
Landholding Agency: GSA
Property Number: 549740011
Status: Excess
Comment: 1200 sq. ft., most recent use—visitor info center, excellent condition
GSA Number: 9–GR–WA–514E

West Virginia

Emit Jennings House
New River Gorge National River
Huffman Drive
McCreery Co: Raleigh WV 25934–
Landholding Agency: Interior
Property Number: 619740002
Status: Excess
Comment: 1400 sq. ft., concrete block, needs rehab, off-site use only

Webb House
New River Gorge National River
Rt. 41 North
McCreery Co: Raleigh WV 25934–
Landholding Agency: Interior
Property Number: 619740003
Status: Excess
Comment: 288 sq. ft. dwelling, off-site use only

Gilliam House
New River Gorge National River
Rt. 41 North
McCreery Co: Raleigh WV 25934–
Landholding Agency: Interior
Property Number: 619740004
Status: Excess
Comment: 448 sq. ft. dwelling, off-site use only

Land (by State)

Arkansas

Hergett Substation
305 N. Floyd St.
Jonesboro Co: Craighead AR
Landholding Agency: GSA
Property Number: 549730017
Status: Excess
Comment: 1.55 acres, most recent use—electrical substation
GSA Number: 7–B–AR–553

Colorado

Erie Substation
Hwy 87 Co: Weld CO
Landholding Agency: GSA
Property Number: 549740002
Status: Excess
Comment: 2.75 acres, most recent use—electrical substation, (transmission lines)

Maine

GWEN Site (Patten)
Loring AFB

Stacyville Co: Herseytown ME 04742–
Landholding Agency: GSA
Property Number: 189640018
Status: Excess
Comment: 23.55 acres w/226 sq. ft. relay station
GSA Number: 1–D–ME–630

Massachusetts

Estate of S. Newburg
Lois and Ellen Street
Haverhill Co: Essex MA 01830–
Landholding Agency: GSA
Property Number: 549630017
Status: Excess
Comment: land—36,425 sq. ft.—two noncontiguous parcels, heavily wooded
GSA Number: 1–G–MA–793

Michigan

Parcel 3, Parcel B
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730013
Status: Excess
Comment: 2.02 acres of land, wooded and primarily wetlands, restricted access
GSA Number: 1–U–MI–500

Nebraska

Radar Site
Hwy 92
Gandy Co: Logan NE 69163–
Landholding Agency: GSA
Property Number: 549740007
Status: Surplus
Comment: .52 acres
GSA Number: 7–C–NE–0523

New Hampshire

Land—7.97
Army Reserve Center, Industrial Park
Belmont Co. Belnap NH
Landholding Agency: GSA
Property Number: 219710118
Status: Excess
Comment: 7.97 acres, severe sloping
GSA Number: 1–D–NH–0489

South Dakota

Old Oahe Lock & Dam
Lake Oahe Project
Ft. Pierre Co: Stanley SD 57501–
Landholding Agency: GSA
Property Number: 549740004
Status: Excess
Comment: 1.91 acres, most recent use—old railroad grade, subject to existing easements
GSA Number: 7–D–SD–0520

Wyoming

Pavillion Substation
Wind River Meridian Co: Fremont WY
Landholding Agency: GSA
Property Number: 549740003
Status: Excess
Comment: 0.11 acre tract, most recent use—powerline substation

Suitable/Unavailable Properties

Buildings (by State)

Alaska

10 Office Buildings
Anchorage Native Medical Center
255 Gambell St.
Anchorage Co: Anchorage AK 99501–
Landholding Agency: GSA
Property Number: 549710002
Status: Surplus
Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
GSA Number: 9–F–AK–750

3 Storage Buildings
Anchorage Native Medical Center
255 Gambell St.
Anchorage Co: Anchorage AK 99501–
Landholding Agency: GSA
Property Number: 549710003
Status: Surplus
Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
GSA Number: 9–F–AK–750

1 Hospital
Anchorage Native Medical Center
255 Gambell St.
Anchorage Co: Anchorage AK 99501–
Landholding Agency: GSA
Property Number: 549710004
Status: Surplus
Comment: 173,336 sq. ft., high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
GSA Number: 9–F–AK–750

California

Bakersfield Federal Building
800 Truxton Avenue
Bakersfield Co: Kern CA 93302–
Landholding Agency: GSA
Property Number: 549710013
Status: Excess
Comment: 33,755 sq. ft., 3 floors plus basement, most recent use—court/office, presence of non-friable asbestos/lead base paint
GSA Number: 9–G–CA–1478

25 Units of Housing
Former Naval Facility, Pt. Sur
Centerville Beach Detachment Co: Monterey CA
Landholding Agency: GSA
Property Number: 549710006
Status: Surplus
Comment: 1215 sq. ft. each, potential utilities, needs repair, most recent use—residential, presence of asbestos/lead base paint
GSA Number: 9–N–CA–1480

23 Admin/Misc Buildings
Former Naval Facility, Pt. Sur
Centerville Beach Detachment Co: Monterey CA
Landholding Agency: GSA
Property Number: 549730007
Status: Surplus
Comment: 1100–1215 sq. ft., potential utilities, need repair, most recent use-shop bldgs., officers quarters, gym, filling station, auditorium, admin., presence of asbestos/lead paint
GSA Number: 9–N–CA–1480

Idaho

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only

Illinois

Parcel 2
Portion Former Lock & Dam 51
Golconda Co: Pope IL 62938–
Landholding Agency: GSA
Property Number: 549610011
Status: Excess
Comment: 1274 sq. ft., bldg. which housed the lock control structures 2160 sq. ft. warehouse and ofc. bldg., presence of lead base paint, periodic flooding, Fed. Reg. of Historic Places
GSA Number: 2–D–IL–703

Iowa

Naval Family Housing
23-Units
Waverly Co: Bremer IA 50677–
Landholding Agency: GSA
Property Number: 549720009
Status: Excess
Comment: 23-housing units, sq. ft. varies from 864–1760, capehart, wood frame, 1-story
GSA Number: 7–D–LA–0463B

Kansas

Federal Office Building
400 Houston Street
Manhattan Co: Riley KS 66502–
Landholding Agency: GSA
Property Number: 549640014
Status: Surplus
Comment: portion of 11398 sq. ft. bldg., 1½ story w/basement, most recent use—office/storage
GSA Number: 7–G–KS–0519

Maine

51 Housing Units w/garages
Charleston Family Housing Complex
Maxwell Lane & Randolph Drive
Bangor Co: Penobscot ME 04401–
Landholding Agency: GSA
Property Number: 549640012
Status: Excess
Comment: 1300 sq. ft. each, 1-story
GSA Number: 1–D–ME–526H

Massachusetts

17 Single Family Residences
Navy Family Housing, Westover AFB
Chicopee Co: Hampden MA 01022–
Landholding Agency: GSA
Property Number: 549520002
Status: Excess
Comment: various sq. ft., good condition, utilities systems modification

20 Fourplex Residences
Navy Family Housing, Westover AFB
Chicopee Co: Hampden MA 01022–
Landholding Agency: GSA
Property Number: 549520004
Status: Excess
Comment: various st. ft., good condition, utilities systems modification

Michigan

Detroit Job Corps Center
10401 E. Jefferson & 1438 Garland;
1265 St. Clair
Detroit Co: Wayne MI 42128–
Landholding Agency: GSA

Property Number: 549510002
Status: Surplus
Comment: Main bldg. is 80,590 sq. ft., 5-story, adjacent parking lot, 2nd bldg. on St. Clair Ave. is 5140 sq. ft., presence of asbestos in main bldg., to be vacated 8/97
GSA Number: 2–L–MI–757

Seul Choix Point Light
Gulliver Co: Schoolcraft MI 49840–
Landholding Agency: GSA
Property Number: 549640005
Status: Excess
Comment: 1000 sq. ft. lighthouse, lease with Gulliver Historical Society thru Dec. 2009
GSA Number: 1–U–MI–679A

Missouri

Meteorological Observatory
323 Farm Road
Monett Co: Berry MO 65708–9351
Landholding Agency: GSA
Property Number: 549740006
Status: Surplus
Comment: 2230 sq. ft., most recent use—weather service office, presence of asbestos
GSA Number: 7–C–MO–0639

Montana

Bldg.—Conrad Training Site
15 miles east of the City of Conrad
Co: Pondera MT 59425–
Landholding Agency: GSA
Property Number: 189420025
Status: Excess
Comment: 7000 sq. ft., 1-story brick, most recent use—technical training site

Malstrom Communications Annex
(Transmitter), 39 78th St., N.
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: GSA
Property Number: 189510023
Status: Excess
Comment: 1966 sq. ft., limited utilities, needs roof replacement
GSA Number: 7–D–MT–4240

USARC Bozeman Reserve Center
32 South Tracy Ave.
Bozeman Co: Gallatin MT
Landholding Agency: GSA
Property Number: 219420391
Status: Excess
Comment: 7600 sq. ft., 2-story, most recent use—office, sound condition, presence of asbestos, on list of historic buildings
GSA Number: 7–D–MT–0605

Nebraska

Forecast Office
11404 N 72nd Street
Omaha Co: Douglas NE 58102–
Landholding Agency: GSA
Property Number: 549740005
Status: Surplus
Comment: 4755 sq. ft., most recent use—weather service office, presence of asbestos
GSA Number: 7–C–NE–0522

Nevada

5 Single Family Residences
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430004
Status: Excess
Comment: 1192 to 1378 sq. ft., 1 story wood residences, 3 bedrooms/1 bathroom
GSA Number: 9–U–NV–467–C

13 Single Family Residences
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430005
Status: Excess
Comment: 1192–1898 sq. ft., 1 story wood residences, 4 bedrooms/2 bathrooms
GSA Number: 9–U–NV–467–C

New York

U.S. Army Reserve Center
Elizabethtown Reserve Center
Corner of Water and Cross Streets
Elizabethtown Co: Esses NY 12932–
Landholding Agency: GSA
Property Number: 219540016
Status: Excess
Comment: 4316 sq. ft. reserve center/1315 sq. ft. motor repair shop, 1 story each, concrete block/brick frame
GSA Number: 1–D–NY–861

North Carolina

Federal Building
140 4th Avenue West
Hendersonville Co: Henderson NC 28739–
Landholding Agency: GSA
Property Number: 549730021
Status: Excess
Comment: 6522 sq. ft., most recent use—office, good condition
GSA Number: 4–G–NC–726

Federal Building
146 North Main Street
Rutherfordton Co: Rutherford NC 28139–
Landholding Agency: GSA
Property Number: 549730022
Status: Excess
Comment: 4919 sq. ft., most recent use—office, good condition
GSA Number: 4–G–NC–727

North Dakota

House #1 (OJ1)
OMEGA Station
213 2nd St. NE
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720010
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #2 (OJ2)
OMEGA Station
216 2nd St. NE
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720011
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #3 (OJ3)
OMEGA Station
310 2nd St. NE
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720012
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #4 (OJ4)
OMEGA Station
316 2nd St. NE
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720013
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #5 (OJ5)
OMEGA Station
122 4th Ave. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720014
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #6 (OJ6)
OMEGA Station
417 2nd St. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720015
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #7 (OJ7)
OMEGA Station
421 2nd St. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720016
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #8 (OJ8)
OMEGA Station
123 5th Ave. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720017
Status: Excess
Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #9 (OJ9)
OMEGA Station
517 2nd St. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720018
Status: Excess
Comment: 1700 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area
GSA Number: 7–U–ND–0494A & B

House #10 (OJ0)
OMEGA Station
521 2nd St. NW
LaMoure Co: LaMoure ND 58458–
Landholding Agency: GSA
Property Number: 549720019
Status: Excess
Comment: 1700 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area

GSA Number: 7–U–ND–0494A & B

Ohio

Zanesville Federal Building
65 North Fifth Street
Zanesville Co: Muskingum OH
Landholding Agency: GSA
Property Number: 549520018
Status: Excess
Comment: 18750 sq. ft., most recent use—office, possible asbestos, eligible for listing on the Natl Register of Historic Places
GSA Number: 2–G–OH–781A

Marblehead Light Tower
East Harbor State Park
Marblehead Co: Ottawa OH 43440–
Landholding Agency: GSA
Property Number: 549710005
Status: Excess
Comment: 67 foot tall light tower w/87-step spiral staircase, one room/60 sq. ft., covenants and restrictions must be complied with
GSA Number: 1–U–OH–655–C

Oregon

Gus Solomon U.S. Courthouse
620 SW Main Street
Portland Co: Multnomah OR 97205–
Landholding Agency: GSA
Property Number: 549730023
Status: Underutilized
Comment: 15,775 sq. ft., 7-story, does not meet Federal seismic requirements, National Register of Historic Places, pending lease
GSA Number: 7–G–OR–724

Pennsylvania

Federal Office Building
1421 Cherry Street
Philadelphia PA 19107–
Landholding Agency: GSA
Property Number: 549730004
Status: Surplus
Comment: 12 floors, brick, most recent use—office, portion occupied by Federal tenants
GSA Number: 4–G–PA–776

Presque Isle Light Station
Erie Co: Erie PA 16505–
Landholding Agency: GSA
Property Number: 549730009
Status: Excess
Comment: 1200 sq. ft., 2-story, lighthouse with attached residence, historic property
GSA Number: 4–U–PA–775

Tennessee

Federal Building
130 Main Street
Carthage Co: Smith TN 37030–
Landholding Agency: GSA
Property Number: 549730010
Status: Excess
Comment: 7295 sq. ft., 3-story, excellent condition, most recent use—office space
GSA Number: 4–G–TN–643

Texas

7 Office Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630007
Status: Excess
Comment: 1–3 stories, potential restrictive covenants (historic)
GSA Number: 7–U–TX–1041

5 Storage Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630008
Status: Excess
Comment: 1-story, potential restrictive covenants (historic)
GSA Number: 7–U–TX–1041

6 Misc. Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630009
Status: Excess
Comment: including cafeteria, guard shacks, pumphouse, transformer eng. gen. bldg., potential restrictive covenants (historic)
GSA Number: 7–U–TX–1041

Harlingen USARC
1920 East Washington
Harlingen Co: Cameron TX 78550–
Landholding Agency: GSA
Property Number: 549730005
Status: Surplus
Comment: 16,540 sq. ft., 1-story, reserve center, most recent use—classroom training and vehicle maintenance
GSA Number: 7–D–TX–1047

Virginia

National Weather Service
Route 3
Volens Co: Halifax VA
Landholding Agency: GSA
Property Number: 549710001
Status: Excess
Comment: 1859 sq. ft. brick veneer, most recent use—office with 1.3 acres/parking lot
GSA Number: 4–C–VA–713

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: GSA
Property Number: 879120082
Status: Excess
Comment: 929 sq. ft., one story residence
GSA Number: 4–U–DE–461

Land (by State)

Arizona

Part of Old Mesa Substation
NE corner of University Drive
Mesa Co: Maricopa AZ 85203–
Landholding Agency: GSA
Property Number: 549730008
Status: Surplus
Comment: 3.97 acres, portion graveled, water well, abandoned septic system, most recent use—parking and buffer area
GSA Number: 9–B–AZ–803

0.23 acre
Ron Burke II/West of 124th Street
Scottsdale Co: Maricopa AZ 85259–
Landholding Agency: Interior
Property Number: 619740001
Status: Excess
Comment: narrow strip

California

(P) Camp Elliott
Rosedale Tract
San Diego Co: San Diego CA
Landholding Agency: GSA
Property Number: 549310008
Status: Surplus
Comment: Parcel 1–0.15 acre, Parcel 2–0.17 acre, located in the narrow median strip between Murphy Canyon Rd. and State Highway 15, previously leased by homeless provider
GSA Number: 9–GR(6)–CA–694A

Lake Sonoma, Tract 1607
Geyserville CA
Landholding Agency: GSA
Property Number: 549740020
Status: Excess
Comment: 139 acres, most recent use—recreation
GSA Number: 9–D–CA–1504

Georgia

NARACS Site
North side of GA Hwy 36, 5 mi. west of I–75 Co: Lamar Ga
Landholding Agency: GSA
Property Number: 549730002
Status: Excess
Comment: 76.83 acres with deep well and pump house, most recent use—cattle grazing
GSA Number: 4–U–GA–0855

Idaho

160 acres
Idaho National Engineering Lab Co: Jefferson ID 83415–
Landholding Agency: GSA
Property Number: 549720008
Status: Surplus
Comment: 160 acres, most recent use—buffer zone
GSA Number:9–B–ID–542

Indiana

Portion
Bureau of Prisons Vigo Farm
Linden Twp Co: Vigo, IN
Landholding Agency: GSA
Property Number: 549620002
Status: Excess
Comment: 17.65 acres, most recent use—agriculture
GSA Number: 2–J–IN–507C

Maine

Remote Center Air
Ground Communication Facility
Westford Hill Road
Hodgdon Co: Aroostook ME 04730–
Landholding Agency: GSA
Property Number: 549610014
Status: Excess
Comment: 0.91 acre with 554 sq. ft. bldg and tower, most recent use—unmanned communications facility
GSA Number: 1–ME–624

New York

Galeville Army Training Site
Shawangunk Co: Ulster NY 12589–
Landholding Agency: GSA
Property Number: 219510128
Status: Excess
Comment: 621 acres, improved w/inactive runways, 234 acres is wetlands and habitat for threatened species
GSA Number: 2–D–NY–807

Ohio

Bethany Relay Station
8070 Tylersville Road

Union Township Co: Butler OH 45040–
Landholding Agency: GSA
Property Number 549610008
Status: Excess
Comment: 625 acres, most recent use—radio relay station, bldg. and approx. 125 acres are unsuitable due to distance from flammable explosive material
GSA Number: 1–Z–OH–726B

Receiver Site
Bethany Relay Station
Wayne Co: Butler OH 45040–
Landholding Agency: GSA
Property Number: 549720001
Status: Surplus
Comment: 29 acres with concrete bldg. (1560 sq. ft.)
GSA Number: 1–GR–OH–0726C

Oregon

Portion, Astoria Field Office
Via Hwy 30
Astoria Co: Clatsop OR 97103–
Landholding Agency: GSA
Property Number: 549640015
Status: Excess
Comment: 20.6 acres, includes wetlands & tidelands, parking lot under construction, portion located within floodplain
GSA Number: 9–D–OR–447F

Puerto Rico

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 549420006
Status: Excess
Comment: 323 acres, cultural site

Washington

Sandpoint Control Tower
Near 7600 Sandpoint Way, NE
Seattle Co: King WA 98115–
Landholding Agency: GSA
Property Number: 549440003
Status: Excess
Comment: 11.3 acres, w/deteriorated bldg. and parking lot
GSA Number: 9–C–WA–1069

Tract: No. 102812b
West Sagemoor Road
Co: Franklin WA 99352–
Landholding Agency: Interior
Property Number: 619810003
Status: Excess
Comment: 31.05 acres, most recent use—recreation

Tract No. 113206b
Gertler Rd/Haverland-Koontz Rd
Co: Franklin WA 99330–
Landholding Agency: Interior
Property Number: 61980004
Status: Excess
Comment: 24.49 acres, most recent use—recreation/vacant

Tract No. 123134
Smith Canyon Rd.
Co: Franklin WA 99330–
Landholding Agency: Interior
Property Number: 619810005
Status: Excess
Comment: 46.63 acres, most recent use—recreation/vacant

Tract No. 143230
Highway 395
Co: Franklin WA 99326–
Landholding Agency: Interior
Property Number: 619810006
Status: Excess
Comment: 217.89 acres

Tract No. 162315
Highway 243
Co: Grant WA 99321–
Landholding Agency: Interior
Property Number: 619810007
Status: Excess
Comment: 455.49 acres, most recent use—recreation, includes roads, powerlines, sewer disposal pond, gravel pits

Tract No. 172328
Highways 243, 26
Co: Grant WA 98950–
Landholding Agency: Interior
Property Number: 619810008
Status: Excess
Comment: 599.38 acres, most recent use—recreation, waste water easement

Tract No. 212616
Grandview Park
Co: Grant WA 98823–
Landholding Agency: Interior
Property Number: 619810010
Status: Excess
Comment: 0.27 acres, part of city park

Wyoming

Former Portion/Warren AFB
Cheyenne Co: Laramie WY 82001–
Landholding Agency: GSA
Property Number: 549730016
Status: Surplus
Comment: 1.92 acres, most recent use—highway purposes
GSA Number: 7–GR–WR–422V

Suitable/To Be Excessed

Buildings (by State)

Washington

Quarters No. 1204
604 S. Maple
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330001
Status: Excess
Comment: 850 sq. ft., one story frame residence, asbestos siding

Quarters No. 1208
608 S. Maple
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330002
Status: Excess
Comment: 709 sq. ft., one story frame residence, asbestos siding

Quarters No. 1301
3 SE and N Warden Road
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330003
Status: Excess
Comment: 709 sq. ft., one story frame residence on 4.9 acres, asbestos siding

Unsuitable Properties

Buildings (by State)

Alabama

Sand Island Light House
Gulf of Mexico
Mobile AL
Landholding Agency: GSA
Property Number: 549610001
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 4–U–AL–763

Arizona

Inn Cabin #9
North Rim Grand Canyon
Grand Canyon Co: Coconino AZ 86023–
Landholding Agency: Interior
Property Number: 619530013
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. 918
Sanida National Laboratories
Livermore CA 94550–
Landholding Agency: Energy
Property Number: 419640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Castle Area Shops
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720004
Status: Unutilized
Reason: Extensive deterioration

Giant Forest Village
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720006
Status: Unutilized
Reason: Extensive deterioration

Cabins 90–92, 100V–146
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720008
Status: Unutilized
Reason: Extensive deterioration

Lower Kaweah 514–549, 594
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720009
Status: Unutilized
Reason: Extensive deterioration

Lower Kaweah Cabins—various
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720010
Status: Unutilized
Reason: Extensive deterioration

Bldg. 331
Pinnacles National Monument
Paicines Co: San Benito CA 95043–
Landholding Agency: Interior
Property Number: 619720046
Status: Unutilized
Reason: Extensive deterioration

15 Buildings, Davison Ranch
Orick Co: Humboldt CA 95555–
Landholding Agency: Interior
Property Number: 619720047
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5500
Wolf Creek Outdoor School Lodge
Orick Co: Humboldt CA 95555–

Landholding Agency: Interior
Property Number: 619720048
Status: Unutilized
Reason: Extensive deterioration

Colorado

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540001
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540002
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540003
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 2
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540039
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 7
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610040
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 31–A
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610041
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 33
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610042
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Connecticut

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419440003
Status: Excess
Reason: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419540004
Status: Excess
Reason: Secured Area

Dolphin Gardens, DG–8, DG–9
Naval Submarine Base
Groton CT 06349–
Landholding Agency: Navy
Property Number: 779810084
Status: Underutilized
Reason: Extensive deterioration

Delaware

Delaware Breakwater Light
Lewes Co: Sussex DE 19958–
Landholding Agency: GSA
Property Number: 549640007
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 4–U–DE–460

Mispillion River Light
Milford Co: Sussex DE 19963–
Landholding Agency: GSA
Property Number: 549740001
Status: Excess
Reason: Extensive deterioration
GSA Number: 4–U–DE–461

Hawaii

Bldg. 599
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810087
Status: Excess
Reason: Extensive deterioration

Idaho

Bldg. PBF–621
Idaho national Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610001
Status: Unutilized
Reason: Secured Area

Bldg. CPP–1609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610002
Status: Unutilized
Reason: Secured Area

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610003
Status: Unutilized
Reason: Secured Area

Bldg. CPP–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610004
Status: Unutilized
Reason: Secured Area

Bldg. CPP–650
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610005
Status: Unutilized
Reason: Secured Area

Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610006
Status: Unutilized
Reason: Secured Area

Bldg. TAN–660
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610007
Status: Unutilized
Reason: Secured Area

Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610008
Status: Unutilized
Reason: Secured Area

Bldg. TAN–609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610009
Status: Unutilized
Reason: Secured Area

Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610010
Status: Unutilized
Reason: Secured Area

Bldg. TAN–661
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610011
Status: Unutilized
Reason: Secured Area

Bldg. TAN–657
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610012
Status: Unutilized
Reason: Secured Area

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610013
Status: Unutilized
Reason: Secured Area

Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610014
Status: Unutilized
Reason: Secured Area

Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610015
Status: Unutilized
Reason: Secured Area

Bldg. TAN–638
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610016
Status: Unutilized
Reason: Secured Area

Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610017
Status: Unutilized
Reason: Secured Area

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610018
Status: Unutilized
Reason: Secured Area

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610019
Status: Unutilized
Reason: Secured Area

Bldg. PBF–616
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610020
Status: Unutilized
Reason: Secured Area

Bldg. PBF–617
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610021
Status: Unutilized
Reason: Secured Area

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610022
Status: Unutilized
Reason: Secured Area

Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610023
Status: Unutilized
Reason: Secured Area

Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610024
Status: Unutilized
Reason: Secured Area

Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610025
Status: Unutilized
Reason: Secured Area

Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610026
Status: Unutilized
Reason: Secured Area

Bldg. CF–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610027
Status: Unutilized
Reason: Secured Area

Bldg. CF–672
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610028
Status: Unutilized
Reason: Secured Area

Bldg. CF–664
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610029
Status: Unutilized
Reason: Secured Area

Bldg. CF–643
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610030
Status: Unutilized
Reason: Secured Area

Bldg. CF–649
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610031
Status: Unutilized
Reason: Secured Area

Bldg. CF–652
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610032
Status: Unutilized
Reason: Secured Area

Bldg. CF–656
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610033
Status: Unutilized
Reason: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610034
Status: Unutilized
Reason: Secured Area

Bldg. CF–665
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610035
Status: Unutilized
Reason: Secured Area

Bldg. CF–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610036
Status: Unutilized
Reason: Secured Area

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610037
Status: Unutilized
Reason: Secured Area

Bldg. ARA–626
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610003
Status: Excess
Reason: Secured Area

CF645
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710004
Status: Excess
Reason: Secured Area

CF657/CF716
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710005
Status: Excess
Reason: Secured Area

CPP631
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710006
Status: Excess
Reason: Secured Area

CPP709
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710007
Status: Excess
Reason: Secured Area

CPP734
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710008
Status: Excess
Reason: Secured Area

TAN620/TAN656
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710009
Status: Excess
Reason: Secured Area, Extensive Deterioration

TRA–645
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710010
Status: Excess
Reason: Secured Area

STF Area, Natl Eng & Env Lab
#601, 607, 612, 501, 502, ARA–628
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419740003
Status: excess
Reason: Extensive deterioration

Illinois

Parcel 1
Portion Former Lock & Dam 51
Golconda Co: Pope IL 62938–
Landholding Agency: GSA
Property Number: 549610010
Status: Excess
Reason: Extensive deterioration
GSA Number: 2–D–IL–703

Indiana

Coast Guard Housing

5 Houses
Dana Co: Vermillion In 47847–
Landholding Agency: GSA
Property Number: 549620011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–IN–505D

Louisiana

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 419610038
Status: Underutilized
Reason: Secured Area

Maryland

Upper Waldorf Field Site
Rt. 228—Bensville Rd.
Waldorf Co: Charles MD 20601–
Landholding Agency: GSA
Property Number: 549630013
Status: Excess
Reason: Extensive deterioration
GSA Number: 4–N–MD–0587

Lower Waldorf Field Site
Waldorf Co: Charles MD 20603–
Landholding Agency: GSA
Property Number: 549720002
Status: Excess
Reason: Extensive deterioration
GSA Number: 4–N–MD–587A

Michigan

15 Offshore Lighthouses
Great Lakes MI
Landholding Agency: GSA
Property Number: 549630014
Status: Excess
Reason: Extensive deterioration

Fog Signal Building
St. Martins Island Co: Delta MI 49829–
Landholding Agency: GSA
Property Number: 549640001
Status: Unutilized
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–MI–760

Paint Locker
St. Martins Island/Lake Michigan
Co: Delta MI 49829–
Landholding Agency: GSA
Property Number: 549640009
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–MI–760

Dwelling/Light Tower
St. Martins Island/Lake Michigan
Co: Delta MI 49829–
Landholding Agency: GSA
Property Number: 549640010
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–MI–760

Parcel 14, Boar House
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730014
Status: Excess
Reason: Extensive deterioration
GSA Number: 1–U–MI–500

Round Island Passage Light
Lake Huron
Lake Huron Co: Mackinac MI
Landholding Agency: GSA
Property Number: 549730019
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–MI–444B

St. Clair Flats Station
Harsens Island Co: St. Clair MI 48028–
Landholding Agency: GSA
Property Number: 549730020
Status: Excess
Reason: Floodway, Other
Comment: Inaccessible
GSA Number: 1–U–MI–762

Minnesota

Federal Building
200 East 4th Street
Redwood Falls Co: Redwood MN 56283–
Landholding Agency: GSA
Property Number: 549740017
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–G–MN–563

Missouri

South Coast Guard Base
Iron Street
St. Louis MO 63111–2536
Landholding Agency: GSA
Property Number: 549740010
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Extensive deterioration
GSA Number: 7–U–MO–0576–B

Montana

Barn/Garage
316 N. 26th Street
Billings Co: Yellowstone MT
Landholding Agency: Interior
Property Number: 619520022
Status: Excess
Reason: Extensive deterioration

New Hampshire

Bldg. 1, ESMT Portsmouth
New Castle Co: Rockingham NH
Landholding Agency: GSA
Property Number: 549730015
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–NH–486

New Mexico

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 419430002
Status: Unutilized
Reason: Extensive deterioration

McGee Warehouse
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610043
Status: Unutilized
Reason: Extensive deterioration

Bldg. 73, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 75, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 76, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 77, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610047
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 78, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 79, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 80, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610050
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 99, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 89, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620005
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 90, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 91, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 92, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 93, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 101, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Tech Area II
Kirtland Air Force Base
Alburquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 419630004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

New York

2 Offshore Lighthouses
Great Lakes NY
Landholding Agency: GSA
Property Number: 549630015
Status: Excess
Reason: Extensive deterioration

Bldgs, 501, 502
Scotia Storage Depot
Scotia NY 12302–
Landholding Agency: GSA
Property Number: 549640021
Status: Excess
Reason: Extensive deterioration
GSA Number: 1–G–NY–554E

Fort Niagara Light
Town of Porter Co: Niagara NY 24174–
Landholding Agency: GSA
Property Number: 549720007
Status: Surplus
Reason: Other
Comment: landlocked
GSA Number: 1–U–NY–0842

Galloo Island Light
Lake Ontario
Hounsfield Co: Jefferson NY
Landholding Agency: GSA
Property Number: 549740016
Status: Excess
Reason: Other
Comment: inaccessible
GSA Number: 1–U–NY–735C

Point AuRoche Light
Beekmantown Co: Clinton NY 12901–
Landholding Agency: GSA
Property Number: 879420002
Status: Excess
Reason: Floodway, Extensive deterioration
GSA Number: 2–4–NY–817

Ohio

Fernald Env. Mgmt. Project
7400 Willey Road
Fernald Co: Hamilton OH 45030–
Landholding Agency: Energy
Property Number: 419540005
Status: Unutilized
Reason: Other
Comment: contimination

Mound—Guard Post
Mound Road
Miamisburg Co: Montgomery OH 45343–
Landholding Agency: Energy
Property Number: 419540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

GP–5, MEMP Site
Miamisburg Co: Montgomery OH 45343–
Landholding Agency: Energy
Property Number: 419740001
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Mound Site, MEMP
Miamisburg Co: Montgomery OH 45343–
Landholding Agency: Energy
Property Number: 419740002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Toledo Harbor Lighthouse
Lake Erie
Toledo Co: Lucas OH 43611–
Landholding Agency: GSA
Property Number: 549710014
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–OH–801

Newtown Fish Toxicology
3411 Church Street
Newtown Co: Hamilton OH 44244–
Landholding Agency: GSA
Property Number: 549740019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone
GSA Number: 1–Z–OH–806

Oklahoma

Bldgs. 4a, 4b, 6, 8, 9, 11, 12
NIPER
Bartlesville Co: Washington OK 74003–
Landholding Agency: Energy
Property Number: 419720003
Status: Unutilized
Reason: Extensive deterioration

Oregon

Bldg. 0210
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0211
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0213
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0214
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0510
Wilson Dam Residence
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540006
Status: Unutilized
Reason: Extensive deterioration

Pennsylvania

Z-Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 419720002
Status: Excess
Reason: Extensive deterioration

Former Ebert House
Johnny Bee Rd.
Dingmans Co: Pike PA 18328–
Landholding Agency: Interior
Property Number: 619720049
Status: Unutilized
Reason: Extensive deterioration

Weiland Prop.—Sound Studio
Gettysburg Co: Adams PA 17325–
Landholding Agency: Interior
Property Number: 619810013
Status: Excess
Reason: Extensive deterioration

Bldgs. 613, 613A
Naval Inventory Control Point
Mechanicsburg PA
Landholding Agency: Navy
Property Number: 779810095
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. OA
Naval Inventory Control Point

Mechanicsburg PA
Landholding Agency: Navy
Property Number: 779810096
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Puerto Rico

Dry Dock & Ship Repair Fac.
U.S. Navy
San Juan PR
Landholding Agency: GSA
Property Number: 549710012
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway
GSA Number: 1–N–PR–491

NIH Primate Research Facility
Sabena Seca PR
Landholding Agency: GSA
Property Number: 549720021
Status: Excess
Reason: Other
Comment: landlocked
GSA Number: 1–H–PR–503

Tennessee

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 419710002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 419720001
Status: Excess
Reason: Extensive deterioration

Bldgs. 9714–3, 9714–4, 9983–AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 419720004
Status: Unutilized
Reason: Secured Area

5 Bldgs.
K–724, K–725, K–1031, K–1131, K–1410
East Tennessee Technology Park
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 419730001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 419810026
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9825
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 419810027
Status: Unutilized
Reason: Secured Area

Virginia

Bldgs. 1549, 3025
naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779810097
Status: Excess
Reason: Extensive deterioration

Bldg. 10A
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810098
Status: Excess
Reason: Extensive deterioration

Bldg. 45
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810099
Status: Excess
Reason: Extensive deterioration

Bldg. 76
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810100
Status: Excess
Reason: Extensive deterioration

Bldg. 76A
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810101
Status: Excess
Reason: Extensive deterioration

Bldg. 80
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810102
Status: Excess
Reason: Extensive deterioration

Bldg. 81
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810103
Status: Excess
Reason: Extensive deterioration

Bldg. 82
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810104
Status: Excess
Reason: Extensive deterioration

Bldg. 84
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810105
Status: Excess
Reason: Extensive deterioration

Bldg. 107
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810106
Status: Excess
Reason: Extensive deterioration

Bldg. 520
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810107
Status: Excess
Reason: Extensive deterioration

Bldg. 676
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810108
Status: Excess
Reason: Extensive deterioration

Bldg. 684
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810109
Status: Excess
Reason: Extensive deterioration

Bldg. 685
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810110
Status: Excess
Reason: Extensive deterioration

Bldg. 1625
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810111
Status: Excess
Reason: Extensive deterioration

Bldg. 1795
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810112
Status: Excess
Reason: Extensive deterioration

Bldg. 1796
Naval Weapons Station
Yorktown Co: York 23691–
Landholding Agency: Navy
Property Number: 779810113
Status: Excess
Reason: Extensive deterioration

Bldg. 1890
Naval Weapons Station
Yorktown Co: York 23691–
Landholding Agency: Navy
Property Number: 779810114
Status: Excess
Reason: Extensive deterioration

Washington

Everett Federal Building
3002 Colby Avenue
Everett Co: Snohomish WA 98201–
Landholding Agency: GSA
Property Number: 549730026
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–G–WA–1140

Bldg. 604
Manchester Fuel Department
Port Orchard WA 98366–
Landholding Agency: Navy
Property Number: 779810170
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 288
Fleet Industrial Supply Center
Bremerton WA 98314–5100
Landholding Agency: Navy
Property Number: 779810171
Status: Excess

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

West Virginia

Flight Service Station
Morgantown Airport
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: GSA
Property Number: 549710011
Status: Surplus
Reason: Within airport runway clear zone
GSA Number: 4–U–WV–527

Jarrell House
New River Gorg National River
Meadow Creek Co: Summers WV 25977–
Landholding Agency: Interior
Property Number: 619740005
Status: Excess
Reason: Extensive deterioration

Blackburn Houses
New River Gorg National River
Meadow Creek Co: Summers WV 25977–
Landholding Agency: Interior
Property Number: 619740006
Status: Excess
Reason: Extensive deterioration

Adkins House
New River Gorg National River
Claypool Hollow Co: Summers WV 25977–
Landholding Agency: Interior
Property Number: 619740007
Status: Excess
Reason: Extensive deterioration

Wisconsin

2 Offshore Lighthouses
Great Lakes WI
Landholding Agency: GSA
Property Number: 549630016
Status: Excess
Reason: Extensive deterioration

North Point Light Station
North Point Co: Milwaukee WI 53211–5860
Landholding Agency: GSA
Property Number: 549720004
Status: Excess
Reason: Other
Comment: No legal access
GSA Number: 1–U–WI–577

Port Washington Light Station
Port Washington Co: Ozaukee WI 53074–
Landholding Agency: GSA
Property Number: 549720006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–WI–577

Land (by State)

Arizona

Santa Fe Pacific Pipelines
Avenue 7E North from Hwy. 95
Yuma Co: Yuma AZ 85364–
Landholding Agency: Interior
Property Number: 619420003
Status: Unutilized
Reason: Secured Area

Case No. 95–019–Surplus Land
Dale Anderson (Farnsworth)
Mesa Co: Maricopa AZ 85220–
Landholding Agency: Interior
Property Number: 619610001
Status: Excess
Reason: Other
Comment: Inaccessible

ARCO Surplus Land
20-foot strip, 53rd Ave.
Phoenix Co: Maricopa AZ 85043–
Landholding Agency: Interior
Property Number: 619620001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

California

Parcel B
Santa Rosa Co: Sonoma CA
Landholding Agency: GSA
Property Number: 549310016
Status: Excess
Reason: Other
Comment: Sewage Treatment Plant
GSA Number: 9–G–CA–580C

Georgia

Former Honor Farm #1
McDonough Blvd. & Thomasville Blvd.
Atlanta Co: Fulton GA 30315–
Landholding Agency: GSA
Property Number: 549710010
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–GR(1)–GA–530A&B

Guam

Submerged Lands
Ritidian Point GU
Landholding Agency: GSA
Property Number: 549640003
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 9–N–GU–437

Idaho

Zamzow Sidewalk Sale
0.5 acres
Boise Co: Ada ID 83705–
Landholding Agency: Interior
Property Number: 619630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Kentucky

9 Tracts
Danial Boone National Forest
Co: Owsley KY 37902–
Landholding Agency: GSA
Property Number: 549620012
Status: Excess
Reason: Floodway
GSA Number: 4–G–KY–607

2.15 Acres
Owensboro Moorings
Owensboro Co: Daviess KY 42301–
Landholding Agency: GSA
Property Number: 549710015
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway
GSA Number: 4–U–KY–605

Louisiana

Harrison Lock & Dam No. 2
Harrisonburg Co: Catahoula LA 71340–
Landholding Agency: GSA
Property Number: 549720003
Status: Excess
Reason: Floodway
GSA Number: 7–D–LA–0552

Site #18
Forsythe Point
Columbia Lock & Dam
Monroe Co: Ouachita Parish LA 71210–
Landholding Agency: GSA
Property Number: 549810009
Status: Excess
Reason: Floodway
GSA Number: 7–D–LA–557

Michigan

Port/EPA Large Lakes Rsch Lab
Grosse Ile Twp Co: Wayne MI
Landholding Agency: GSA
Property Number: 549720022
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1–Z–MI–554–A

New York

Cooke's Island—32 acres
Lake Champlain
Whitehall Co: Washington NY
Landholding Agency: GSA
Property Number: 549710009
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–D–NY–847

Ohio

Lewis Research Center
Cedar Point Road
Cleveland Co: Cuyahoga OH 44135–
Landholding Agency: GSA
Property Number: 549610007
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone
GSA Number: 2–Z–OH–598–I

Oregon

Portion/Oregon Landfill
3 acres
Ontario Co: Malheur OR 97914–
Landholding Agency: Interior
Property Number: 619630002
Status: Unutilized
Reason: Other
Comment: Landlocked

Puerto Rico

119.3 acres
Culebra Island PR 00775–
Landholding Agency: Interior
Property Number: 619210001
Status: Excess
Reason: Floodway

South Carolina

Land—2.66 acres
Port Royal Co: Beaufort SC 29902–6148
Landholding Agency: GSA
Property Number: 549240009
Status: Excess
Reason: Floodway
GSA Number: 4–N–SC–0489A

Tennessee

Land/Portion
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37422–2607
Landholding Agency: GSA
Property Number: 549730018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–645

Washington

Tract No. 092902
Pasco Co: Franklin WA 99301–
Landholding Agency: Interior
Property Number: 619740008
Status: Excess
Reason: Within airport runway clear zone

Tract No. 092912
Pasco Co: Franklin WA 99301–
Landholding Agency: Interior
Property Number: 619740009
Status: Excess
Reason: Within airport runway clear zone

Tract No. 093022
Co: Franklin WA 99301–
Landholding Agency: Interior
Property Number: 619740010
Status: Excess
Reason: Other
Comment: No public access

Tract No. 103026
Co: Franklin WA 99301–
Landholding Agency: Interior
Property Number: 619740011
Status: Excess
Reason: Other
Comment: No public access

Tract No. 103032
Co: Franklin WA 99301–
Landholding Agency: Interior
Property Number: 619740012
Status: Excess
Reason: Other
Comment: No public access

Tract No. 132816
Co: Franklin WA 99330–
Landholding Agency: Interior
Property Number: 619740013
Status: Excess
Reason: Other
Comment: No public access

Tract No. 132929
Co: Franklin WA 99330–
Landholding Agency: Interior
Property Number: 619740014
Status: Excess
Reason: Other
Comment: No public access

Tract No. 142517
Co: Grant WA 99349–
Landholding Agency: Interior
Property Number: 619740015
Status: Excess
Reason: Other
Comment: No public access

Tract No. 172314
Co: Grant WA 98950–
Landholding Agency: Interior
Property Number: 619740016
Status: Excess
Reason: Other
Comment: No public access

Tract No. 172433
Co: Grant WA 99321–
Landholding Agency: Interior
Property Number: 619740017
Status: Excess
Reason: Other
Comment: No public access

Tract No. 172833
Co: Grant WA 99357–
Landholding Agency: Interior
Property Number: 619740018
Status: Excess
Reason: Other
Comment: No public access

Tract No. 182620
Co: Grant WA 98824–
Landholding Agency: Interior
Property Number: 619740019
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192328
Co: Grant WA 98848–
Landholding Agency: Interior
Property Number: 619740020
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192332
Co: Grant WA 98848–
Landholding Agency: Interior
Property Number: 619740021
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192520
Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619740022
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192524
Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619740023
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192620b
Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619740024
Status: Excess
Reason: Other
Comment: No public access

Tract No. 192909
Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619740025
Status: Excess
Reason: Other
Comment: No public access

Tract No. 202436
Co: Grant WA 98848–
Landholding Agency: Interior
Property Number: 619740026
Status: Excess
Reason: Other
Comment: No public access

Tract No. 202529b
Co: Grant WA 98823–
Landholding Agency: Interior
Property Number: 619740027
Status: Excess
Reason: Other
Comment: No public access

Tract No. 202530
Co: Grant WA 98823–
Landholding Agency: Interior
Property Number: 619740028
Status: Excess
Reason: Other
Comment: No public access

Tract No. 202635
Co: Grant WA 98823–
Landholding Agency: Interior
Property Number: 619740029
Status: Excess
Reason: Other
Comment: No public access

Tract No. 212808
Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619740030
Status: Excess
Reason: Other
Comment: No public access

Wyoming

Cody Industrial Area
Cody Co: Park WY 82414–
Landholding Agency: GSA
Property Number: 549740008
Status: Excess
Comment: Within 2000 ft. of flammable or explosive material
GSA Number: 7–I–WY–0539

[FR Doc. 98–6167 Filed 3–12–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–838407

Applicant: Praveen K. Karanth, Albany, NY.

The applicant requests a permit to import biological samples collected from gray (Hanuman) langur, (*Semnopithecus entellus*), and from Francois' (Delacour's) langur, (*Trachypithecus francoisi*), for the purpose of enhancement of the survival of the species through scientific research.

PRT–839923

Applicant: Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to import one captive-hatched Blyth's tragopan (*Tragopan blythi*) from South View Aviaries, Burnaby, British Columbia, Canada, for the purpose of enhancement of the species through captive propagation.

PRT–679043

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests renewal of their permit to take and sell in interstate and foreign commerce, export, or re-export blood and tissue, whole cadavers, and parts from species in the

families Lemuridae, Indriidae, Cheirogaleidae, Daubentoniidae, Tarsiidae, and Lorisidae for scientific research and for enhancement of the propagation and survival of the species.

PRT–839795

Applicant: Iowa Department of Natural Resources, Boone, IA.

The applicant requests a permit to import up to 12 captive-hatched peregrine falcons (*Falco peregrinus anatum*) over the next two years from the Great Lakes Raptor Conservancy, Ontario, Canada for the purposes of reintroduction into the wild to enhance the survival of the species.

PRT–839796

Applicant: Zoological Society of Philadelphia, Philadelphia, PA.

The applicant requests a permit to import two captive-born Siberian tigers (*Panthera tigris altaica*) from Zoo Leizpig, Leipzig, Germany, for the purpose of enhancement of the species through captive propagation and conservation education.

PRT–703757

Applicant: Tarzan Zerbini Circus, Webb City, MO.

The applicant requests renewal of a permit to export and reimport captive-held Asian elephants (*Elephas maximus*), and captive-born tigers (*Panthera tigris*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: USGS–BRD California Sea Otter Project, Santa Cruz, CA, PRT–672624.

Permit Type: Take for scientific research.

Name and Number of Animals: Southern sea otter (*Enhydra lutris nereis*), up to 500.

Summary of Activity to Be Authorized: The applicant requests renewal of their permit to capture and tag sea otters and an amendment to the permit to allow for radio implantation and blood sample collection for scientific research on population biology and ecology.

Source of Marine Mammals: Entire range of sea otters in California.

Period of Activity: Up to 5 years from issuance date of permit, if issued.

Applicant: Dan L. Duncan, Houston, TX, PRT–838492.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use taken prior to April 30, 1994.

Applicant: Edwin E. Smith, Houston, TX, PRT–838493.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use taken prior to April 30, 1994.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 9, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–6433 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment and the Draft Strategy and Guidelines for the Recovery and Management of the Red-cockaded Woodpecker and It's Habitat on National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability of a Draft Strategy and Guidelines for the Recovery of the Red-cockaded Woodpecker (RCW) and It's Habitat on National Wildlife Refuges (Guidelines). Included in the Guidelines are population management objectives for 644–654 active clusters of RCWs on approximately 141,900 acres of pine and pine hardwood forest on 13 refuges in the southeastern United States. Actions proposed are directed at protection of clusters, management of nesting habitat, population management, management of foraging habitat, forest management (including silvicultural activities), and management of RCWs in federally designated Wilderness.

The Service also announces the availability of an environmental assessment (EA) which includes an evaluation of the environmental impact of four alternatives: (1) implementing the Guidelines as proposed, (2) taking no action to comprehensively implement revised recovery guidelines and strategies, (3) implementing the Guidelines, intensifying management efforts and expanding the area to be managed for RCWs, and (4) implementing the Guidelines on a smaller area of refuge land.

Copies of the Strategy and Guidelines and the EA may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the Guidelines is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on an evaluation of the information contained in the Guidelines. The final determination will be made no sooner than 60 days from the date of this notice. This notice is provided pursuant to NEPA regulations (40 CFR 1506.6).

DATES: Written comments on the Draft Strategy and Guidelines and Draft EA, should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 27, 1998.

ADDRESSES: Persons wishing to obtain a copy of the Draft Strategy and Guidelines, should submit a request in writing to: U.S. Fish and Wildlife Service, Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345. (Attn: Assistant Regional Director, Refuges and Wildlife). Copies may also be reviewed at the Southeast Regional Office (address above) and at the following locations: Office of the Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, Clemson University, Department of Forest Resources, 261 Lehotsky Hall, Clemson, SC 29634–1003, and Office of the Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Brooksville, MS 39739. Documents will be available for public inspection by appointment during normal business hours at these locations. Comments concerning the Strategy and Guidelines or EA should be submitted in writing to the Southeast Regional Office address above. Please reference the Draft Strategy and Guidelines for the Red-cockaded Woodpecker and Its Habitat on National Wildlife Refuges in your comments, or in requests for the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Costa, Red-cockaded Woodpecker Recovery Coordinator, Clemson Field Office, (see **ADDRESSES** above), telephone: 864/656–2432; Mr. David Richardson, Biologist, Noxubee National Wildlife Refuge (see **ADDRESSES** above), 601/323–5548, or Mr. Jon Andrew, Fish and Wildlife Administrator, Southeast Regional Office (see **ADDRESSES** above), telephone: 404/679–7123.

SUPPLEMENTARY INFORMATION:

Background

The Service is the lead Federal agency responsible for preserving, protecting and enhancing nonmarine endangered species. Pursuant to the terms of the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 *et seq.*) the red-cockaded woodpecker was listed as an endangered species by the Service in 1970. In addition to responsibilities under the Act, the Service administers National Wildlife Refuge system lands. There are an estimated 141,900 acres of pine and pine-hardwood habitat capable of supporting RCWs on 13 national wildlife refuges in the southeast United States.

The RCW is a territorial, non-migratory cooperative breeding species. RCWs live in social units called groups or clans which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches in diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurring in 13 southeastern states), but the remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on Federally owned lands such as military installations and national forests.

The most recent estimate of the status of RCW populations on National Wildlife Refuge lands indicates that 237 to 242 active RCW clusters are present.

The EA contains an evaluation of the environmental consequences of four alternatives, including the proposed action. The proposed action alternative would result in implementation of the Guidelines as prepared by the Service. The No Action alternative would result in a continuance of the current management activities with no revision to the guidelines prepared in 1987. No management actions or recovery on refuge lands would be implemented beyond those contained in the 1987 Guidelines and the recovery plan for this species. The third alternative is to implement the Guidelines and expand their application to include additional habitat on Alligator River, Piedmont and Santee National Wildlife Refuges. The fourth alternative would result in the implementation of the Guidelines on approximately one half of the area identified for management under the revised Guidelines and a reallocation of resources to other wildlife management needs.

As stated above, the Service has made a preliminary determination that the issuance of the Guidelines is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and the Guidelines. An excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of the Guidelines would not have significant indirect or cumulative adverse effects on the human environment.

2. Implementation of the Guidelines will contribute substantially to the recovery of the RCW by providing for consistent application of the most appropriate forms of management available on all refuge lands. Application of the guidelines will also assure that forest management will be accomplished in a manner which will result in accelerated recovery of the species.

3. Population goals contained in the strategy and guidelines are substantially higher than the current population levels and would represent a major positive step towards recovery of the RCW.

The Service will also evaluate whether the issuance of the Guidelines complies with section 7 of the Act by preparing an intra-Service section 7 consultation. The results of the consultation in combination with the above findings, and public comment will be used in the final analysis to determine whether or not to issue and implement the Guidelines.

Public Comments Solicited

The Service solicits written comments on the draft management guidelines described. All comments received by the date specified above will be considered prior to approval of final guidelines.

Authority

The authorities for this action are the Endangered Species Act (16 U.S.C. 1531 *et seq.*), The National Environmental Policy Act (42 U.S.C. 4321–4347) and the National Wildlife Refuge System Improvement Act of 1997 (Public Law

105–57 to be codified at 16 U.S.C. 668dd *et seq.*).

Dated: March 6, 1998.

Sam D. Hamilton,

Regional Director, Region 4.

[FR Doc. 98–6494 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–00; IDI–86C]

Termination of Desert Land Entry Classification; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a Desert Land Entry Classification on 320 acres of land in Ada County as this classification is no longer needed. A portion of these lands will be exchanged pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

EFFECTIVE DATE: March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Catherine D. Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208–373–3863.

SUPPLEMENTARY INFORMATION: On June 8, 1967, the lands listed below were classified under the authority of the Desert Land Act of March 3, 1877, as amended and supplemented (43 U.S.C. 321, et seq.). This classification is hereby terminated on the following described land:

T. 4 S., R. 3 E., B.M.
Section 27, NW¼SW¼;
Section 28, S½NE¼, NE¼NW¼, S½NW¼, N½SE¼.

The area described above aggregates 320 acres in Ada County.

At 9:00 a.m. on March 13, 1998, the Desert Land Entry Classification identified above will be terminated. The lands identified above will remain closed to location and entry under the public land laws and the general mining laws (30 U.S.C. Ch. 2), as they are currently withdrawn for the Snake River Birds of Prey Natural Area. The lands have been, and will remain open to mineral leasing.

Dated: March 2, 1998.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 98–6441 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–1020–001]

Mojave-Southern Great Basin Resource Advisory Council—Notice of Meeting Locations and Times

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council Meeting locations and times.

DATES: Date is May 7, 1998, from 1:00 p.m. to approximately 4 p.m. and will reconvene on May 8, 1998 and meet from 8 a.m. to 2 p.m. The public comment period will begin at 6 p.m., May 7, 1998.

ADDRESSES: The council will meet at the Tonopah Convention Center, 301 West Brougher Avenue, Tonopah, NV 89049 (702) 482–3558.

FOR FURTHER INFORMATION CONTACT: Phillip L. Guerrero, Las Vegas Field Office, Public Affairs Officer, telephone: (702) 647–5046.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), council meeting of the Mojave-Southern Great Basin Resource Advisory Council (RAC) will be held as indicated above. The agenda includes a public comment period, and discussion of public land issues.

The Resource Advisory Council develops recommendations for BLM regarding the preparation, amendment, and implementation of land use plans for the public lands and resources within the jurisdiction of the council. For the Mojave-Great Basin RAC this jurisdiction is Clark, Esmeralda, Lincoln and Nye counties in Nevada. Except for the purposes of long-range planning and the establishment of resource management priorities, the RAC shall not provide advice on the allocation and expenditure of Federal funds, or on personnel issues.

The RAC may develop recommendation for implementation of ecosystem management concepts, principles and programs, and assist the BLM to establish landscape goals and objectives.

All meetings are open to the public. The public may present written comments to the council. Public comments should be limited to issues for which the RAC may make recommendations within its area of jurisdiction. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Phillip L. Guerrero at the Las Vegas District Office, 4765 Vegas Dr., Las Vegas, NV 89108, telephone, (702) 647–5000.

Dated: March 6, 1998.

Phillip L. Guerrero,

Public Affairs Officer.

[FR Doc. 98–6541 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–025–1220–00]

Road Closure Notice

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of road closure of the Ridgeline Road in the Malad Resource Area in Power County.

SUMMARY: Notice is hereby given, effective immediately, that the ''ridgeline road'' (see legal description below), located within the Malad Resource Area in Power County is closed to all motorized vehicle traffic.

The road bisects the following sections:

Boise Meridian

T. 10 S., R. 32 E., Sections 3, 10, 15, 22 and 27.

Branches of the road also occur in sections 23, 26, and 35.

EFFECTIVE DATE: March 15, 1998. The restriction will remain in effect until further notice.

FOR ADDITIONAL INFORMATION CONTACT: Jeff Steele, Area Manager, Malad Resource Area, Bureau of Land Management, 138 S. Main, Malad City, Idaho, 83252 or call 208–766–4766.

SUPPLEMENTARY INFORMATION: In accordance with Title 43, CFR 8340 (specifically 8341.2) and in conformance with principles established by the Federal Land Policy and Management Act of 1976, the above mentioned road is closed to all motorized vehicle traffic.

The decision to close this road was included in the Malad Hills Management Framework Plan (1981). Careful review and analysis, in cooperation with the Idaho Fish & Game Department and the public, has

determined that unrestricted use of these roads by motorized vehicle traffic will significantly reduce habitat effectiveness for big game in already heavily roaded areas. Access to the ''ridgeline road'' will be restricted by closed road signs or barriers on roads/trails that access the ''ridgeline road''. Copies of maps indicating the location of this road closure are posted at the Malad and Pocatello Resource Area Offices of the Idaho Bureau of Land Management.

This closure does not apply to Bureau of Land Management personnel, or an authorized representative of the Bureau of Land Management, or the Idaho Fish & Game Department personnel. This closure applies to approximately 6 miles of road.

Dated: February 25, 1998.

Jeff S. Steele,

Area Manager.

[FR Doc. 98–6445 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–GG–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1310–01; NMNM 97890]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provision of Public Law 97–451; a petition for reinstatement of Oil and Gas Lease NMNM 97890, Lea County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from December 1, 1997, the date of termination. No valid lease has been issued affecting the land. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, and 16⅔ percent, respectively. Payment of a $500.00 administration fee has been made. Having met all the requirements for reinstatement of the lease as set in Section 31(d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective December 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: Becky C. Olivas, BLM, New Mexico State Office, (505) 438–7609.

Dated: March 6, 1998.

Becky C. Olivas,

Land Law Examiner.

[FR Doc. 98–6542 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1310–01; NMNM 69163]

New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease NMNM 69163 for lands in Eddy County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from October 1, 1997, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective October 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

For further information contact: Becky C. Olivas, BLM, New Mexico State Office, (505) 438–7609.

Dated: March 6, 1998.

Becky C. Olivas,

Land Law Examiner.

[FR Doc. 98–6543 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

National Park Service

Delaware and Lehigh Navigation Canal National Heritage Corridor Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING AND DATE AND TIME: Friday, March 13, 1998; 1:30–4:00 p.m.

ADDRESSES: The King George II Inn, 102 Radcliffe Street, Bristol, PA 19007.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

SUPPLEMENTARY INFORMATION: The Delaware and Lehigh Navigation Canal National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Executive Director, Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 E. Church Street, Room P–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: March 9, 1998.

Gerald R. Bastoni,

Executive Director, Delaware and Lehigh Navigation Canal NHC Commission.

[FR Doc. 98–6497 Filed 3–12–98; 8:45 am]

BILLING CODE 6820–PE–M

DEPARTMENT OF THE INTERIOR

Draft Environmental Impact Statement/Environmental Impact Report on the Draft Truckee River Operating Agreement

AGENCY: Department of the Interior.

ACTION: Notice of availability for a draft environmental impact statement /draft environmental impact report; INT–DES–98–8.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (as amended) and the California Environmental Quality Act, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the California Department of Water Resources have jointly prepared a draft environmental impact statement/environmental impact report (EIS/EIR) on the potential impacts of implementing a Truckee River Operating Agreement (TROA). Public Law 101–618 directs the Secretary of the Interior (Secretary) to negotiate an agreement for the operation of the Truckee River reservoirs with the

States of Nevada and California (States), after consultation with other parties designated by the Secretary or the States. In accordance with Public Law 101–618, the TROA cannot take effect unless it is signed by the United States, California, Nevada, Pyramid Lake Paiute Indian Tribe, and Sierra Pacific Power Company.

The draft EIS/EIR evaluates the proposed action (TROA Alternative) and the No Action Alternative.

DATES: Written comments on the draft EIS/EIR should be submitted to the Bureau of Reclamation no later than May 29, 1998. A series of informal public information meetings will be held to present information about the draft agreement and accompanying draft EIS/EIR. There will also be formal public hearings on the environmental document. See the Supplementary Information section for public meeting and hearing dates.

ADDRESSES: Written comments on the draft EIS/EIR should be addressed to: TROA Draft EIS/EIR Comments, Mr. David Overvold, Bureau of Reclamation, Lahontan Basin Area Office, PO Box 640, Carson City NV 89702–0640. See Supplementary Information section for locations where the draft EIS/EIR may be inspected, and for public meeting and hearing locations.

FOR FURTHER INFORMATION CONTACT: Mr. David Overvold, Bureau of Reclamation, PO Box 640, Carson City NV 89702–0640, telephone (702) 882–3436; Mr. Chet Buchanan, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Reno NV 89502-5093, telephone (702) 784–5227; or Mr. Paul Dabbs, California Department of Water Resources, 3251 S Street, Sacramento CA 95816, telephone (916) 227–7564.

SUPPLEMENTARY INFORMATION: The TROA was negotiated to resolve conflicts over available waters and reservoir storage of Lake Tahoe and other public and private reservoirs in the Truckee River basin. If implemented, the TROA will modify operation of five Federal and two non-Federal reservoirs to facilitate distribution of water in the Truckee River basin and implement the congressional allocation of Lake Tahoe, Truckee River, and Carson River waters between the States of California and Nevada. The provisions of the TROA would also create opportunities for:

- Increased municipal and industrial drought water supplies in the Truckee River basin;
- Enhanced spawning flows for endangered and threatened Pyramid Lake fishes;
- Enhanced river habitat for local fish populations by increasing seasonal releases from Lake Tahoe, Prosser Creek Reservoir, Donner Lake, Independence Lake, and Stampede Reservoir;
- Increased recreational opportunities at upper Truckee River basin reservoirs; and
- Improved seasonal Truckee River water quality downstream from Reno, Nevada.

All comments sent to the Bureau of Reclamation will be compiled for consideration by the U.S. Fish and Wildlife Service and the California Department of Water Resources, as well as the Bureau of Reclamation.

A copy of the comment document may be requested from the above address or via telephone by calling the Bureau of Reclamation at (702) 882–3436 or the California Department of Water Resources at (916) 227–7564.

Copies of the draft EIS/EIR are available for inspection at the following locations:

- Office of the Commissioner, Bureau of Reclamation, Room 7612, 1849 C Street, Northwest, Washington DC
- Mid-Pacific Regional Office, Bureau of Reclamation, Library Room W–1522, 2800 Cottage Way, Sacramento CA
- Lahontan Basin Area Office, Bureau of Reclamation, 705 North Plaza Street, Carson City NV
- U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office, 4600 Kietzke Lane, Building C, Room 125, (after March 23, 1998, 1340 Financial Boulevard) Reno NV
- Truckee Carson Coordination Office, 5665 Morgan Mill Road, Carson City NV
- California Department of Water Resources, Room D–17, 3251 S Street, Sacramento CA
- Town of Truckee Public Library, 10031 Levon, Truckee CA
- El Dorado County Public Library, 1000 Rufus Allen Boulevard, South Lake Tahoe CA
- Placer County Public Library, 740 North Lake Boulevard, Tahoe City CA (Executive Summary only)
- Kings Beach Branch Library, 301 Secline, Kings Beach CA
- Nevada State Library, 100 South Stewart Street, Carson City NV
- University of Nevada, Business and Government Information Center Library, 1664 North Virginia, Reno NV
- Washoe County Library, 301 South Center, Reno NV
- Lyon County Library, 20 Nevin Way, Yerrington NV
- Churchill County Library, 553 South Maine Street, Fallon NV

Public Meetings

A series of public meetings will be held to present information about the draft agreement and accompanying draft EIS/EIR. Dates and locations follow.

Dates and locations for public meetings:

- March 16, 1998, 7–9 p.m., Heavenly Ski Resort, California Base Lodge, Freel Peak Room, 3860 Saddle Road, South Lake Tahoe CA
- March 17, 1998, 7–9 p.m., Tahoe City Public Utilities District Board Room, 221 Fairway Drive, Tahoe City CA
- March 18, 1998, 7–9 p.m., Pyramid Lake Tribal Council Chambers, 210 Capitol Hill, Nixon NV
- March 19, 1998, 7–9 p.m., Sparks City Council Chambers, 431 Prader Way, Sparks NV
- March 23, 1998, 7–9 p.m., Fernley Town Complex, 595 Silver Lace, Fernley NV
- March 24, 1998, 7–9 p.m., Truckee-Donner Public Utilities District Board Room, 11571 Donner Pass Road, Truckee CA
- March 25, 1998, 7–9 p.m., Fallon Convention Center, 160 Campus Parkway, Fallon NV

Public Hearings

Formal public hearings on the environmental document are scheduled for the locations and dates listed below. Organizations and individuals may present oral or written comments at the public hearings by signing up when arriving at the hearing.

Dates and locations for public hearings:

- May 11, 1998, 6—9 p.m., Truckee—Donner Public Utilities District Board Room, 11571 Donner Pass Road, Truckee CA
- May 13, 1998, 6—9 p.m., Pyramid Lake Tribal Council Chambers, 210 Capitol Hill, Nixon NV
- May 14, 1998, 6—9 p.m., Fernley Town Complex, 595 Silver Lace, Fernley NV
- May 15, 1998, 6—9 p.m., Sparks City Council Chambers, 431 Prader Way, Sparks NV

Dated: March 5, 1998.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 98–6517 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Narrows Project, Sanpete County, Utah, INT–DES–98–10

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings for draft environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation, in cooperation with the U.S. Forest Service, Department of Agriculture, and the U.S. Army Corps of Engineers, Department of Defense, as cooperating agencies, has prepared a draft environmental impact statement (DEIS) on the proposed Narrows Project. The DEIS describes and presents the environmental effects of three alternatives, including no action, for developing a supplemental agricultural and municipal water supply for use in northern Sanpete County, Utah. This project has been proposed by the Sanpete Water Conservancy District and has submitted an application for a loan to construct the project under provisions of the Small Reclamation Projects Act. Public hearings will be held to receive comments from interested individuals and organizations on the environmental impacts of the proposal.

DATES: Written comments on the environmental impacts of the project should be received by Reclamation's Provo Area Office at the address below by May 12, 1998. Public hearings are scheduled for 7:00 p.m. on April 22, 1998, in Price, Utah and on April 23, 1998, in Mt. Pleasant, Utah.

ADDRESSES: The public hearings will be held at:

- Carbon County Courthouse, Commission Chambers, 120 East Main, Price, Utah
- Mt. Pleasant City Hall, 115 West Main, Mt. Pleasant, Utah

Copies of the DEIS are available for inspection at, or may be requested from, the following address: Area Manager, Bureau of Reclamation, Attention: PRO–405, 302 East 1860 South, Provo, Utah 84606; telephone (801) 370–1150 or 1167. See the Supplementary Information section for a list of libraries where copies of the DEIS are available for inspection. Further information and a summary of the DEIS are also available on the Internet at the following address: uc.usbr.gov.

FOR FURTHER INFORMATION CONTACT: Kerry Schwartz, Narrows Project EIS Coordinator, Provo Area Office; telephone: (801) 379–1167.

SUPPLEMENTARY INFORMATION: Organizations and individuals wishing to present statements at the hearings should write or call the Bureau of Reclamation at the Provo Area Office, listed in the Addresses section above. Requests should be received on or before the dates of the hearings. Speakers will be called on to present their comments in the order in which their requests are received. Requests to speak may also be made at each hearing; these speakers will be called after all those who made advance requests have spoken. Oral comments will be limited to 5 minutes per individual. Speakers are also requested to provide a legible written copy of their remarks for the hearing record.

Inspection of DEIS

In addition to copies of the DEIS being available at the Provo Area Office, the following public libraries have copies for public inspection:

Libraries

College of Eastern Utah, Price, Utah
Ephraim City Library
Gunnison City Library
Helper City Library
Manti City Library
Mt. Pleasant City Library
Price City Library
Southern Utah State University, Cedar City, Utah
Utah State University, Logan, Utah
Weber State University, Ogden, Utah
University of Utah, Salt Lake City, Utah
Brigham Young University, Provo, Utah

Dated: March 6, 1998.

Charles A. Calhoun,

Regional Director.

[FR Doc. 98–6430 Filed 3–12–98; 8:45 am]

BILLING CODE 4310–94–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Nathan Hale Room at the Sheraton Washington Hotel (located at Woodley and Connecticut Avenue, NW, in Washington, DC) on Tuesday, March 24 at 10:45 a.m.

The purpose of this meeting to hold a Discussion Forum on the possible restructuring of the enrollment examinations. The panel will consists of Joseph A. Applebaum, Joint Board Chairman; Robert I. Brauer, Executive Director; and Carl Shalit, Advisory Committee Chairman. This meeting is open to the public.

Dated: March 3, 1998.

Robert I. Brauer,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 98–6420 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF JUSTICE

Notice of Consent Decree Pursuant to the Comprehensive Environment Response, Compensation and Liability Act

In accordance with Department Policy, 28 C.F.R. 50.7, 38 FR 19029, and 42 U.S.C. 9622(i), notice is hereby given that a proposed Consent Decree in *United States* v. *William Davis, et at,*. Civ. Action No. 99–0484–T, was lodged in the United States District Court for the District of Rhode Island on March 5, 1998. The proposed Consent Decree resolves the United States' claims against defendants, United Sanitation, Inc., and A. Capuano Bros., Inc. (''Settling Defendants''), under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), as amended, 42 U.S.C. 9607(a), concerning response actions at the Davis Liquid Waste Superfund Site located in Smithfield, Providence County, Rhode Island (the ''Davis Site'').

Under the terms of the Consent Decree, the Settling Defendants are required to pay $400,000 to the Superfund in partial reimbursement of the United States' past and future response costs. Of that sum, $200,000 will be immediately paid for the Davis Site. It the Settling Defendants reach settlement with the United Sates in the case of *United States* v. *Allied Signal. Inc., et al.,* Civil Action No. 95–617 (D.R.I.) (the ''*Picillo* Matter''), within nine months after entry of the Consent Decree, the remainder shall be used to help satisfy any payments due to the United States in the settlement in the *Picillo* Matter. In addition, the Settling Defendants are required to sell certain real property and pay the proceeds to the Superfund for the Davis Site. In return, the United States will grant the Settling Defendants certain covenants not to sue with respect to the Davis Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States*

v. *William Davis, et al.*, Civ, Action No. 90–0484–T, DOJ # 90–11–137B.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Rhode Island, Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence, Rhode Island 02903; at the Regional I Office of the U.S. Environmental Protection Agency, 90 Canal Street, Boston, Massachusetts 02203; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. Copies of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $12.25 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–6443 Filed 3–12–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; and the Resource Conservation and Recovery Act

Notice is hereby given that on March 3, 1998 a proposed consent decree in *United States* v. *Ekotek, Inc., et al.*, Civ. A. No. 2:98–CV–00140J, was lodged with the United States District Court for the District of Utah. The complaint in this action seeks judgment under: Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99–499, 42 U.S.C. §§ 9606, 9607(a). This action involves the Petrochem/Ekotek Superfund Site in Salt Lake City, Utah (''Site'').

The consent decree resolves the claims of the United States against 54 potentially responsible parties at the Site. Under the terms of the Decree Settling Defendants shall perform the Remedial Design and Remedial Action for all work at the Site required by the EPA's Record of Decision. Additionally, the Settling Defendants shall have the right to be reimbursed for some of their costs incurred in performing that work from a special account in the Superfund created from proceeds from EPA's prior *de minimis* settlement at this Site. Finally, this Decree also establishes a process by which Settling Defendants agree to make a payment of money to some of the prior *de minimis* settlers should certain conditions be met.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *Ekotek, Inc., et al.*, DOJ Reference No. 90–11–2–928D. In accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d), commenters may request a public meeting in the affected areas.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Utah, U.S. Courthouse, 350 South Main Street, Salt Lake City, Utah 84101; the Region VIII office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, CO 80202; and the Consent Decree Library, 1120 ''G'' Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of $180.00 (with exhibits) (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–6442 Filed 3–12–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Allegheny-Singer Research Institute

Notice is hereby given that, on February 5, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Allegheny-Singer Research Institute has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission reflecting changes in the membership of the National Medical Practice Knowledge Bank. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AT&T Solutions, Florham Park, NJ; AT&T Government Markets, Greensboro, NC; NCR Parallel Systems, El Segundo, CA; and NCR Human Interfact Technology Center, Atlanta, GA; have joined as members.

No other changes have been made in either the membership or planned activity of the National Medical Practice Knowledge Bank. Membership in this Bank remains open, and the Bank intends to file additional written notification disclosing all changes in membership.

On November 17, 1995, Allegheny-Singer Research Institute filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6038). The last notification was filed with the Department on January 3, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 27, 1997 (62 FR 8992).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–6444 Filed 3–12–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(a)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments

concerning the proposed extension of the collection of the ETA 218, Benefits Rights and Experience.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 12, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Cynthia Ambler, U.S. Department of Labor, Employment and Training Administration, Room S–4231, 200 Constitution Ave. NW., Washington, DC 20210. Phone number: 202–219–6209 ext. 129. (This is not a toll free number.) E-mail: amblerc@doleta.gov. Fax: 202–219–8506.

SUPPLEMENTARY INFORMATION:

I. Background

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for State unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible classified by potential duration categories, and exhaustees classified by actual duration categories. This data is used by the National Office in solvency studies, cost estimating and modeling, and to assess State benefit formulas.

II. Current Actions

If this data were not available, cost estimating and modeling would be less accurate.

Type of Review: Extension without change.

Agency: Employment and Training Administration, Unemployment Insurance Service.

Title: ETA 218, Benefit Rights and Experience.

OMB Number: 1205–0177.

Agency Number: ETA 218.

Recordkeeping: 3-year record retention.

Cite/reference	Total respondents	Frequency	Total respondence's	Average time per response hours	Burden hours
ETA 218 regular	53	Quarterly	212	½	106
ETA 281 extended benefits	2	Quarterly	4	¼	1
Totals			216		107

Total Burden Cost (operating/maintaining): $2,140.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 6, 1998.

Grace A. Kilbane,

Director, Unemployment Insurance Service.

[FR Doc. 98–6576 Filed 3–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska

This notice announces a change in benefit period eligibility under the EB Program for Alaska.

Summary

The following change has occurred since the publication of the last notice regarding the State's EB status:

- February 22, 1998 Alaska triggered ''on'' EB. Alaska's 13–week insured unemployment rate rose above the 6.0 percent threshold necessary to be triggered ''on'' to EB for the week ending February 7, 1998.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State beginning an EB period, the State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact the nearest State employment service office or unemployment conpensation claims office in their locality.

Signed at Washington, D.C., on March 9, 1998.

Raymond Uhalde,

Acting Assistant Secretary of Labor for Employment and Training.

[FR Doc. 98–6574 Filed 3–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Program Year (PY) 1998

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1998 (July 1, 1998–June 30, 1999) for JTPA

Titles II–A, 11–C, and III; JTPA Title II–B Summer Youth Employment and Training Program for Calendar Year (CY) 1998; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1998.

FOR FURTHER INFORMATION CONTACT: For JTPA Title II allotments, contact Mr. Haskel Lowery, Office of Employment and Training Programs, Room N4469, 2090 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: 202–219–5305. For JTPA Title III allotments, contact Mr. Doug Holl, Office of Worker Retraining and Adjustment Programs, Room N5426, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone 202–219–5577. For Employment Service planning levels, contact Mr. John R. Beverly, Director, U.S. Employment Service, Room N4470, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: 202–219–5257. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1998 (July 1, 1998–June 30, 1999) for JTPA Titles II–A, II–C, and III, and for the Summer Youth Employment and Training Program in Calendar Year (CY) 1998 for JTPA Title II–B; and, in accord with section 6(b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 1998. The allotments and estimates are based on the appropriations for DOL for Fiscal Year (FY) 1998.

Attached is a listing of the allotments for PY 1998 for programs under JTPA Titles II–A, II–C, and III; allotments for the CY 1998 Summer Youth Employment and Training Program under Title II–B of JTPA; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. The PY 1998 allotments for Titles II–A, II–C, and III and the ES preliminary planning estimates, are based on the appropriations for DOL for FY 1998.

These JTPA allotments will not be updated for subsequent unemployment data. The Employment Service preliminary estimates are based on averages for the most current 12 months ending September 1997 for each State's share of the civilian labor force and unemployment. Final planning estimates will be published in the **Federal Register** based on Calendar Year 1997 unemployment data.

Title II–A Allotments

The Attachment shows the PY 1998 JTPA Title II–A Adult Training Program allotments by State for a total appropriation of $955,000,000. For all States, Puerto Rico and the District of Columbia, the following data were used in computing the allotments:

—Data for areas of substantial unemployment (ASU) are averages for the 12-month period; July 1996 through June 1997.

—The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for this same 12-month period.

—The economically disadvantaged adult data (age 22 to 72, excluding college students and military) are from the 1990 Census.

The allotments for the Insular Areas, including the Freely Associated States, are based on unemployment data from 1990 Census or, if not available, the most recent data available. A 90 percent relative share ''hold-harmless'' of the PY 1997 Title II–A allotments for these areas and a minimum allotment of $75,000 were also applied in determining the allotments.

Title II–A funds are to be distributed among designated service delivery areas (SDAs) according to the statutory formula contained in section 202(b) of the JTPA. This is the same formula that was used in the previous program year.

JTPA Title II–B Allotments

The Attachment shows the CY 1998 JTPA Title II–B Summer Youth Employment and Training Program allotments by State based on the total available appropriation for FY 1998 of $871,000,000. These funds will be obligated as *Fiscal Year 1998* funds, not as Program Year 1998 funds. Notices of Obligation will be made in February, 1998 and States (SDAs) may begin using the funds when received.

The data used for these allotments are the same unemployment data as were used for Title II–A, except that data for the number for economically disadvantaged youth (age 16 to 21, excluding college students and military) from the 1990 Census was used. For the Insular Areas and for Native Americans funding, the allotments are based on the percentage of Title II–B funds each received during the previous summer.

Title II–B funds for the 1998 Summer Program are to be distributed among designated SDAs in accordance with the statutory formula contained in Section 252(b) of the JTPA, as amended by the JTPA Amendments of 1992. The Title II–B formula is the same as for Title II–C. This is the same formula that was used in the previous program year.

JTPA Title II–C Allotments

The Attachment shows the PY 1998 JTPA Title II–C Youth Training Program allotments by State for a total appropriation of $129,965,000. For all States, Puerto Rico, and the District of Columbia, the data used in computing the allotments are the same data as were used for Title II–B allotments.

The allotments for the Insular Areas are based on unemployment data from the 1990 census or, if not available, the most recent data available. Title II–C funds are to be distributed among designated SDAs in accordance with the statutory formula contained in Section 262(b) of the JTPA, as amended by Section 701 of the JTPA Amendments of 1992. The Title II–C formula is the same as for Title II–B. This is the same formula which was used in the previous program year.

JTPA Title III Allotments

The Attachment shows the PY 1998 JTPA Title III Dislocated Worker Program allotments by State, for a total of $1,350,510,000. The total includes 80 percent allotted by formula to the States and 20 percent for the National Reserve, including funds allotted to the Insular Areas.

Title III formula funds are to be distributed to State and substate grantees in accordance with the provisions in Section 302(c) and (d) of JTPA, as amended.

Except for the Insular Areas, the unemployment data used for computing these allotments, relative numbers of unemployed and relative numbers of excess unemployed, are averages for the October 1996 through September 1997 period. Long-term unemployed data used were for CY 1996. Allotments for the Insular Areas are based on the PY 1998 Title II–A allotments for these areas.

A reallotment of these published Title III formula amounts, as provided for by Section 303 of JTPA, as amended, will be based on completed program year expenditure reports submitted by the States and received by October 1, 1998. The Title III allotment for each State will be adjusted upward or downward, based on whether the State is eligible to share in reallotted funds or is subject to recapture of funds.

Wagner-Peyser Act Employment Service Final Planning Estimates

The Attachment shows preliminary planning estimates which have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29

U.S.C. 49e. These allotments are based on averages for the most current 12 months ending September 1997 for each State's share of the civilian labor force (CLF) and unemployment. Final planning estimates will be published in the **Federal Register**, based on Calendar Year 1997 data, as required by the Wagner-Peyser Act.

The total planning estimate includes $18,000,000 of the total amount available, which is being withheld from distribution to States to finance postage costs associated with the conduct of Employment Service business for PY 1998.

The Secretary of Labor has set aside 3 percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment services, as required under Section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, $22,312,050 is set aside for administrative formula allocation. These set-aside funds are included in the total planning estimate. Set-aside funds are distributed in two steps to States which have lost in their relative share of resources from the prior year. In step one, States which have a CLF below one million and are below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro rata basis in step two to all other States losing in relative share from the prior year, but which do not meet the size and density criteria for step one.

Ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public employment service offices, services for groups with special needs, and for the extra costs of exemplary models for delivering job services.

Signed at Washington, D.C., this 6th day of March, 1998.

Raymond Uhalde,

Acting Assistant Secretary of Labor for Employment and Training.

[FR Doc. 98–6575 Filed 3–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis—Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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Connecticut
- CT980001 (Feb. 13, 1998)
- CT980003 (Feb. 13, 1998)
- CT980004 (Feb. 13, 1998)
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NV980004 (Feb. 13, 1998)
NV980007 (Feb. 13, 1998)
NV980008 (Feb. 13, 1998)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 6th day of March 1998.

Margaret J. Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–6196 Filed 3–12–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket Number ICR 98–10]

Agency Information Collection Activities: Proposed Collection; Comment Request; Course Evaluation Form

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for the Course Evaluation Force completed by students attending courses at OSHA's Training Institute and Education Centers. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 12, 1998. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 98–10, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone number (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Robert O'Brien, Division of Administration and Training Information, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (847) 297–4810 (this is not a toll-free number), E-mail to robert.obrien@oti.osha.gov, or send a facsimile message to (847) 297–4874. Copies of the referenced information Collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Robert O'Brien or Barbara Bielaski at (202) 219–7177 x142. For electronic copies of the Information Collection Request for the Student Data Form, contact OSHA's WebPage on the Internet at http://www.osha.gov under Standards.

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Administration (OSHA), Office of Training and Education, administers a program of training and education for employers and employees and personnel engaged in work relating to the Act. This program includes courses on occupational safety and health provided by the OSHA Training Institute, at its national training facility in Des Plaines, Illinois. Besides conducting courses at the OSHA Training Institute in Des Plaines, Illinois, the Institute is also administering a program by which several institutions in various locations throughout the United States have been authorized as OSHA Training Institute Education Centers. These Education Centers conduct a specific number of OSHA courses geared for private sector and other Federal Agency personnel. The goal of the Education Center program is to expand the accessibility of high-quality OSHA training courses.

All students completing training courses at the Training Institute and the Education Centers are requested to complete the Course Evaluation, OSHA Form 49. Students may be Federal, state, private sector, local or tribal government employees. The Course Evaluation From contains ten close-ended questions. Student input on the Course Evaluation Form provides feedback on ten elements to assess communication and accomplishment of learning objectives, course content, training environment, relevance of topics to job, effectiveness of exercises, workshops, laboratories, field trips and audiovisuals, usefulness of course materials and handouts, and overall rating of course. This feedback provides an overall impression of the student's training experience for the course. Students provide more detailed feedback in the narrative sections of the form. The student input received on the Course Evaluation form provides a standardized tool for collecting quality data that has been used to determine program successes and shortcomings. This quality data has assisted the Training Institute in directing resources where they can do the most good. All Course Evaluation Forms are reviewed by the course chairperson, instructors, the Institute Director and the supervisor responsible for that course. Ratings provide baseline data from which to draw conclusions about the effectiveness and quality of the training courses and to assess the level of student satisfaction with the course. Evaluation data is used to determine which courses may need improvement. Problem areas are noted and the supervisor discusses them with the course chairperson. Courses needing further improvement are scheduled for a more comprehensive follow-up course evaluation with recommendations for improvement. Revised courses are closely monitored to determine if problem areas have been resolved.

II. Current Actions

OSHA is planning to request OMB to extend its approval of the Student Evaluation form.

Type of Review: Extension.

Agency: Occupational Safety and Health Administration.

Title: Course Evaluation Form.

OMB Number: Formerly 1218–0173.

Agency Number: OSHA 49.

Affected Public: Individuals.

Total Respondents: 11,500.

Total Responses: 11,500.

Average Time per Response: 10 minutes.

Estimated Total Burden Hours: 1,916 hours.

Comments submitted in response to this notice will be summarized and/or included in OSHA's request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed this 6th day of March 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–6577 Filed 3–12–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–038)]

NASA Advisory Council (NAC), Aeronautics and Space Transportation Technology Advisory Committee (ASTTAC); Information Technology Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Information Technology Subcommittee.

DATES: Tuesday, May 5, 1998, 8:30 a.m. to 5:00 p.m. and Wednesday, May 6, 1998, 8:30 a.m. to 12:00 noon.

ADDRESSES: National Aeronautics and Space Administration, Ames Research Center, Building 258, Room 221, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Edwards, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–4465.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Information Technology Program Overview
—Intelligent System Controls and Operations Review
—Intelligent Flight Controls
—Propulsion Health Monitoring
—Data Sharing Technology
—Software Integrity, Productivity and Security Review
—Formal Methods Applications
—Program Synthesis
—Information Integrity
—Discussions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 9, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–6534 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–036)]

NASA Advisory Council (NAC), Earth System Science and Applications Advisory Committee, Technology Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth System Science and Applications Advisory Committee, Technology Subcommittee Meeting.

DATES: Monday, April 6, 1998, 8:30 a.m. to 5:00 p.m.; and Tuesday, April 7, 1998, 8:30 a.m. to 1:00 p.m.

ADDRESSES: NASA Headquarters, Room 9H40 (PRC), 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Granville Paules, Code YF, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0706.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Update of Office of Earth Science Technology Program (several programmatic and management changes)
—Status of Action Items from August 1997 Technology Forum
—Status of New Millennium Program, including a review of technology and mission selection process
—Discussion of candidate Technology Partnership approaches with industry and other government agencies
—Earth Science Enterprise overall program update
—New Directions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–6532 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–037)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Sun-Earth Connection Advisory Subcommittee; Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

DATES: Tuesday, April 14, 1998, 8:30 a.m. to 5:00 p.m.; Wednesday, April 15, 1998, 8:30 a.m. to 5 p.m.; and Thursday, April 16, 1998, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, MIC 7, Room 7H46, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: George Withbroe, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Sun-Earth Connection Program Overview: Budget, Current Program, Future Activities
—Research and Analysis Program
—Solar Terrestrial Probe Program
—Solar Probe
—Discussion and writing groups

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: March 6, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–6533 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–034)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Bioluminate of San Carlos, CA, has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC–14172–1GE, entitled ''ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION,'' which is assigned to the United Sates 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 NASA Ames Research Center.

DATES: Responses to this notice must be received by May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19–40, Moffett Field, CA 94035, telephone (650) 604–5055.

Dated: March 5, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–6461 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–035)]

Notice of prospective patent license

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Dimension 4 Technologies of Laurel, MD has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC–14172–1GE, entitled ''ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION,'' 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 NASA Ames Research Center.

DATES: Responses to this notice must be received by May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19–40, Moffett Field, CA 94035, telephone (650) 604–5055.

Dated: March 5, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–6460 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–032)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that RLJ Consultants of Palto Alto, CA has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC–14172–1GE, entitled ''Robotics System With Multimodality Instrument for Tissue Identification,'' 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 NASA Ames Research Center.

DATES: Responses to this notice must be received by May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19–40, Moffett Field, CA 94035, telephone (650) 604–5055.

Dated: March 5, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–6463 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–033)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Techman Medical Consortium of Charton City, MA has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC–14172–1GE, entitled''ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION,'' 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 NASA Ames Research Center.

DATES: Responses to this notice must be received by May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19–40, Moffett Field, CA 94035, telephone (650) 604–5055.

Dated: March 5, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–6462 Filed 3–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Anthropological and Geographic Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation Announces the following six meetings:

Date and Time: March 29–30, 1998.
Place: Sheraton Seattle Hotel & Towers, 1400 Sixth Avenue Seattle, WA 98101.
Contact Person: Dr. John Yellen, Program Director for Archaeology, Archaeometry, and Systematic Collections, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.
Agenda: To review and evaluate Archaeology proposals as part of the selection process for awards.

Name: Advisory Panel for Cultural Anthropology.
Date and Time: April 3, 1998.
Place: National Science Foundation, 4201 Wilson Boulevard, Room 310, Arlington, VA 22230.
Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758
Agenda: To review and evaluate Cultural Anthropology doctoral dissertation proposals as part of the selection process for awards.

Date and Time: April 22–23, 1998.
Place: Condado Plaza Hotel 999 Ashford Ave. San Juan, Puerto Rico 00902.
Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.
Agenda: To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

Date and Time: April 8, 1998.
Place: National Science Foundation, 4021 Wilson Boulevard Room 365 Arlington, VA 22230.
Contact Person: Dr. John Yellen, Program Director for Archaeology, Archaeometry, and Systematic Collection, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.
Agenda: To review and evaluate Archaeometry proposals as part of the selection process for awards.

Date and Time: April 15, 1998.
Place: National Science Foundation, 4201 Wilson Boulevard Room 995 Arlington, VA 22230.
Contact Person: Dr. John Yellen, Program Director for Archaeology, Archaeometry and Systemic Collection, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.
Agenda: To review and evaluate Systematic Collections proposals as part of the selection process for awards.

Date and Time: April 20–22, 1998.
Place: National Science Foundation, 4201 Wilson Boulevard Room 365 Arlington, VA 22230.
Contact Person: Dr. Dennis O'Rourke, Program Director for Physical Anthropology National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.
Agenda: To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

Type of Meetings: Closed
Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
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(b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6467 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Cross-Disciplinary Activities; 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 in Cross-Disciplinary Activities (1193).
Date and Time: April 2–3, 1998; 8:30 am–5:00 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Rooms 330 and 1150, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Persons(s): Dragna Brzakovic, Program Director CISE/CDA, Room 1160, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1980.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate CISE Professional Opportunities for Women in Research and Education 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: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6466 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Ecological Studies; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. 92–463, as amended), the National Science Foundations (NSF) announces the following meetings.

Name: Advisory Panel for Ecological Studies (#1751).
Date and Time: April 1–3, 1998, 8:30 a.m.–5:00 p.m.
Place: NSF, Room 375, 4201 Wilson Blvd., Arlington, VA.
Contact Person: Dr. Thomas Frost, Program Director, Ecological Studies, Division of Environmental Biology, Suite 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1479.
Agenda: To review and evaluate Ecology proposals as part of the selection process for awards.
Name: Advisory Panel for Ecological Studies (#1751).

Date and Time: April 2–3, 1998, 8:30 a.m.–5:00 p.m.
Place: NSF, Room 375, 4201 Wilson Blvd., Arlington, VA.
Contact Person: Dr. Gaius Shaver, Program Director, Ecological Studies, Division of Environmental Biology, Suite 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1479.
Agenda: To review and evaluate Ecosystem Studies as part of the selection process for awards.
Type of Meetings: Closed.
Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
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: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6475 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDAITON

Advisory Panel for Economics, Decision and Management Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings:

Name: Advisory Panel for Economics, Decision and Management Sciences (#1759).
Date and Time: April 3–4, 1998.
Place: Rooms 950–970 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Contact Person: Dr. Lynn Pollnow, Program Director for Economics, Division of Social, Behavioral and Economics Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1753.
Agenda: To review and evaluate Economics proposals as part of the selection process for awards.

Date and Time: April 6–7, 1998.
Place: Room 970 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.
Contact Person: Dr. Jonathan Leland, Program Director for Decision, Risk and Management Sciences (DMRS), Division of Social, Behavioral and Economics Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1757.
Agenda: To review and evaluate Decision, Risk and Management Sciences proposals as part of the selection process for awards.

Date and Time: April 14–15, 1998.
Place: National Science Foundation, 4201 Wilson Boulevard, Rooms (Tuesday 320, 330, 340 and 390) and (Wednesday 310, 320, 340 and 360), Arlington, VA 22230.
Contact Person: Dr. James Dean, Program Director for Transformations to Quality Organizations, Division of Social, Behavioral and Economic Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1757.
Agenda: To review and evaluate Transformations to Quality Organizations

Proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

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: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6473 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; 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: Advisory Committee for Education and Human Resources (#1119)

Date & Time: April 1, 1998 10:00 AM–5:00 PM; April 2, 1998 8:30 A.M.–3:00 PM.

Place: Arlington Hilton Hotel, 950 N. Stafford Street, Arlington, VA.

Type of Meeting: Open.

Contact Person: Peter E. Yankwich, Executive Secretary, Directorate of Education and Human Resources, Room 835, National Science Foundation, 4201 Wilson Blvd., Arlington, Va 22230. (703) 306–1603.

Summary Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning NSF support for Education and Human Resources.

Agenda: Review of FY 1998 Programs and Initiatives; Strategic Planning for 1999 and Beyond.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6464 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for 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 for Geosciences (1756).

Date: March 31, April 1–3, 1998.

Time: 7:30 a.m. to 9:00 p.m. each day.

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Ms. Shanna L. Draheim, Program Manager, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230, (703) 306–1554.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate environmental geochemistry and biochemistry 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 proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6471 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; 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 Physics (1208).

Date and Time: April 2–4, 1998, 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Rm. 1020.

Type of Meeting: Closed.

Contact Person: Virginia Brown, Program Director for Theoretical Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1805.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Theoretical Physics (Math Physics) 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; information on personnel and proprietary date for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6468 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; 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 Physics (1208).

Date: March 31–April 2, 1998.

Place: Room 112/114 East Bridge, California Institute of Technology, 1201 E. California Boulevard, Pasadena, California.

Type of Meeting: Closed.

Contact Person: Dr. David Berley, Program Manager, Laser Interferometer Gravitational Observatory, Physics Division, Room 1015, National Science Foundation, 4201 Arlington, Blvd., Arlington, VA 22230. Telephone: (703) 306–1892.

Purpose of Meeting: To review the cost, schedule, and management of the construction and operations of the Laser Interferometer Gravitational-Wave Observatory (LIGO project).

Agenda: Review the cost to completion, the schedule, and the management of the LIGO construction; to review the detector installation and initial operations of LIGO.

Reason for Closing: The Project plans being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6474 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Advisory Panel for Physiology and Ethology (1160).

Date and Time: April 1–3, 1998, 8:30 a.m.–5:00 p.m.

Place: NSF, Room 390, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Part-Open.

Contact Persons: Dr. John A. Phillips and Dr. Eric T. Nilsen, Program Directors,

Ecological & Evolutionary Physiology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact persons listed above.

Agenda: Open Session: April 3, 1998, 10:00 a.m. to 11:00 a.m.—discussion on research trends, opportunities and assessment procedures in Ecological & Evolutionary Physiology.

Closed Session: April 1, 1998, 8:30 a.m.–6:00 p.m., April 2, 1998, 8:30 a.m.–6:00 p.m., April 3, 1998, 8:30 a.m. to 10:00 a.m. and 11:00 a.m. to 5:00 p.m. To review and evaluate Ecological & Evolutionary Physiology 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: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6465 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Science and Technology Infrastructure; 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 Science and Technology Infrastructure.

Date and Time: March 29—8:00pm–10:00pm, March 30–April 1—8:30am–5:30pm.

Place: Rooms 375, 310, 320, 360, 365, 370, 380, 390, and 1295 National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Dr. Nathaniel G. Pitts, Director, Office of Science and Technology Infrastructure, Room 1270, 4201 Wilson Blvd, Arlington, Virginia 22230; Telephone: (703) 306–1040.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications submitted to the Science and Technology Centers: Integrative Partnerships Program.

Reason for Closing: The meeting is closed to the public because the Panel is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. These matters are exempt under 5 U.S.C. 552B(c)(4) and (6) of the Government Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6470 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meetings

This notice is being published in accord with the Federal Advisory Committee Act (Pub. L. 92–463, as amended). The Special Emphasis Panel in Division of Undergraduate Education will be holding a panel meeting to review and evaluate research proposals.

Dates: April 5–7, 1998.

Times: 7:30 p.m. to 9:30 p.m. (April 5); 8:30 a.m. to 5:00 p.m. each day (April 6 & 7).

Contact: Terry Woodin, Program Director, Room 835, 703–306–1666.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Project: NSF Collaboratives for Excellence in Teacher Preparation (CETP) Program Third Year Reverse Site.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning continued support for current projects.

Agenda: To review and evaluate CETP projects completing their third year of operation.

Reason for Closing: The projects being reviewed will present 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(b)(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6472 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

U.S. National Assessment Synthesis Team; 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: U.S. National Assessment Synthesis Team (#5219).

Date and Time: April 2–3, 1998—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1235 National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Ms. Melissa J. Taylor, Executive Secretary, Office of the U.S. Global Change Research Program (USGCRP), 400 Virginia Avenue, SW., Suite 750, Washington, DC 20024. Tel: 202–314–2239; Fax: 202–488–8681; Email: mtaylor@usgcrp.gov. For easier building access, individuals planning to attend should contact Ms. Taylor by March 30 so that your name can be added to the building access list.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the interagency Subcommittee on Global Change Research on the design and conduct of the national effort to assess the consequences of climate variability and climate change for the United States.

Agenda: Day 1 will overview the draft papers on climate and socioeconomic scenarios for the national assessment and will discuss templates for the sectors. Day 2 will discuss the regional activities and assessments, possible templates for these assessments, and next steps for the Synthesis Team, including plans for an August session.

Dated: March 9, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–6469 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Data Collection: Meteorologists' and Public's Views and Comments on Weather and Climate Issues

The National Science Foundation, an independent federal agency, is interested in obtaining the public's views and attitudes toward weather and climate issues.

Specifically, we're seeking input and comments from all interested persons on their views of the value of weather reporting and climate research in their lives, and their familiarity with weather and climate-related issues that have an effect on them now or will in the future.

In addition to the general public, we are especially interested in receiving comments from informed professionals and followers of science and engineering research and education.

In an effort to obtain the public's input and useful information, the National Science Foundation has developed the questions that follow. Responses from the public will be used only in the aggregate, and only to help the NSF in its efforts to better explain itself and its activities to the American public.

We hope you will provide us with your thoughts on the following questions. Detailed comments are also welcome and greatly appreciated.

Responses and comments can be mailed to Public Attitudes About Weather and Climate, c/o Office of Legislative and Public Affairs, National Science Foundation, 4201 Wilson Blvd., Room 1245, Arlington, VA 22230. Comments can also be sent via email to nstw@nsf.gov, or faxed to (703) 306–0157.

All comments should be received by Monday, April 20, 1998.

Dated: March 4, 1998.

Julia Moore,

Director, Office of Legislative and Public Affairs.

Yankelovich Partners, Inc.

101 Merritt 7 Corporate Park, Norwalk CT 06851

Job #35351

March 1998.

Meteorologist Survey

Identification: Complete at End of Interview

Name _____

Title: _____

Company: _____

Address: _____

Telephone: _____

City: _____

State: _____

Zip Code: _____

Interviewer: _____

Date: _____

Elapsed Time: _____

Hello, I'm _____ calling from Yankelovich Partners, a national public opinion research firm.

May I please speak to? _____

When Individual From List is on the Telephone: This is Yankelovich Partners, a national public research firm, and we are conducting a survey among American Meteorological Society members to ask their opinion about a number of issues related to climate and the field of meteorology. This is your opportunity to express your ideas and opinions. Please be assured that your answers are confidential and anonymous, and that we are interested in your opinion.

The results of this survey will be summarized, and we will send all participants a copy of the final report. Our questions will take no more than 10 minutes of your time. May we ask you a few questions: [If interested but cannot interview now, please arrange callback.]

A. First, are you currently a member of the American Meteorological Society?
  a. Yes → continue
  b. No → Thank and Terminate

B. And, are you: (Read List. Enter One Response.)
  a. A meteorologist
  b. An oceanographer
  c. A hydrologist
  d. Other (please specify) _____

1.a. Do you feel that public interest in weather and climate have increased or decreased over the past few years? (Enter One Response)
  a. Increased→Go To Q.1.b.
  b. Decreased→Go To Q.2.
  c. Don't know/Not sure

1.b. (If answered ''Increased'' to Q.1.a, ask:) To what do you attribute the increased interest? (Record response verbatim)

2. How strongly do you agree or disagree that advances in science and technology have substantially lessened the impact of natural weather disasters? (Read List. Enter One Response)
  a. Strongly agree
  b. Somewhat agree
  c. Somewhat disagree
  d. Strongly disagree
  e. Don't know/Not sure (Volunteered)

3.a. Are you aware of any advances in science and technology, or emerging technologies which are likely to improve predictions of the weather in your area?
  a. Yes
  b. No
  c. Don't know/Not sure

3.b. (If answered ''Yes'' to Q.3.a, ask:) Does a particular example come to mind? (Record response verbatim)

4. Weather and climate affect many things, yet there are many facts about weather and climate which are unknown to most people. I'm going to name several weather and climate phenomena. As I name each one, please tell me whether you feel that people will benefit very much, somewhat, not very much, or not at all from learning more about the phenomena. The first is: (Read List. Enter One Response for Each.) [Rotate]

[1=Very much; 2=Somewhat; 3=Not very much; 4=Not at all; 5=DK]

	1	2	3	4	5
a. El Nino and the Southern Oscillation	1	2	3	4	5
b. Global Warming	1	2	3	4	5
c. North Atlantic Oscillation	1	2	3	4	5
d. Ozone Depletion	1	2	3	4	5
e. North Atlantic Conveyer Belt	1	2	3	4	5

5. And, of the weather and climate phenomena mentioned above, which *two* do you feel people will most benefit from learning more about? Is it: (Read List. Enter One Response.) [Rotate]
  a. El Nino and the Southern Oscillation
  b. Global Warming
  c. North Atlantic Oscillation
  d. Ozone Depletion
  e. North Atlantic Conveyer Belt

6. I'm going to read you several statements about climate change. For each statement, please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree. The first statement is: (Read Each Statement. Enter One Response for Each.)

[1=Strongly agree; 2=Somewhat agree; 3=Somewhat disagree; 4=Strongly disagree; 5=DK]

	1	2	3	4	5
a. The greenhouse effect has existed throughout most of the earth's history	1	2	3	4	5
b. The greenhouse effect is now being amplified by increased concentrations of certain gases in the atmosphere as a result of human emissions	1	2	3	4	5

[1=Strongly agree; 2=Somewhat agree; 3=Somewhat disagree; 4=Strongly disagree; 5=DK]

	1	2	3	4	5
c. If humans collectively reduced their emissions of greenhouse gases to a level of 10% below the world's emissions in 1990, the earth's average surface temperature would return to its 1990 level within 10 years and not continue to increase thereafter	1	2	3	4	5
d. Carbon dioxide is the most important gas related to greenhouse warming	1	2	3	4	5

El Nino, has received a great deal of attention recently. I'd like to ask you a few questions about El Nino.

7. In your opinion, how critical a role have advances in science and technology played in predictions concerning the length and severity of the current El Nino? Has their role been: (Read List. Enter One Response.)
   a. Very critical
   b. Somewhat critical
   c. Not very critical
   d. Not at all critical
   e. Don't know/Not sure (Volunteered)
8. Based on what you know about the current El Nino, do you agree or disagree with recent predictions that the current El Nino will weaken and not have an impact on weather in the United States this summer? (Enter One Response.)
   a. Agree
   b. Disagree
   c. Don't know/Not sure
9. In your opinion, how likely is it that global warming contributes to more frequent and more severe El Nino events? Is it: (Read List. Enter One Response.)
   a. Very likely
   b. Somewhat likely
   c. Somewhat unlikely
   d. Very unlikely
   e. Don't know/Not sure (Volunteered)

Global warming has received a great deal of attention. I'd like to ask you a few questions about global warming.

10. In your opinion, which of the following are affected by human activity? (Read List. Enter All Mentions.)
    a. Antarctic ozone hole
    b. Deforestation
    c. Atmospheric concentrations of CO_2
    d. Increase in atmospheric concentrations of small particles called aerosols
    e. El Ninos
11. And, in your opinion, which of the following cause potential global warming? (Read List. Enter all Mentions.)
    a. Antarctic ozone hole
    b. Deforestation
    c. Atmospheric concentrations of CO_2.
    d. Increase in atmospheric concentrations of small particles called aerosols
    e. El Ninos
12. In your opinion, how likely is it that the earth's average surface temperature will rise by 1 to 3.5 degrees Celsius over the next 100 years as a result of human activities? Is it: (Read List. Enter One Response.)
    a. Extremely likely
    b. Very likely
    c. Somewhat likely
    d. Not very likely
    e. Not at all likely
    f. Don't know/Not sure
13. Some scientists have suggested that global warming could trigger an abrupt cooling in two ways—by increasing rainfall on the northern oceans *or* by melting Greenland's ice. *Either* of these could put enough fresh water into the ocean to cause a ''flushing failure'' which would weaken the North Atlantic Conveyer Belt. Considering this scenario, how likely a contributor is global warming to a possible return to ice-age temperatures? Is it: (Read List. Enter One Response.)
    a. Very likely
    b. Somewhat likely
    c. Somewhat unlikely
    d. Very unlikely
    e. Don't know/Not sure (Volunteered)
14. Overall, given recent scientific realizations that the earth's climate undergoes dramatic temperature changes every few thousand years, how likely is it, in your opinion, that the earth could return to ice-age temperatures within the next *50 years*? Is it: (Read List. Enter One Response.)
    a. Very likely
    b. Some what likely
    c. Somewhat unlikely
    d. Very unlikely
    e. Don't know/Not sure (Volunteered)

Let's talk about a particular region of the world—the polar regions, that is, the Arctic and Antarctic.

15. Of the following aspects of polar research, which *two* of the following do you believe to be most valuable? (Read List. Enter One Response.)
    a. Examination of ice cores
    b. Documentation of deep ocean currents
    c. Measurements of ice caps
    d. Marine sedimentation records
    e. Tree ring analyses
16. In your opinion, how critical is polar research, including examination of ice cores, to understanding changes in climate, such as global warming and the possibility of a sudden cooling? Is it: (Read List. Enter One Response.)
    a. Very critical
    b. Some what critical
    c. Not very critical
    d. Not at all critical
    e. Don't know/Not sure (Volunteered)
17. To the best of your knowledge, how much of an impact do Arctic climate conditions have on climate in your area? Do they have a: (Read List. Enter One Response.)
    a. Very important impact
    b. Somewhat important impact
    c. Somewhat unimportant impact
    d. Very unimportant impact
    e. Don't know/Not sure (Volunteered)
18. To the best of your knowledge, how much of an impact do Antarctic climate conditions have on climate in your area? Do they have a: (Read List. Enter One Response.)
    a. Very important impact
    b. Somewhat important impact
    c. Somewhat unimportant impact
    d. Very unimportant impact
    e. Don't know/Not sure (Volunteered)

Our last few questions are for demographic purposes.

19. What state do you live in? _____

How long have you been working in the atmospheric, oceanic or hydrologic sciences? (Enter One Response)
   a. Less than one year
   b. 1–2 years
   c. 3–5 years
   d. 6–10 years
   e. 10 years or more
   f. Refused
21. In which of the following settings do you currently work: (Read List Enter All Mentions)
   a. At a university or college
   b. For the government
   c. For the media, in the private sector
   d. In the private sector
   e. Other (please specify) _____

SEX (Record)
   a. Male
   b. Female

Thank you very much for your cooperation. So that we may send you a copy of the survey report, we will need your name and address.

_____

_____

Meteorologist Survey

The next few questions are about the weather.

1. Of the following, which are the two most important reasons you listen to the weather? (Read List. Enter One Response.)
   a. Temperature
   b. Driving conditions
   c. Storm/Bad weather alert
   d. Planning outdoor recreation or travel

e. Proper weather attire
f. To be entertained
g. Other (please specify) _____
h. Don't know/Not sure (Volunteered)

2. And, of the following people who report the weather, which one is your favorite weather person? (Read List. Enter One Response)
a. Al Roker (NBC)
b. Spencer Christian (ABC)
c. Craig Allen (CBS)
d. Valerie Voss (CNN)
e. Jack Williams (USA Today)
f. Other (please specify) _____

3. In your opinion, how likely is it that global warming contributes to more frequent and more severe El Nino events? Is it: (Read List. Enter One Response.)
a. Very likely
b. Somewhat likely
c. Somewhat unlikely
d. Very unlikely
e. Don't know/Not sure (Volunteered)

4. In your opinion, which of the following are affected by human activity? (Read List. Enter All Mentions.)
a. Antarctic ozone hole
b. Deforestation
c. Burning of fossil fuels
d. Increase in atmospheric concentrations of small particles called aerosols
e. El Ninos

5. And, in your opinion, which of the following cause potential global warming? (Read List. Enter All Mentions.)
a. Antarctic ozone hole
b. Deforestation
c. Burning of fossil fuels
d. Increase in atmospheric concentrations of small particles called aerosols
e. El Ninos

[FR Doc. 98–6446 Filed 3–12–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–327 and 50–328]

Tennessee Valley Authority; Sequoyah Nuclear Plant Units 1 and 2; Exemption

I

Tennessee Valley Authority (the licensee) is the holder of Facility Operating License Nos. DPR–77 and DPR–79, for the Sequoyah Nuclear Plant (SQN), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Hamilton County, Tennessee.

II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71 ''Maintenance of records, making of reports,'' paragraph (e)(4) states, in part, that ''Subsequent revisions [to the updated Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months.'' The two units at the SQN site share a common FSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III

Section 50.12(a) of 10 CFR, ''Specific exemptions,'' states that

> The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—
>
> (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.
>
> (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule * * *.'' The licensee has proposed updating the unified SQN FSAR 6 months after each Unit 2 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted approximately every 18 months, but not to exceed 24 months from the last submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide for multiple unit facilities sharing a common FSAR in the rule. Rather, the Commission stated that ''With respect to * * * multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis'' 57 FR 39355 (1992).

The SQN units are on an 18-month fuel cycle. As noted in the staff's Safety Evaluation, the licensee's proposed schedule for SQN FSAR updates will ensure that the FSAR will be maintained current for both units within 24 months of the last revision. Likewise, should the licensee choose to submit the 10 CFR 50.59 design-change report together with the FSAR revision, the interval for submission of that report will not exceed 24 months. The proposed schedule satisfies the maximum 24-month interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the SQN FSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the SQN FSAR within 6 months after each Unit 2 refueling outage, not to exceed 24 months between subsequent revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 10958).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 9th day of March 1998.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–6508 Filed 3–12–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–5337]

Notice of Finding of No Significant Impact of American Cyanamid Request for Field Studies Utilizing Carbon-14

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission has made a Finding of No Significant Impact (FONSI) with respect to the potential environmental impact related to the request by American Cyanamid to test substances labeled with Carbon-14 (C-14) by applying such substances to crops grown on a small experimental plot at its West Windsor, New Jersey facility.

SUPPLEMENTARY INFORMATION: The American Cyanamid Company,

Cyanamid Agricultural Research Division (Cyanamid) of Princeton, New Jersey holds a license issued by the U.S. Nuclear Regulatory Commission (NRC) for performing research and development using a variety of radioisotopes in a variety of chemical forms for plant and animal studies. Cyanamid has requested authorization to test substances labeled with C–14 by applying such substances to crops grown on a small plot of land located on its site in West Windsor Township, New Jersey. The purpose of these studies is to determine the metabolism of and residue left by agricultural chemicals. These studies are required by 40 CFR Part 158 to support the registration of a pesticide or herbicide for use on a food or feed crop under U.S. Environmental Protection Agency (EPA) requirements.

Cyanamid estimates that the maximum application of C-14 per year would be 100 millicuries. Each study takes about two years from initial application to final sampling. Following final sampling, the area is surveyed to identify residual radioactivity and removal of any remaining contaminated soil and monitoring of quarterly water samples from onsite wells for radioactivity. Radioactive soil will be disposed at a licensed disposal facility. Environmental radiation safety concerns include exposure of the public due to airborne releases and drinking contaminated ground water.

Cyanamid utilized a computer code (COMPLY, an EPA computer code for calculating the dose to individuals due to airborne releases) to assess radiation dose from release of radioactive material to the air. The code, using a conservative and unlikely assumption that 20 percent of the radioactivity applied is released to the air, projected an effective dose equivalent of 0.035 millirem (mrem)/year to an individual at the nearest site boundary.

To assess the radiation exposure due to groundwater contamination, Cyanamid performed dose calculations using the computer code RESRAD (a computer code developed at Argonne National Laboratory for the U.S. Department of Energy to calculate site-specific RESidual RADioactive material guidelines as well as radiation dose to a chronically exposed resident on a contaminated site). RESRAD calculated a dose of 0.15 mrem to the maximally exposed individual for the two-year period from application to remediation. For the period up to 1000 years post remediation, the maximum annual dose is 3.88 mrem during year one.

NRC has reviewed the assumptions used in the above described codes and concurs with the reported results. The maximum (year one post-remediation) dose of 3.88 mrem estimated by Cyanamid is well below the regulatory limit of 100 mrem per year in 10 CFR 20.1301. Cyanamid has proposed an adequate monitoring program to ensure that the parameters used in the calculations are not exceeded.

Opportunity for a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed on or before April 13, 1998.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543, Attention: Mr. George W. MacDurmon; and

2. The NRC staff, by delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

For further details with respect to this action, copies of the EA and FONSI, as well as supporting documentation, are available for inspection during normal business hours at the NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Telephone: (610) 337–5069.

FOR FURTHER INFORMATION CONTACT: John R. McGrath, Senior Health Physicist, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, PA 19406. Telephone: (610) 337–5069.

Dated at Rockville, Maryland, this 6th day of March 1998.

For the Nuclear Regulatory Commission.

John W.N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–6509 Filed 3–12–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–16]

Detroit Edison Company Enrico Fermi Atomic Power Plant, Unit 1; Notice of Public Meeting

The U.S. Nuclear Regulatory Commission will conduct a public meeting in the Monroe County Court House, Commission's Meeting room, 125 East Second Street, Monroe, Michigan, on April 22, 1998, to discuss Detroit Edison Company's plans to complete decommissioning of its Enrico Fermi Atomic Power Plant, Unit 1 (Fermi Unit 1), Newport, Michigan. The meeting will begin at 7:00 p.m. and will be facilitated by Mr. Francis X. Cameron, NRC's Special Counsel for Public Liaison and Agreement State Programs. This meeting will include a short presentation by the NRC staff on the decommissioning process, and a presentation by Detroit Edison Company on the status of Fermi Unit 1 and Detroit Edison Company's plans to complete decommissioning of this facility. There will be an opportunity for members of the public to make comments and question the NRC staff and/or Detroit Edison representatives. The public meeting will be transcribed.

Detroit Edison Company by letter dated December 15, 1997, submitted the Fermi Unit 1 Safety Analysis Report (SAR) for NRC review. This SAR (NUDOCS accession number 9712230264) describes the current condition of the facility.

The Fermi Unit 1 SAR is available for public inspection at the Fermi local public document room (LPDR) located at the Monroe County Library System, Ellis Reference and Information Center, 3700 S. Custer Road, Monroe, MI 48161, and at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW., Washington, DC, 20037.

For more information, contact Mr. Stewart W. Brown, Project Manager, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC, 20555–0001, telephone number at (301) 415–6605.

Dated at Rockville, Maryland, this day of March 1998.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–6507 Filed 3–12–98; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in March 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in April 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.)

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in March 1998 is 5.01 percent (*i.e.*, 85 percent of the 5.89 percent yield figure for February 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For ''partial'' RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between April 1997 and March 1998. The rates for July through December 1997 in the table (which reflect an applicable percentage of 85 percent) apply only to non-RPU plans. However, the rates for months before July 1997 and after December 1997 apply to RPU (and ''partial'' RPU) plans as well as to non-RPU plans.

For premium payment years beginning in:	The assumed interest rate is:
April 1997	5.54
May 1997	5.67
June 1997	5.55
July 1997	5.75
August 1997	5.53
September 1997	5.59
October 1997	5.53
November 1997	5.38
December 1997	5.19
January 1998	5.09
February 1998	4.94
March 1998	5.01

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in April 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, D.C., on this 9th day of March 1998.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–6506 Filed 3–12–98; 8:45 am]

BILLING CODE 7708–01–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 for Employee Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA–1, AA–1d, G–204.

(3) *OMB Number:* 3220–0022.

(4) *Expiration date of current OMB clearance:* 5/31/1998.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 13,400.

(8) Total annual responses: 19,225.

(9) Total annual reporting hours: 11,637.

(10) *Collection description:* The Railroad Retirement Act provides for payment of age, disability and supplemental annuities to qualified employees. The application and related forms obtain information about the applicant's family work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and the amount of the annuity applied for.

Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (321–751–3363). 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. 98–6437 Filed 3–12–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23062; 812–10858]

INVESCO Global Health Sciences Fund et al.; Notice of Application

March 6, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicants request an order under section 6(c) of the Act for an exemption from section 19(b) of the Act and rule 19b–1 under the Act to permit the IVESCO Global Health Sciences Fund (the ''Fund'') to make up to four distributions of net long-term capital gains in any one taxable year, so long as the Fund maintains in effect a distribution policy calling for quarterly distributions of a fixed percentage of its net asset value (''NAV'').

APPLICANTS: The Fund and INVESCO Funds Group, Inc. (''IFG'').

FILING DATE: The application was filed on November 3, 1997 and amended on February 24, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

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 April 2, 1998, and should be accompanied by proof of service on the 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 who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Glen A. Payne, Esq., 7800 East Union Avenue, Denver, CO 80237.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Attorney Advisor, at (202) 942–0569, or March Kay Frech, 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 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).

Applicants' Representations

1. The Fund is a closed-end diversified management investment company organized as a Massachusetts business trust and registered under the Act. The fund's investment objective is capital appreciation through investment in health sciences related business sectors. IFG, an investment adviser registered under the Investment Advisers Act of 1940, serves as the Fund's investment adviser.

2. On October 6, 1997, the Fund's board of trustees adopted a distribution policy (the ''Distribution Policy'') that calls for four quarterly distributions of 2.5% of the Fund's NAV at the time of the declaration, for a total of approximately 10% of the NAV per year. If the total distributions required by the Distribution Policy exceed the Fund's investment income and net realized capital gains, the excess will be treated as a return of capital. If the Fund's net investment income, net short-term realized gains and net long-term realized gains for any year exceed the amount required to be distributed under its Distribution Policy, the Fund, in its discretion, may retain and not distribute net long-term capital gains to the extent of the excess.

3. Applicants state that the Distribution Policy will provide a steady cash flow to the Fund's shareholders and, during periods when its per share NAV is increasing, a means for the shareholders to receive, on a periodic basis, some of the appreciation in the value of their shares. Applicants also believe that the Distribution Policy will help reduce the discount from NAV at which the Fund's shares typically trade.

4. Applicants request relief to permit the Fund, so long as it maintains in effect the Distribution Policy, to make up to four capital gains distributions (as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986, as amended (the ''Code'') in any one taxable year. Applicants further request that the relief extend to any other registered closed-end management investment company in the future advised by IFG or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with IFG (''Future Fund''). Applicants state that all registered investment companies currently intending to rely on this relief have been named as applicants and any Future Fund that relies on the relief will do so only in accordance with the terms and conditions of the application.

Applicants' Legal Analysis

1. Section 19(b) of the Act provides that a registered investment company may not, in contravention of such rules, regulations, or orders as the SEC may prescribe, distribute long-term capital gains more often than once every twelve months. Rule 19b–1(a) permits a registered investment company, with respect to any one taxable year, to make one capital gains distribution, as defined in section 852(b)(3)(C) of the Code. Rule 19b–1(a) also permits a supplemental distribution to be made pursuant to section 855 of the Code not

exceeding 10% of the total amount distributed for the year. Rule 19b–1(f) permits one additional long-term capital gains distribution to be made to avoid the excise tax under section 4982 of the Code.

2. Applicants assert that the limitation on the number of net long-term capital gains distributions in rule 19b–1 prohibits the Fund from including available net long-term capital gains in certain of its fixed quarterly distributions. As a result, applicants state that the Fund must fund these quarterly distributions. As a result, applicants state that the Fund must fund these quarterly distributions with returns of capital (to the extent net investment income and net realized short-term capital gains are insufficient to cover a quarterly distribution). Applicants further assert that, in order to distribute all of the Fund's long-term capital gains within the limits on the number of long-term capital gains distributions in rule 19b–1, the Fund may be required to make certain of its quarterly distributions in excess of the total annual amount called for by the Distribution Policy. Alternatively, applicants state that the Fund may be forced to retain long-term capital gains and pay the applicable taxes. Applicants assert that the application of rule 19b–1 to the Fund's Distribution Policy may create pressure on the investment adviser to limit the realization of long-term capital gains based on considerations unrelated to investment goals.

3. Applicants submit that the requested exemption from section 19(b) of the Act and rule 19b–1 under the Act would be in the best interests of the Fund and its shareholders. One of the concerns leading to the adoption of section 19(b) and rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state that the Fund's Distribution Policy will be clearly disclosed to shareholders in the Fund's quarterly and annual reports. Applicants state that, in accordance with rule 19a–1 under the Act, a separate statement showing the source of the distribution will accompany each distribution (or the confirmation of reinvestment under the Fund's dividend reinvestment plan). In addition, a statement showing the amount and source of each quarterly distribution during the year will be included with the Fund's IRS Form 1099–DIV report sent to each shareholder who received distributions during the year (including shareholders who have sold shares during the year). Applicants believe that the Fund's shareholders will fully understand that their distributions are not tied to the Fund's net investment income and realized capital gains and do not represent yield or investment return.

4. Applicants state that another concern underlying section 19(b) and rule 19b–1 is that frequent capital gains distributions could facilitate improper distribution practices including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming dividend (''selling the dividend''), when the dividend results in an immediate corresponding reduction in NAV and is, in effect, a return of the investor's capital. Applicants submit that this concern does not arise with regard to closed-end management investment companies, such as the Fund, which do not continuously distribute their shares.

5. The Fund may make transferable rights offerings in the future to its shareholders to subscribe for additional shares. Applicants contend that in the case of a rights offering by the Fund, shares would be offered during the one-month interval which would occur immediately after payment of a quarterly dividend. Thus, applicants argue that the concern about selling the dividend will not arise. Applicants also state that they will comply with the condition to the requested order with regard to any rights offering.

6. Section 6(c) of the Act provides that the SEC may exempt any person or transaction from any provision of the Act or any rule thereunder to the extent that such 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. For the reasons stated above, applicants believe that the requested relief satisfies this standard.

Applicants' Condition

Applicants agree that the order granting the requested relief shall terminate upon the effective date of a registration statement under the Securities Act of 1933 for any future public offering by the Fund of its common shares other than: (i) a rights offering to shareholders of the Fund, provided that: (a) such offering does not include the payment of solicitation fees to brokers in excess of 3% of the subscription price per share or the payment of any other commissions or underwriting fees in connection with the offering or exercise of the rights,[1] (b) the rights will not be exercisable between a date a dividend to the Fund's shareholders is declared and the record date of such dividend, (c) the Fund has not engaged in more than one rights offering during any given calendar year, and (d) the subscription price for a share in such rights offering is not more than $0.50 per share below the closing market or bid price, as the case may be, on the pricing date for the rights offering; or (ii) an offering in connection with a merger, consolidation, acquisition, or reorganization of the Fund; unless the Fund has received from the staff of the SEC written assurance that the order will remain in effect.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6527 Filed 3–12–98; 8:45 am]

BILLING CODE 8010–01–M

[1] Holders of rights who do not wish to exercise any or all of their rights may instruct the Fund's subscription agent to sell their unexercised rights. Such shareholders would be responsible for paying all brokerage commissions incurred by the subscription agent in selling the unexercised rights.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26838]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 6, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 30, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the

request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

LG&E Energy Corp. (70–9259)

LG&E Energy Corp. (''LG&E Energy''), 220 West Main Street, P.O. Box 3230, Louisville, Kentucky 40232, a Kentucky corporation and an electric and gas public utility holding company currently exempt under section 3(a)(1) from registration and from all other provisions of the Act except section 9(a)(2), has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing the proposed merger of KU Energy Corporation (''KU Energy''), a Kentucky corporation and a public utility holding company currently exempt from section 3(a)(1) from registration and from all other provisions of the Act except section 9(a)(2),[1] with and into LG&E Energy, with LG&E Energy emerging as the surviving entity (''Transaction''). LG&E Energy also requests an order under section 3(a)(1) exempting it from all provisions of the Act, except section 9(a)(2), following consummation of the proposed Transaction.

LG&E Energy's principal subsidiary, LG&E, is a Kentucky public utility company that owns and operates a combined electric and gas operation. LG&E is engaged primarily in the generation, transmission, and distribution of electricity to approximately 351,000 customers in Louisville and adjacent areas in Kentucky.[2] LG&E also purchases, distributes, and sells natural gas to approximately 277,000 customers within this service area and in limited additional areas. Included within LG&E's service area is the Fort Knox Military Reservation, to which LG&E transports gas and provides electric service, but which maintains its own distribution systems. Retail sales rates, services and other aspects of LG&E's electric and gas retail operations are subject to the jurisdiction of the Kentucky Public Service Commission (''Kentucky Commission''). The Kentucky Commission also possesses regulatory authority over aspects of LG&E's financial activities including security issuances, property transfers when the asset value is in excess of $100,000, and mergers with other utilities. Wholesale rates for electric energy sold in interstate commerce, wheeling rates for energy transmission in interstate commerce, and certain other activities of LG&E (including its hydro-electric facilities) are subject to the jurisdiction of the Federal Energy Regulatory Commission (''FERC'').

LG&E owes 4.9% of the common stock of Ohio Valley Electric Corporation (''OVEC''), an electric utility company under the Act which has one wholly owned subsidiary, Indiana-Kentucky Electric Corp. (''IKEC''). OVEC and IKEC were organized to supply the entire power requirements of the U.S. Department of Energy's gaseous diffusion plant in Pike County, Ohio, north of Portsmouth. OVEC owns a 1,075 Megawatt (''Mw'') generating station near Cheshire, Ohio and IKEC owns a 1,290 Mw generating station at Madison, Indiana. All of the electricity sold by OVEC and IKEC is sold either to the U.S. Department of Energy or to the owners (or their subsidiaries, all of which are utility companies) of the stock of OVEC. OVEC and IKEC do not sell electricity to private consumers and do not have any securities outstanding in the hands of the public. For each of the three years in the period ended December 31, 1996, LG&E derived less than 0.16% of its net income from its share of the earnings of OVEC.

In addition, LG&E Energy and certain nonutility associates have entered into a Joint Plan of Reorganization (''Joint Plan'') with Big Rivers Electric Corporation (''Big Rivers''), an electric cooperative with generating facilities in Kentucky currently operating under Chapter 11 of the U.S. Bankruptcy Code. The Joint Plan will allow Big Rivers to emerge from bankruptcy as a financially viable utility capable of fulfilling its responsibilities toward its member cooperatives at rates that are materially lower than those in effect today. The Joint Plan includes a series of agreements among Big Rivers and LG&E Energy and its nonutility associates. Throughout the approximately 25-year term of these agreements, Big Rivers will continue to own all the generating facilities to which it currently has title, and will continue to own and operate all its transmission facilities and to meet the electricity requirements of its member cooperatives. Under the Joint Plan, Big Rivers will sell certain inventory and personal property to a wholly owned indirect subsidiary of LG&E Energy, Western Kentucky Leasing Corp. Another indirect wholly owned subsidiary of LG&E Energy, Western Kentucky Energy Corp. (''WKEC''), will conduct day-to-day operation of the facilities. LG&E Energy states that it is expected that WKEC will qualify as an exempt wholesale generator (''EWG''), as defined under section 32 of the Act. After the required regulatory approvals are received, WKEC will lease the facilities from Big Rivers, will own the electrical output of the facilities, and will sell to LG&E Energy's energy marketing subsidiary the net output of the facilities, some of which LG&E Energy's energy marketing subsidiary is obligated to resell to Big Rivers.

Prior to obtaining the necessary regulatory approvals, Big Rivers will subcontract with another indirect wholly owned subsidiary of LG&E Energy for the day-to-day operation of another facility which is owned by the City of Henderson, Kentucky. LG&E Energy's operation of this facility is the subject of a separate no-action letter under the act requesting confirmation that this LG&E Energy subsidiary is not an electric utility company under the Act. After the necessary regulatory approvals are obtained, this subsidiary will take assignment of Big Rivers' responsibilities under the current Big Rivers' agreements with the City of Henderson and will take title to a portion of the electrical output of the facility (to the extent the output of the facility is not committed to the City of Henderson to meet the requirements of its residents). In summary, LG&E Energy states that Big Rivers' generation facilities will be dispatched separately from those of LG&E and Kentucky Utilities, and, for purposes of the Act, Big Rivers' transmission facilities will not be owned, leased, or controlled by LG&E or Kentucky Utilities.

LG&E Energy is also engaged in a number of other business activities through two other directly owned subsidiaries, LG&E Energy Foundation, Inc. (''LG&E Energy Foundation'') and LG&E Capital Corp. (''LG&E Capital''). LG&E Energy Foundation is a tax-exempt charitable foundation that makes charitable contributions to qualified entities. LG&E Capital, through various subsidiaries and joint ventures, is involved in numerous nonutility, energy-related businesses. Through its subsidiaries, LG&E Capital has interests in and operates electric power plants in several states, Argentina and Spain. Each of these facilities is a qualifying cogeneration facility (''QF'') under the Public Utility Regulatory Policies Act of 1978, an EWG, or a foreign utility company (''FUCO'') under section 33 of

[1] KU Energy's exemption was granted by order of the Commission. *See KU Energy Corporation*, Holding Co. Act Release No. 25409 (Nov. 13, 1991).

[2] LG&E's service area covers approximately 700 square miles in 17 counties in Kentucky and has an estimated population of 800,000.

the Act. LG&E Capital also has interest in and operates two natural gas distribution companies in the Mendoza and Cordoba provinces in Argentina, both of which are FUCOs. LG&E Capital is activity involved through various subsidiaries in energy marketing and trading. With respect to natural gas, LG&E Capital also is involved through subsidiaries in the gathering, processing, storage, and transportation of natural gas.

For the year ended December 31, 1996, LG&E Energy's operating revenues on a consolidated basis were approximately $3.589 billion, of which $607 million were attributable to the sales of electricity, $214 million were attributable to sales of natural gas, and $2.768 billion were attributable to nonutility activities. Consolidated assets of LG&E Energy and its subsidiaries at December 31, 1996 were approximately $3.012 billion, of which approximately $1.449 billion consisted of net electric utility property, plant and equipment, $237 million consisted of net gas utility property, plant, and equipment. As of September 30, 1997, LG&E Energy had 66,525,636 issued and outstanding shares of common stock (''LG&E Energy Common Stock''). LG&E Energy has no preferred stock outstanding.

KU Energy's principal subsidiary, Kentucky Utilities, is a Kentucky electric utility company and an exempt holding company[3] that produces, transmits, and sells electric energy to about 432,900 customers in over 600 communities and adjacent suburban and rural areas in 77 counties in central, southeastern, and western Kentucky, and to about 28,800 customers in 5 counties in southwestern Virginia.[4] In Virginia, Kentucky Utilities operates under the name Old Dominion Power Company. Kentucky Utilities also sells electric energy at wholesale for resale in 12 municipalities in Kentucky. The territory served includes most of the Bluegrass Region of central Kentucky and parts of the coal mining areas in southeastern and western Kentucky and southwestern Virginia. Kentucky Utilities is subject to the jurisdiction of the Kentucky Commission and the Virginia State Corporation Commission as to retail rates and service, accounts, issuance of securities, and in other respects. The FERC has jurisdiction under the Federal Power Act over certain of the electric utility facilities and operations, wholesale sale of power, and related transactions and accounting practices of Kentucky Utilities, and in certain other respects as provided in the Federal Power Act. By reason of owning and operating a small amount of electric utility property in one county in Tennessee (having a gross book value of about $226,000), Kentucky Utilities may also be subject to the jurisdiction of the Tennessee Regulatory Authority as to retail rates, accounts, issuance of securities, and in other respects.

Kentucky Utilities owns 2.5% of the common stock of OVEC. Kentucky Utilities also owns 20% of Electric Energy, Inc. (''EEI''), an electric utility company under the Act. EEI was formed in the early 1950s to provide electric energy to a uranium enrichment plant located near Paducah, Kentucky. The enrichment plant was originally operated by the Atomic Energy Commission and the Department of Energy and is operated today by the United States Enrichment Corporation. EEI owns the Joppa Plant, a 1,015 Mw coal-fired electric generating plant located near Joppa, Illinois, and six 161 kilovolts transmission lines which transmit power from the Joppa Plant to the Paducah enrichment plant. EEI's common stock is held by Kentucky Utilities and three other utility companies. EEI sells its excess electricity to its sponsoring utilities for resale. The uranium enrichment facility is EEI's only end-user customer. For each of the three years in the period ended December 31, 1996, KU Energy derived less than 3.4% of its net income from its share of the earnings of EEI and OVEC.

In addition to Kentucky Utilities, KU Energy has one other subsidiary, KU Capital Corporation (''KU Capital''). KU Capital is KU Energy's vehicle for investments in various nonutility energy-related ventures. These activities have consisted of investing as an equity participant in leases of eight combustion turbine generating units to other utilities and investing in limited partnership interests in various independent projects that are either QFs or EWGs.

For the year ended December 31, 1996, KU Energy's operating revenues on a consolidated basis were approximately $716 million, of which approximately $712 million were attributable to its electric utility operations, and approximately $4 million were attributable to its nonutility operations. Consolidated assets of KU Energy and its subsidiaries at December 31, 1996 were approximately $1.7 billion of which approximately $1.5 billion consisted of net electric utility property, and $55 million consisted of nonutility assets. As of September 30, 1997, KU Energy had 37,817,878 outstanding shares of common stock (''KU Energy Common Stock''). KU Energy has no shares of preferred stock outstanding.

The merger agreement provides for KU Energy to be merged with and into LG&E Energy, with LG&E Energy as the surviving corporation. Under the merger agreement, upon completion of the Transaction, each issued and outstanding share of KU Energy Common Stock (except shares held by KU Energy shareholders who perfect dissenters' rights), together with associated stock purchase rights, will be canceled and converted into 1.67 shares of LG&E Energy Common Stock, together with associated stock purchase rights. Each issued and outstanding share of LG&E Energy Common Stock (except shares held by LG&E Energy shareholders who perfect dissenters' rights), together with associated stock purchase rights, will remain outstanding, unchanged, as one share of LG&E Energy Common Stock. The Transaction is expected to qualify as a tax-free reorganization under section 368(a) of the Internal Revenue Code of 1986, as amended, and to be treated as a ''pooling of interests'' for accounting purposes.

As a result of the Transaction, LG&E Energy will be a public-utility holding company as defined in section 2(a)(7) of the Act with ownership of two public-utility companies, LG&E and Kentucky Utilities, and indirect ownership, through Kentucky Utilities, of 20% of one other public-utility company, EEI. LG&E states that following consummation of the Transaction, it will be entitled to an exemption from all provisions of the Act except section 9(a)(2) because it and each of its public-utility subsidiaries from which it derives a material part of its income will be predominantly intrastate in character and will carry on their utility businesses substantially within the state of Kentucky.[5]

[3] Kentucky Utilities is a public utility holding company exempt from all provisions of the Act except section 9(a)(2) pursuant to section 3(a)(2) and order of the Commission. *See KU Energy Corporation*, Holding Co. Act Release No. 25409 (Nov. 13, 1991).

[4] The territory served by Kentucky Utilities has an aggregate population estimated at about one million. The largest city served is Lexington, Kentucky. The population of the metropolitan Lexington area is estimated at about 225,000. The populations of the next ten largest cities served at retail range from about 21,000 to 9,000.

[5] LG&E states that LG&E Energy and each of its material public utility subsidiaries will be Kentucky corporations operating primarily in Kentucky. Neither OVEC nor IKEC will be a subsidiary of LG&E Energy for purposes of the Act following the Transaction because LG&E Energy's total indirect ownership of OVEC will be only 7.4%. Although EEI will be a subsidiary of LG&E Energy for purposes of the Act following the Transaction and is not a Kentucky corporation, LG&E Energy states that EEI will not be a material public utility

Continued

BL Holding Corp. (70–9157)

BL Holding Corp. (''BL Holding'') One MetroTech Center, Brooklyn, New York 11201, a to-be-formed New York public utility holding company has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing its proposed acquisitions of KeySpan Energy Corporation (''KeySpan''), a New York public utility holding company claiming an exemption from registration under section 3(a)(1) under rule 2 from all provisions of the Act except section 9(a)(2), and KeySpan's wholly owned gas utility subsidiary, The Brooklyn Union Gas Company (''Brooklyn Union'')[6] and Long Island Lighting Company (''LILCO''),[7] a New York electric and gas public utility company and/or certain of LILCO's assets as described below.[8] BL Holding also requests an order under section 3(a)(1) declaring it exempt from all provisions of the Act except section 9(a)(2), following consummation of the proposed transactions.

BL Holding proposes three alternative transactions. The first proposal, defined as the ''Combination,'' involves the acquisition by BL Holding of all of the issued and outstanding common stock of (1) KeySpan and its utility subsidiary, Brooklyn Union and (2) LILCO.

The second proposal, or ''Modified Combination,'' involves the acquisition by BL Holding of the issued and outstanding common stock of KeySpan and the equity interests in one or more to-be-formed wholly owned subsidiaries (''Transferee Subsidiary''). The Transferee Subsidiaries will acquire certain assets of LILCO (''Transferred Assets''), if a proposed merger of LILCO into a subsidiary of the Long Island Power Authority (''LIPA''), a corporate municipal instrumentality and a political subdivision of the State of New York, occurs.[9]

The third proposal, ''LIPA Transaction,'' involves the acquisition by BL Holding of the equity interests of the Transferee Subsidiaries and the subsequent transfer of the Transferred Assets without giving effect to the acquisition of the common stock of KeySpan. The three proposals, the Combination, the Modified Combination and the LIPA Transaction are referred to collectively as the ''Transactions.'' Any one of these alternative Transactions may occur.

The Combination

Under the Combination, BL Holding would own and, through LILCO and Brooklyn Union, operate the existing gas and electric utility systems owned by LILCO and the existing gas utility system owned by Brooklyn Union. The Exchange and Merger Agreement provides that, following its adoption by the shareholders of both LILCO and Brooklyn Union (each of which occurred on August 7, 1997) and the satisfaction or waiver of the other conditions to the combination, including obtaining the requisite regulatory approvals, the outstanding shares of LILCO common stock (''LILCO Common Stock'') will be exchanged for newly issued shares of BL Holding common stock, par value $0.01 per share (''BL Common Stock''), in a share exchange (''Share Exchange''). In addition, the outstanding shares of KeySpan common stock will be converted into the right to receive newly issued shares of BL Common Stock.

Upon the consummation of the Share Exchange, each issued and outstanding share of LILCO Common Stock, other than shares held by dissenting shareholders, will be exchanged for 0.803 shares of BL Common Stock. Thus, BL Holding will become the owner of each share of LILCO Common Stock and each share of LILCO Common Stock will be deemed to have been exchanged for that fraction of a share of BL Common Stock.

In addition, each issued and outstanding share of preferred stock of LILCO will be unchanged as a result of the Share Exchange and will remain outstanding thereafter provided that the transactions contemplated by the LIPA Agreement are not consummated.

Upon the consummation of the Combination, each issued and outstanding share of KeySpan common stock, other than dissenting shares, will be converted into the right to receive one share of BL Common Stock and KeySpan will become a wholly owned subsidiary of BL Holding (''KeySpan Merger'').

The Modified Combination

If the LIPA Transaction is consummated before or contemporaneously with the Combination, KeySpan and certain assets of LILCO will be combined under the Modified Combination. Instead of consummating the Share Exchange, the transactions contemplated by the Exchange and Merger Agreement and the LIPA Agreement will be consummated in the following way.

In exchange for the designated number of shares of BL Common Stock (''Designated Number'') and up to $75 million face amount of BL Holding preferred stock (''Private Placement Preferred Stock''), LILCO will transfer the Transferred Assets to the subsidiaries of BL Holding, as KeySpan and LILCO direct. The Designated Number will be the number of shares of BL Common Stock representing the net fair market value of the Transferred Assets, as will be determined in good faith by KeySpan and LILCO, less the face amount of the BL Holding preferred stock.

LIPA Sub[10] will merge with and into LILCO and the transactions

subsidiary of LG&E Energy for purposes of section 3(a)(1). KU Energy has not in the past derived a material part of its income from EEI (less than 3.5% in each of the last three years) and, on a pro forma basis following the Transaction, EEI will constitute an even smaller part of LG&E Energy's income on a percentage basis.

[6] Brooklyn Union distributes natural gas at retail in the Boroughs of Brooklyn and Staten Island and two-thirds of the Borough of Queens, all in the City of New York. Brooklyn Union's service territory is approximately 187 square miles. The population of the territory served is approximately four million persons. As of September 30, 1997, Brooklyn Union had approximately 1.128 million active meters, of which approximately 1.09 million were residential.

[7] LILCO supplies electric and gas service in Nassau and Suffolk Counties on Long Island, New York, and to the Rockaway Peninsula in the Borough of Queens in the City of New York. LILCO's service territory covers an area of approximately 1,230 square miles, and is contiguous to the service territory of Brooklyn Union. The population of the service area is approximately 2.7 million persons, including approximately 98,000 persons who reside in the Borough of Queens within the City of New York. LILCO serves approximately one million electric customers, of which 921,000 are residential. LILCO receives approximately 49% of its electric revenues from residential customers, 48% from commercial/industrial customers and 3% from sales to other utilities and public authorities. LILCO also serves approximately 460,000 gas customers, 412,000 of which are residential, accounting for 61% of the gas revenues, with the balance of the gas revenues made up by the commercial/industrial customers and off-system sales.

[8] The Amended and Restated Agreement and Plan of Exchange and Merger dated as of June 26, 1997 was originally between Brooklyn Union and LILCO. On September 29, 1997, Brooklyn Union engaged in a binding share exchange with its subsidiary KeySpan, with the result that Brooklyn Union became a wholly owned subsidiary of KeySpan. This agreement is called the amended by the Amendment, Assignment and Assumption Agreement among Brooklyn Union, LILCO and KeySpan, dated as of September 29, 1997 and KeySpan was substituted for Brooklyn Union in the original agreement ''Exchange and Merger Agreement.''

[9] BL Holding, LILCO, LIPA, and to-be-formed subsidiary of LIPA entered into an Agreement and Plan of Merger, dated as of June 26, 1997, ''LIPA Agreement.'' Under the LIPA Agreement, LIPA would acquire certain assets of LILCO through a stock transaction including the electric transmission and distribution system, the 18% interest in the Nine Mile Point 2 nuclear power station in upstate New York and the electric regulatory assets (as well as certain current assets related to LILCO's electric business). LIPA would also assume certain of LILCO's current liabilities, long-term debt obligations and preferred stock.

[10] Under the LIPA Agreement, LILCO will merge with LIPA Acquisition Corporation, a New York

contemplated by the LIPA Agreement will be consummated. The cash merger consideration will be paid to an exchange agent as agent for the holders of LILCO Common Stock to subscribe for and purchase from BL Holding a number of shares of BL Common Stock, which number of shares, when added to the Designated Number, will represent the number of shares of LILCO Common Stock issued and outstanding immediately prior to the consummation of the KeySpan Merger, other than LILCO dissenting shares, multiplied by 0.880. The KeySpan Merger will then be consummated promptly.

Also under the Modified Combination, BL Holding would own and, through KeySpan and one or more Transferee Subsidiaries, operate each of the existing gas utility systems as well as the non-nuclear generating facilities currently owned by LILCO and, through one or more other Transferee Subsidiaries, would provide a comprehensive set of operational and management services to LIPA to assist LIPA in the operation of the electric system (which would continue to be owned by LILCO as a wholly owned subsidiary of LIPA).

The LIPA Transaction

Under the LIPA Transaction, BL Holding would own and, through the Transferee Subsidiaries, operate the gas utility system and non-nuclear generating facilities currently owned by LILCO and provide electric system operational and management services to LIPA.

Before the closing of the LIPA Transaction (''LIPA Closing''), BL Holding will form the Transferee Subsidiaries which will enter into certain agreements in connection with the LIPA Transaction, which are referred to as the ''Basic Agreements.'' Under the Basic Agreements, one or more of the Transferee Subsidiaries will provide: (1) certain management services on behalf of LIPA with respect to the operation and maintenance of the electric transmission and distribution system to be transferred to LIPA as part of the LIPA Transaction; (2) electric capacity and energy to LIPA from the generating plants that are among the Transferred Assets; and (3) energy management services to purchase fuel and electric capacity and energy and manage the scheduling and sale of electric capacity and energy on behalf of LIPA. Certain schedules to the LIPA Agreement set out the principles and procedures to be used to decide which LILCO assets and properties will be part of the Transferred Assets and which will remain with LILCO as a subsidiary of LIPA. Generally, the Transferred Assets will consist of all those assets currently owned and employed by LILCO in the conduct of its gas distribution business, LILCO's non-nuclear electric generating assets located on Long Island, and certain common assets used by LILCO in the operation and management of LILCO's existing gas distribution, electric generation and electric transmission and distribution system.

Immediately prior to the LIPA Closing, LILCO will transfer the Transferred Assets to the Transferee Subsidiaries in exchange for the (1) Designated Number of shares of BL Common Stock and (2) Private Placement Preferred Stock. LILCO will be obligated to sell the Private Placement Preferred Stock immediately prior to the LIPA Closing. It is anticipated that the Private Placement Preferred Stock will: (1) have a final maturity date more than five years after the LIPA Closing; (2) be nonvoting (except as a result of BL Holding's failure to pay dividends for a specified period of time); (3) be nonconvertible; and (4) have other terms and conditions to be determined at the time of sale.

At the LIPA Closing, the shares of capital stock of LILCO will be treated as follows:

(1) Common and preferred shares held in treasury will be canceled and retired. (''Canceled Shares'').

(2) Each issued and outstanding share of LILCO Common Stock, other than Canceled Shares and shares of LILCO Common Stock held by any dissenting shareholder, will be canceled and converted into the right to receive: (a) an amount in cash equal to the cash merger consideration divided by the number of shares of LILCO Common Stock outstanding; and (b) a pro rata distribution of BL Common Stock received by LILCO in exchange for the Transferred Assets.

(3) Each holder of shares of LILCO Common Stock, other than shares held by any dissenting sharesholders, will be deemed to have appointed an exchange agent as its agent to receive the cash otherwise due the holder and to use the cash to subscribe for shares of BL Common Stock. The total number of shares of BL Common Stock distributable to holders of LILCO Common Stock in respect of each share of LILCO Common Stock will include the number of distributable shares of BL Common Stock received by LILCO in exchange for the Transferred Assets, as well as the number of shares distributable from the purchase by the exchange agent of additional shares of BL Common Stock out of the cash purchase price and, in the aggregate, will equal: (a) 0.880 shares of Company Common Stock for each share of LILCO Common Stock (other than the dissenting shares) if the Combination is consummated concurrently with the LIPA Transaction; or (b) one share of BL Common Stock for each share of LILCO Common Stock (other than the dissenting shares) if the Combination is not consummated concurrently with the LIPA Transaction.

(4) If the Combination has been consummated prior to the LIPA Closing, then (a) no shares of BL Common Stock or Private Placement Preferred Stock will be delivered in exchange for the Transferred Assets, and BL Holding and/or one or more of its subsidiaries, as the holders of all then outstanding LILCO Common Stock, will receive all of the cash merger consideration, and (b) an additional 0.077 shares of BL Common Stock will be distributed to the record holders of LILCO Common Stock as of the effective time of the Combination in respect of each share of LILCO Common Stock.

(5) Each issued and outstanding share of Series AA Preferred Stock of LILCO, other than Canceled Shares and shares of the preferred stock held by any dissenting shareholder, will be canceled and converted into the right to receive one fully paid and nonassessable share of preferred stock of BL Holding with identical rights (including dividend rates) and designations to the Series AA Preferred Stock.

(6) Each issued and outstanding share of LILCO Preferred Stock that is subject to optional redemption by LILCO at or before the closing date, other than Canceled Shares, will be redeemed for cash by LILCO not later than the closing date in accordance with the terms applicable to the shares.

(7) Each issued and outstanding share of LILCO Preferred Stock, other than Canceled Shares, dissenting Preferred Shares, shares of Series AA Preferred Stock and redeemable preferred stock (collectively, ''Non-redeemable Preferred Stock''), will be canceled and converted into the right to receive cash in the amount of the sum of (a) the Make-Whole Amount,[11] and (b) accrued

corporation to be formed as a wholly owned subsidiary of LIPA (''LIPA Sub''). LIPA Sub will be merged with and into LILCO, which will be the surviving corporation, for aggregate cash merger consideration of $2.4975 billion (subject to adjustment), LILCO's Series AA Preferred Stock will be exchanged for Series AA preferred stock of BL Holding and each outstanding share of the LILCO Series CC Preferred Stock, Series GG Preferred Stock, Series QQ Preferred Stock and Series UU Preferred Stock (except for shares whose holders perfect their rights to obtain judicial appraisal) will be canceled and converted into the right to receive cash in the applicable amounts described in the LIPA Agreement. Immediately prior to the consummation of the LIPA Transaction, LILCO will transfer to BL Holding, or one or more of BL Holding's wholly owned subsidiaries, all of the Transferred Assets.

[1] The Make-Whole Amount means, with respect to the shares, an amount equal to the present value of (a) the face or liquidation preference amount of the share, and (b) the remaining dividend payments due on the share between the LIPA closing date and the applicable redemption date computed using a discount rate equal to the applicable Fair Market Rate divided by 0.95.

Fair Market Rate is defined as the Generic General Obligation Fair Market Yield for Baa rated Low/Medium Coupon General Municipal

Continued

but unpaid dividends in respect of the sahres through the closing date.

The amount by which the aggregate amount payable exceeds 100% of the aggregate face or liquidation preference amounts for all shares of Non-redeemable Preferred Stock shall be paid by the Company to LILCO promptly after the LIPA Closing. The cash merger consideration is based upon the assumption that the total long-term indebtedness of LILCO on the LIPA Closing Date will not exceed $3.576 billion (''Retained Debt Amount'').

The Retained Debt Amount will be adjusted based upon LILCO's net book value, as reflected on LILCO's audited consolidated balance sheet as of the date, as follows. The Retained Debt Amount will be either (1) increased by the amount, if any, by which the net book value of the Retained Assets exceeds $2.5008 billion or (2) decreased by the amount, if any, by which the net book value of the Retained Assets is less than $2.5008 billion.

As of the LIPA Closing Date, BL Holding will, and will cause each of the Transferee Subsidiaries to, execute and deliver promissory notes (''Promissory Notes'') on the following terms: (1) The aggregate principal amount will be equal to the excess, if any, of the indebtedness of LILCO outstanding on the LIPA Closing Date over the Retained Debt Amount; and (2) The rates and maturities will correspond to each portion of debt underlying the indebtedness of LILCO on the LIPA Closing Date; provided, however, that the interest and principal payment dates will be adjusted to require payment by BL Holding 30 days prior to the corresponding payment dates on the underlying debt.

LILCO currently has a series of 7.3% Debentures due July 15, 1999, with an approximate aggregate principal amount currently outstanding of $397 million, and a series of 8.20% Debentures due March 15, 2023, with an approximate aggregate principal amount currently outstanding of $270 million. Subject to obtaining all required consents, BL Holding will assume these obligations as of the LIPA Closing Date under an exchange offer to be registered on Form S–4 with the Commission.

Obligations at the time of the computation as reported on Bloomberg, with a maturity most nearly equal to the period between cancellation and final redemption of the series of Non-redeemable Preferred Stock. The period between cancellation and redemption refers to the period between the closing date of the LIPA Transaction (''LIPA Closing Date''): (a) August 1, 2002, with respect to the Series CC Preferred Stock; (b) March 1, 1999, with respect to the Series GG Preferred Stock; (c) May 1, 2001, with respect to the Series QQ Preferred Stock; and (d) October 16, 2018, with respect to the Series UU Preferred Stock.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Johathan G. Katz,

Secretary.

[FR Doc. 98–6530 Filed 3–12–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–1705]

Notice of Intention to Cancel Registrations of Certain Investment Advisers

March 9, 1998

Notice is given that the Securities and Exchange Commission intends to issue orders, pursuant to section 203(h) of the Investment Advisers Act of 1940 (''Advisers Act''), cancelling the registrations of those investment advisers whose names appear in the attached Appendix.

FOR FURTHER INFORMATION CONTACT: Catherine M. Saadeh, Staff Attorney, at (202) 942–0650, Task Force on Investment Adviser Regulation, Division of Investment Management, Stop 5–6, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

Background

On October 11, 1996, President Clinton signed into law the National Securities Markets Improvement Act of 1996 (''Improvement Act'').[1] Title III of the Improvement Act, the Investment Advisers Supervision Coordination Act (''Coordination Act''), amended the Advisers Act to reallocate federal and state responsibilities for the regulation of the approximately 23,350 investment advisers registered with the Commission at the time the legislation was signed. Under new section 203A(a) of the Advisers Act,[2] an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless the adviser (i) has assets under management of not less than $25 million (or such higher amount as the Commission, by rule, deems appropriate), or (ii) is an adviser to an investment company registered under the Investment Company Act of 1940.[3]

The Coordination Act also amended section 203(h) of the Advisers Act to authorize the Commission to cancel the registration of any investment adviser that no longer meets the criteria for registration.[4] As amended, section 203(h) provides, in pertinent part, that if the Commission finds that any person registered with the Commission as an investment adviser is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall, by order, cancel the registration of such person. The Coordination Act became effective on July 8, 1997.[5]

To implement the division of regulatory responsibility mandated by the Coordination Act, the Commission adopted Form ADV-T.[6] Form ADV-T required investment advisers to declare by July 8, 1997 whether they would continue to be eligible for Commission registration under the new regulatory scheme. For advisers that indicated that they were no longer eligible for Commission registration, filing of Form ADV-T served as such advisers' request for withdrawal from registration.[7] In the release adopting Form ADV-T and other rules to implement the Coordination Act, the Commission stated that advisers that did not return Form ADV-T would be subject to having their registrations cancelled pursuant to section 203(h).[8]

In May 1997, the Commission mailed copies of Form ADV-T to all investment advisers then registered with the Commission.[9] In October 1997, the

[1] Pub. L. No. 104–290, 110 Stat. 3416 (1996) (codified in scattered sections of the United States Code).

[2] 15 U.S.C. 80b–3a(a).

[3] The Commission was given authority in section 203A(c) of the Advisers Act to exempt investment advisers, by rule or order, from the prohibition on Commission registration if the prohibition would be ''unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes'' of section 203A. 15 U.S.C. 80b–3a(c). Under its authority, the Commission adopted rule 203A–2 under the Advisers Act, which permits nationally recognized statistical rating organizations and certain pension consultants, affiliated investment advisers, and newly formed investment advisers to register with the Commission even if they otherwise would not meet the criteria for registration in section 203A(a). 17 CFR 275.203A–2.

[4] 15 U.S.C. 80b–3(h).

[5] *See* section 308(a) of the Coordination Act. The effective date of the Coordination Act was originally April 9, 1997. On March 31, 1997, President Clinton signed into law Pub. L. No. 105–8, which postponed the effective date of the Coordination Act to July 8, 1997. *See* 111 Stat. 15 (1997).

[6] *See* Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1633 (May 15, 1997) [62 FR 28112 (May 22, 1997)] (''Adopting Release'').

[7] *See* rule 203A–5(c) [17 CFR 275.203A–5(c)]; Instruction 6 to Form ADV-T.

[8] *See* Adopting Release, *supra* note , at text accompanying notes 17 and 23. The instructions to Form ADV-T contained a similar statement. *See* Instruction 1(f) to Form ADV-T.

[9] The Commission mailed the Form ADV-Ts to the address provided by each investment adviser on

Commission mailed additional copies of Form ADV-T to the 5,426 advisers that had not filed Form ADV–T, accompanied by a letter notifying them that they must file Form ADV–T by December 15, 1997 or their investment adviser registrations with the Commission would be cancelled without further notice.

As of February 20, 1998, the 5,092 Commission-registered investment advisers listed in the Appendix have not filed a Form ADV–T with the Commission. Based on the facts above, the Commission finds that these registrants are no longer in existence, are not engaged in business as investment advisers, or are prohibited from registering as investment advisers under section 203A. Accordingly, at any time after April 30, 1998, the Commission may issue orders cancelling the registrations of any or all of the investment advisers listed in the Appendix.

Any investment adviser listed in the Appendix that has previously filed a Form ADV–T with the Commission and believes its name has been included in the Appendix in error must make a formal written objection to the cancellation of its registration prior to April 30, 1998. Written objections must be mailed to: Investment Adviser Cancellation Objections, Task Force on Investment Adviser Regulation, Division of Investment Management, Stop 5–6, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, or sent via facsimile to (202) 942–9659, Attention: Investment Adviser Cancellation Objections. Written objections must be received by the Commission by April 30, 1998.

Any investment adviser listed in the Appendix that wishes to file a Form ADV–T may do so by April 30, 1998. The registrations of advisers whose Form ADV-Ts are received by the Commission by April 30, 1998 will not be cancelled.[10] Copies of Form ADV–T may be obtained by contacting the Commission's Publication Office at (202) 942–4046.

Dated: March 9, 1998.

By the Commission.

Jonathan G. Katz,

Secretary.

APPENDIX

80132230 1ST PRIORITY PLANNING ASSOCIATES INC
80139160 33 WALL STREET ASSET MANAGEMENT INC
80135556 833 FINANCIAL ENTERPRISES INC
80134874 900 TRADING INC
80131605 A B ASESORES BURSATILES SA
80130671 A&M WINTON ASSOCIATES LTD
80145319 AARON SUSAN SANDRA
80152696 AB INVESTMENT ADVISERS
80131102 ABACUS FINANCIAL CONSULTANTS LTD L
80149095 ABBE FINANCIAL SERVICES INC
80140402 ABEL BEHNKE CORP /HI/
80139029 ABERDEEN FINANCIAL CORP /GA/
80128864 ABERDEEN GOVERNMENT SECURITIES CORP
80126421 ABODEELY GEORGE S V
80137081 ABRAHAM & SONS INC /IL/
80143390 ABRAMS LITTLE GILL TISHMAN & WITTY PC
80116102 ACA PRUDENT INVESTORS PLANNING CO /NJ
80138004 ACACIA REALTY ADVISORS INC
80139660 ACADEMY OF MEDICAL ECONOMICS
80137171 ACCI WORLDWIDE SA DE CV /MEXICO/
80126734 ACEBAL INVESTMENT SERVICES INC
80138498 ACEVEDO LOUIS ANTHONY
80127120 ACHETS CORP
80141307 ACHIEVEMENT COUNSEL INC /NJ/
80143422 ACKERMAN GERALD EDWARD
80137112 ACKERS ANDREW FRANKLYN
80119309 ACORN FINANCIAL SERVICES INC
80140302 ACORN INVESTMENT MANAGEMENT INC
80133985 ACTIVE FINANCIAL SERVICES
80141308 ACTIVE MANAGEMENT ADVISORS INC /NY/
80132047 ACU FINANCIAL SERVICES INC
80138142 ADAMS GEOFFREY PAUL /TX/
80122110 ADAMS INVESTMENT ADVISORS INC
80128832 ADAMS INVESTMENT COUNSEL CORP
80133398 ADAMS RICHARD LEE
80138346 ADAMS RICHARD VARIAN
80136317 ADAMS SALVATORE CHARLES
80110651 ADAMY JOSEPH FRANCIS
80124186 ADLER COLEMAN & CO INC
80129184 ADLER RICHARD ALLEN
80136087 ADMINISTRADORA DE CAPITALES SA
80128255 ADORIAN FINANCIAL LTD
80134781 ADQ INC /MA/
80142539 ADS & CO INC
80127600 ADVANCE ASSET MANAGEMENT LTD
80135150 ADVANCED ADVISORY GROUP INC /MD/
80153282 ADVANCED ADVISORY SERVICES INC
80145192 ADVANCED FINANCIAL ADVISORS INC
80130311 ADVANCED INVESTMENT MANAGEMENT INC/CT/
80138729 ADVANTAGE ADVISORY & INVESTMENT MANAGEMENT CO INC
80143921 ADVANTAGE FINANCIAL CORP /MN/
80146181 ADVANTAGE RESEARCH & TRADING INC
80151567 ADVENT CAPITAL MANAGEMENT PARTNERS INC
80144789 ADVISERV CO
80104911 ADVISOR
80109089 ADVISORS MUTUAL SERVICE CENTER INC /MI/
80151658 ADVISORY ASSOCIATES INC
80132758 ADVISORY FINANCIAL ASSOCIATES
80146520 AEGIS INVESTMENT CO INC /GA/
80141754 AEGIS RESEARCH & MANAGEMENT INC /NY/
80134185 AEGIS SELECT ASSET MANAGEMENT CORP
80143665 AFFILIATED FINANCIAL GROUP INC /UT/
80151874 AFFILIATED INVESTMENT ADVISORS INC /UT
80129115 AFFILIATED PLANNERS REALTY INC
80146875 AFFINA BROKERAGE SERVICES INC
80153551 AFFINITY INVESTMENT ADVISORS INC
80109917 AFFIRMATIVE INVESTMENT MANAGEMENT INC
80139699 AFIN INTERNATIONAL MANAGEMENT S A DE C V
80136774 AFM ADVISORY SERVICES INC
80139943 AFM INVESTMENTS INC /NJ/
80151383 AFZAL IQBAL OMAR
80133122 AGINCOURT INVESTMENT ADVISERS INC
80133749 AHART WAYMON ELDRIDGE
80145986 AHLQUIST RONALD ALAN /MA/
80141005 AHMADI HAMID /CA/
80147901 AIFG CONSULTANTS LTD
80150353 AIM FINANCIAL GROUP INC
80140984 AINSWORTH MONEY MANAGEMENT INC
80141566 AJELLO MICHAEL C
80151456 AKJENSEN INC /FL/
80132142 ALAMANA ASSET MANAGEMENT COUNSELS INC
80140512 ALBAYYA FINANCIAL SERVICES INC /MI/
80147417 ALBERTSON DARREN MATTHEW
80139296 ALBRITTON CAPITAL MANAGEMENT CO /GA/
80153501 ALCAR CAPITAL LLC
80142526 ALCOM MANAGEMENT & BROKERAGE INC
80142521 ALCOM MANAGEMENT & BROKERAGE INC /AZ/
80131977 ALDERSON MANAGEMENT INC
80117868 ALDINGER JOHN STERN
80117868 ALDINGER JOHN STERN
80116049 ALDRICH EASTMAN & WALTCH INC
80138782 ALDRICH EASTMAN & WALTCH L P
80136746 ALEXANDER CLINNON
80151516 ALEXANDER JAMES PETER

their Form ADV. These addresses were assumed to be current, as investment advisers are required to update Form ADV promptly for any address changes. *See Instruction 10 to Form ADV.*

[10] The registrations of investment advisers that indicate on Form ADV–T that they are no longer eligible to register with the Commission will be withdrawn.

80130853 ALEXANDER JOHN R
80112923 ALFANDARY ALEXANDER MARK
80143758 ALFORD ASSOCIATES INC /MA/
80150017 ALFORD R L & CO INC
80141791 ALIGEN INDEPENDENT LABORATORIES INC /WY/
80146756 ALKER ROBERT
80132459 ALLEGHENY ASSET MANAGEMENT INC
80153723 ALLEN CAROL MAY
80121990 ALLEN DANIEL & CO PC/GA/
80128574 ALLEN ELLIOTT & ALEXANDER INC
80147657 ALLEN GERALD VINCENT
80135987 ALLEN JAMES DALLAS
80147460 ALLEN JEFFREY NELSON
80119487 ALLEN WILLIAM CHARLES
80120829 ALLEN WILLIAM VICTOR
80151636 ALLIANCE FUND MANAGEMENT GROUP LTD
80133097 ALLIED COMPENSATION PLANNING INC /MI/
80122839 ALLIED EQUITY GROUP
80142644 ALLOCATION ASSOCIATES
80139416 ALLY CAPITAL MANAGEMENT INC
80145607 ALPERT WILLIAM BALFOUR
80151345 ALPHA ANALYTICAL ADVISORS INC
80141361 ALTAMIRA CAPITAL CORP /CA/
80150477 ALTERNATIVE INVESTMENT ADVISORS INC
80121867 ALTSHULER BENSON MAYER ADV
80124591 ALTSHULER KENDALL JAY
80153873 ALTVEST LTD
80142567 AMAN SIMON JOHN /NY/
80143369 AMBER ASSET MANAGEMENT CORP /FL/
80133034 AMBROSE JOHN CHARLES
80129834 AMERI VEST PLANNING INC
80147617 AMERICAN ASSET ADVISORS
80146136 AMERICAN ENTERPRISES INC /MA/
80151317 AMERICAN EQUITY MANAGEMENT GROUP INC
80131785 AMERICAN EQUITY SECURITIES OF DELAWARE INC
80147540 AMERICAN FINANCIAL CENTER INC
80129738 AMERICAN FINANCIAL CORP INTERNATIONAL INC
80142122 AMERICAN FUND ADVISORS INC /CA/
80149244 AMERICAN GBEX CAPITAL MANAGEMENT INC
80152833 AMERICAN GROWTH CAPITAL CORP /NV/
80147638 AMERICAN HERITAGE FINANCIAL SERVICES LTD
80146207 AMERICAN HERITAGE INVESTMENT ADVISER CORP
80128010 AMERICAN INVESTMENT ADVISORS INC /GA/
80118082 AMERICAN PROPERTY MORTGAGE INC ADV
80130203 AMERICAN SECURITIES & RESEARCH CORP
80139130 AMERICAN SECURITIES & RESEARCH CORPORATION
80146025 AMERICAN WEALTH MANAGEMENT INC
80140333 AMERICAP REALTY GROUP /CA/
80140996 AMERIVET DYMALLY SECURITIES INC
80131005 AMIC ADVISERS INC
80147094 AMIC INC
80138572 AMIN AL HALEEM MUSLIM
80135378 AMP FINANCIAL PLANNERS INC
80144098 AMPTON INC /NY/
80137700 AMRO SECURITIES INC /NY/
80139090 AMT CAPITAL MANAGEMENT INC
80153733 ANDERSEN R FINANCIAL INC
80139544 ANDERSEN TERRY WARD
80150881 ANDERSON BRIAN WAYNE
80128940 ANDERSON BRIERLY W & ASSOCIATES INC
80147377 ANDERSON CAPITAL CORP
80150937 ANDERSON CHARLES PATRICK
80141921 ANDERSON DONALD KING /CA/
80123679 ANDERSON FRANK EDWARD
80144586 ANDERSON GARY WILLIAM
80143096 ANDERSON JOHN PATRICK
80154363 ANDERSON STEPHEN JEFFERY
80142320 ANDREWS KYLE CRAIG /MI/
80143595 ANDREWS MICHAEL ANTHONY /PA/
80149410 ANDREWS ROBERT INC
80110487 ANDRON MCNEIL & CO INC
80147658 ANDSAR INC
80147295 ANEJA BHOLA NATH
80119102 ANGELES INSTITUTIONAL ADVISORS INC
80148001 ANGELIC ASSET MANAGEMENT INC
80118239 ANGELOCCI RONALD ERNEST
80134120 ANSAR CAPITAL MANAGEMENT INC
80128456 ANTELO LOPEZ LUIS FERNANDO
80148236 ANTHONY INVESTMENTS LP
80137459 ANTONUCCI GARY LOUIS
80150285 APEIRON CAPITAL MANAGEMENT INC
80145273 APEL DANIEL JOSEPH /CA/
80151035 APEX ASSET MANAGEMENT CO
80153980 APODACA GROUP LLC
80150644 APOGEE ASSOCIATES LLC
80149487 APOLITO STEPHEN C LP
80152932 APPLE JAMES TERRY
80140006 APPLETON MARLYS MARIE
80133780 APPLETREE FINANCIAL SERVICES INC
80133715 APPLIED CAPITAL CONCEPTS INC
80146732 APPLIED DECISION SERVICES & CO INC /CA/
80133017 APPLIED FINANCIAL MANAGEMENT INC
80134769 APPROVED MANAGEMENT INC
80140303 APS ADVISORY SERVICES INC
80140658 APT INVESTMENT MANAGEMENT INC
80150013 AQUEDUCT ADVISERS LLC
80101415 AQUINO MICHAEL ANGELO
80129475 ARAB MALAYSIAN CONSULTANT SDN BHD
80153390 ARCADIA FINANCIAL GROUP LLC
80151247 ARDETH HOLLO & ASSOCIATES INC
80128471 ARDIS THOMAS JOHN
80141868 ARDIZZONI DENNIS MICHAEL /TX/
80132434 ARENSMAN WAYNE EARL
80133055 ARENSON PAUL JOSEPH
80147500 ARENZ DON L
80143906 ARGENT SECURITIES INC /GA/
80135522 ARI EL ADVISORS INC
80138794 ARIS CAPITAL MANAGEMENT INC /CA/
80149847 ARISTOCRAT CAPITAL MANAGEMENT LTD
80117934 ARIZONA GROUP FINANCIAL PLANNING INC
80146900 ARIZONA INVESTMENT ADVISORS INC
80139337 ARKA FINANCIAL SERVICES INC
80135389 ARMANINO ROBERT CARL /CA/
80138386 ARMOUR CAPITAL ASSOCIATES INC
80132581 ARMOUR ROBERT CLINE
80147093 ARMSTRONG CAPITAL MANAGEMENT LTD
80149430 ARNETTE MACK LUSTER
80140878 ARNOLD KASHYAP & CO /MD/
80130049 ARON EQUITY INC
80149745 ARRINGTON CHARLIE ROBERT
80117898 ARROL SECURITIES INC
80148434 ARROYO CONRADO
80120822 ARUNDEL SECURITIES INC /MD/
80136478 AS CAPITAL MANAGEMENT INC
80142335 ASA FINANCIAL PLANNING INC /NY/
80154619 ASCEND CAPITAL MANAGEMENT INC /NJ/
80126237 ASF INC
80114009 ASH RICHARD J ASSOCIATE INC
80150049 ASHLAR FINANCIAL GROUP LTD
80152658 ASHLEY PATRICK MICHAEL
80139364 ASHOOH ELIAS E INC
80131516 ASHWORTH ASSOCIATES INC
80143827 ASI SECURITIES INC /PHILIPPINES/
80151804 ASIAN CAPITAL ASSET MANAGEMENT INC
80135494 ASMAR ALEJANDRO GUILLERMO
80129891 ASPEN FINANCIAL SERVICES INC
80130599 ASPETUCK INVESTMENT MANAGEMENT CORP
80142901 ASSET & LIABILITY MANAGEMENT SERVICES INC
80148898 ASSET ADVISORS INC /TX/
80142634 ASSET ADVISORY CO /CA/
80115956 ASSET ADVISORY SERVICES INC /NY/
80142069 ASSET ALLOCATION ADVISERS INC /MN/
80147881 ASSET ALLOCATION STRATEGIES INC
80132533 ASSET MANAGEMENT & INSURANCE CONSULTANTS INC
80122645 ASSET MANAGEMENT ADVISORS INC /OH/
80130727 ASSET MANAGEMENT ASSOCIATES /MO/
80118772 ASSET MANAGEMENT GROUP /NY/
80111444 ASSET MANAGEMENT INC /AZ

80139070 ASSET MANAGEMENT SERVICES /TX/
80126776 ASSET MANAGEMENT SYSTEMS INC
80140688 ASSET MANAGEMENT SYSTEMS INC /NY/
80132754 ASSET PLANNING LTD
80123116 ASSETMANAGEMENT INC /CT/
80130784 ASSOCIATED PLANNING GROUP OF COMPANIES INC
80133965 ASSOCIATED REAL ESTATE ADVISORS INC
80124625 ASSOCIATES IN FINANCIAL PLANNING
80121201 ATAP FINANCIAL SERVICES INC
80147685 ATHENA CAPITAL CORP
80144269 ATHENA GLOBAL INVESTMENTS LP /CT/
80121557 ATHENE CORONADO MANAGEMENT CORP ADV
80128961 ATHERLY LAVERNE FRANCIS
80135962 ATHERTON REAL ESTATE ADVISORS INC
80136526 ATLANTA CAPITAL MANAGEMENT CO /GA/
80152179 ATLANTA CAPITAL MANAGEMENT CO L L C
80118349 ATLANTIC ASSET MANAGEMENT INC
80149370 ATLANTIC FINANCIAL GROUP INC /NJ/
80152914 ATLAS ASSET MANAGEMENT INC
80134881 ATLAS INVESTMENT ADVISORS
80147869 ATLASHEAD INC
80147092 ATM FINANCIAL GROUP INC
80142316 AUDUBON ASSET MANAGEMENT INC /LA/
80138164 AUGUST INVESTMENT MANAGEMENT INC
80150181 AUGUSTUS ENTERPRISES INC
80149129 AUSTEN GOODWIN INC
80114424 AUSTIN CHARTISTS INC
80149592 AXA ASSET MANAGEMENT PARTENAIRES
80149594 AXIOMETRICS INC
80122334 AYALA ISAAC
80113398 AYRES JAMES H INVESTMENT CONSULTANT
80151721 AZZARA ROBERT C
80127614 B & M CAPITAL CORP
80138457 B T ASSOCIATES INC
80137979 B&B PROPERTY INVESTMENT DEVELOPMENT & MGMT CO INC /CA/
80125008 BA GROUP INC
80129188 BACA INC
80154125 BACCAM OAI DAN QUANG
80148541 BACCUS MELINDA DIANE
80143466 BACKOFF JAMES STUART
80140154 BADURIA MICHAEL DANIEL
80136417 BAGGE RONN R INC
80145381 BAGNARDI ALBERT VICTOR /MA/
80125111 BAIKIE & ALCANTARA INC
80140106 BAILEY ERNEST LAWRENCE III
80150188 BAIN DAVID WILLIAM
80151864 BAIRD CAPITAL MANAGEMENT LLC
80145193 BAKER BRIAN COURTNEY
80132678 BAKER DONALD DAVID
80123164 BAKER JOEL R INC
80129005 BAKER JOHN A
80133980 BAKER MARC LEE
80152933 BAKER WILTON WADE
80131702 BALAZIK JOSEPH CONRAD JR
80152807 BALDINGER PRASAD FINANCIAL ADVISORS INC
80137005 BALLANTINE ASSET MANAGEMENT /VT/
80154430 BALLEN HOWARD LEON
80142940 BALLIN MICHAEL SETH /NY/
80128606 BALSTON EDELTRAUDE HERMINE
80153569 BAMCO INC /NY/
80151162 BANCAL INVESTMENT SERVICES INC
80131511 BANCO ICATU SA
80128979 BANKERS SYSTEMS INC
80145647 BANNER GARY SPENCER
80131913 BANQUE WORMS MANAGEMENT CORP
80145420 BANTAM MANAGEMENT INC
80143523 BARABAN SECURITIES INC
80137654 BARAJAS LOUIS
80125435 BARBANEL JERRY FRED
80124140 BARBANELL & ASSOCIATES LTD
80136591 BARBETTA JOSEPH ANTHONY
80134674 BARCLAY GROUP INC
80118863 BARCLAY TEAM INC
80142003 BARD HARRY /CA/
80152155 BARGER ROBERT VINCENT
80115646 BARING ADVISORS INC /NY/
80139031 BARKATE ANTHONY HAROLD
80138778 BARKER GREGORY WAYNE
80135033 BARKER PAUL EDWARD
80136812 BARKYOUMB WILLIAM LOUIS /CA/
80140912 BARLEBEN RAYMOND JOHN
80142899 BARNES ALLIANCE INC
80151503 BARNES CHARLES BENJAMIN JR
80142449 BARNES HARRY MARVIN JR
80142337 BARNETT LESLIE MARC /CA/
80115516 BARNEY WILLIAM RAYMOND JR
80141870 BARONE EDWARD FRANCIS /NY/
80142243 BARR GEORGE BORIS /PA/
80148861 BARR RIVER GROUP
80142850 BARRE HENRI LOUIS
80150239 BARREIRO SCUDDER & STEVENS
80126620 BARRETT PATRICK J & ASSOCIATES LTD
80142212 BARRINGTON INVESTMENT GROUP INC /IL/
80125557 BARRONS JAMES ROBERT
80147425 BARROW STREET RESEARCH INC
80144267 BARRY JOHN ALOYSIUS /FL/
80154222 BARSANO EDWARD JOSEPH
80132514 BARTELS BRIAN DESMOND
80147713 BARTHELS ROBERT PAUL
80128948 BARTHMAIER JAMES EUGENE
80139163 BARTLETT STEPHEN JAMES
80149664 BARTON PETER WILDEY
80120297 BASOM FRED VERNOR ADV
80129219 BATALION INVESTOR SERVICES INC
80148979 BATES FINANCIAL SERVICES INC
80150759 BAU ANNETTE MARION
80154038 BAUER CAPITAL MANAGEMENT
80121751 BAUER HAROLD GARRISON JR
80133116 BAUER LEO
80122195 BAVERO FINANCIAL SERVICES
80153199 BAXTER BANKS & SMITH LTD
80121150 BAY COLONY LTD
80148497 BAY DONALD MAXWELL
80126222 BAYBANKS INVESTMENT MANAGEMENT INC
80145558 BAYNE JAMES ROBERT
80118853 BAYSTATE INVESTMENT ADVISORS INC
80113974 BAYUK ANNE MARIE
80113138 BAYUK DENNIS JOHN
80113382 BAYUK LINDA ELIZABETH
80142804 BAZAN GUY
80120314 BAZZLE KENNETH LEE
80137221 BBC FINANCIAL PLANNING SERVICES INC /IL/
80143104 BCF CAPITAL ADVISORS INC
80130981 BDK ASSOCIATES INC
80143953 BEACONCAP INC
80129725 BEAM HENRY HERRINGTON
80153422 BEASLEY DENNIS LEE
80148026 BEATIE WILLIAM EDWARD
80134320 BEATTY CAPITAL MANAGEMENT INC
80152464 BEATTY HUGH BRIAN
80133727 BEAVERS GARY LEE
80108893 BECHARD PAUL FRANCIS
80141751 BECK INVESTMENT ADVISORY INC /OK/
80142085 BECK JAMES FRANKLIN /TX/
80150112 BECKER JESSE ELI
80151038 BECKER-WEIDMAN ARTHUR ALAN
80118269 BECKMAN MARVIN LEROY
80144187 BECNEL MAURICE EMMETT /CA/
80145430 BEEBE THOMAS STEWART
80146269 BEECHTREE CAPITAL INC /NY/
80136167 BEER JEFFERY SINCLAIR
80126007 BEERS & CO INC
80150828 BEH ADVISORY GROUP INC
80125751 BEHAR NORMAN
80151657 BEHREN FINANCIAL STRATEGIES INC
80135896 BELANGER & CO PC /MA/
80122161 BELARMINO FRANCASIO INTUD
80120708 BELEN REGOLO CALISEN
80150926 BELFORD PARTNERS INC
80147882 BELKIN LTD
80125824 BELL I A FINANCIAL & ECONOMIC PLANNING INC
80149998 BELL JAMES GLEN
80144071 BELL THOMAS WILLIAM /NY/
80154106 BELMONTE BRADLEY STEPHEN
80142303 BELMONTE FRANK RICHARD /
80117593 BELSEN GETTY INC
80154012 BELTRAN FRANK GAMMANIEL
80129528 BENCHMARK ADVISORY SERVICES LTD
80134640 BENCHMARK INTERNATIONAL INVESTMENT CORP
80144901 BENDER GREGORY CHRISTOPHER /KS/
80134952 BENDETOVITCH RUTH /NY/
80140549 BENEFIT & INVESTMENT CONCEPTS INC
80133690 BENEFIT ALTERNATIVES INC
80120324 BENEFIT PLAN SECURITIES INC
80145675 BENEFIT PROFESSIONALS LTD /VA/
80136188 BENINGHOF JOSEPH MICHAEL
80126440 BENNETT & KAHNWEILER REALTY ADVISORS INC
80147273 BENNETT JAMES EDWARD
80137055 BENNETT MICHELE CLEMENTS
80120745 BENSON ASSOCIATES INC ADV
80142174 BENT TREE GROUP INC /NC/

80144440 BENTLEY FRANK ARTHUR
80130464 BENZ ROGER HAROLD
80145175 BERG INVESTMENT MANAGEMENT CORP
80140597 BERG JEROME BERNARD
80153134 BERG MICHAEL EUGENE
80150798 BERGSMA ERIC ROSS
80133370 BERGTHOLD DONALD EUGENE
80148114 BERKELEY INVESTMENTS INC
80143885 BERKSHIRE INVESTMENT ADVISORS LP /MA/
80138505 BERMAN HENRY S /IN/
80115238 BERNARD JAMES A
80138840 BERNARDO JOSEPH
80150612 BERNSTEIN STANLEY LLOYD
80124005 BERRY TOMS & ASSOCIATES
80154476 BERTOT PETER GARCIA
80143192 BERTRAM WILLIAM KEITH
80120455 BERUBE JOHN SCOTT
80149038 BEST ADVICE CORP
80135866 BETBADAL VICTOR ELIA
80141511 BETER ALEXANDER MATHIAS /MD/
80141113 BETER JOSEE MARIE ELIZABETH
80110012 BETHANIS CONSTANTINE JAMES
80116502 BETTINGER & LEECH INC
80122777 BEVANS THOMAS REED
80150129 BEVER GLENN WAYNE
80128562 BEVINGTON RICHARD CARL
80132545 BFM ASSET MANAGEMENT INC
80147868 BFM INC
80137629 BGP ADVISORY INVESTMENT SA
80132483 BIANCO PETER JOSEPH
80119306 BICKEL HENRY JOSEPH ADV
80152906 BIGELOW ASSET MANAGEMENT LLC
80146543 BILIS JOHN /FL/
80149509 BILTMORE ADVISORS INC
80125018 BINGHAM OSBORN & SCARBOROUGH
80144625 BINN EVAN LEONARD
80142595 BIRAM GEORGE ANTHONY /WA/
80128525 BIRCHTREE FINANCIAL ADVISORS INC
80136977 BIRD CHRISTINE INC CFP /GA/
80149355 BIRD STEPHEN VANCE
80125270 BISCEGLIA GROUP INC
80123979 BISHIN JANE SHARLEE
80119194 BISHOP ROBERT MICHAEL
80136111 BISHOP SAXONY CORP
80128755 BISHOP TERRY MELVIN
80130233 BISSONETTE THOMAS EDWARD
80138354 BJT ASSOCIATES GROUP INC
80139643 BLA ADVISORS INC
80142680 BLACK DAVID EUGENE
80128311 BLACK DOG INVESTMENTS INC
80146179 BLACK MICHAEL ROBERT
80146590 BLACK RIVER CAPITAL INC /SC/
80134639 BLACK SHERRY JOE
80132206 BLACK WATCH FINANCIAL INC
80136920 BLACK WILLIAM ARCHIBALD
80137663 BLACKWELL BANKS /AR/
80126366 BLAKE CHARLES MOWRY JR
80133588 BLAN SANTITO BALTAZAR
80146254 BLANCHE LEE M /CT/
80128824 BLANCHET ROBERT DAVID
80120353 BLANDO PB & CO INC
80152684 BLANDO PROCULO BRINGAS
80127633 BLATT BARRY CHARLES
80146871 BLEEDEN ANDREW MARC
80137346 BLEKICKI RONALD JAMES
80130060 BLOCK CHARLES SEYMOUR/ PA
80147475 BLOHM HELEN
80127709 BLOOM RICHARD J
80153283 BLOOMBERG ASSOCIATES INC
80138409 BLOSSOM CHARLES ALAN
80132851 BLUE CHIP CAPITAL MANAGEMENT INC
80142021 BLUE PAGE PUBLISHING INC /IL/
80121213 BLUTSTEIN ASSOCIATES LTD
80122608 BLYTH & DONOVAN PARTNERS
80126549 BOARDMAN ARTHUR GRAHAM
80128599 BOBAL MICHAEL JOHN JR
80119915 BOBBE MYRON
80145045 BODOW SUE LANDESMAN
80127736 BODZIN GEBEL & CO INC
80147871 BOGER LIONEL HOLT
80133614 BOGGS KEITH S INC
80144666 BOLDEN ASSET MANAGEMENT /OH/
80122734 BOLE BEVERLEY ANN
80145194 BOLIN SCOTT HAMILTON
80120696 BOMBERA BENEDICT BERNARD
80137399 BOMGREN WALTER ROY /MN/
80139377 BOND MICHAEL THOMAS
80125324 BONDURANT EVERETT HARRY JR
80142783 BONECK CHARLES OSCAR JR /CA/
80131162 BONIN JOSEPH STECKLER LUKE
80152560 BONSHAW ADVISORS INC
80116100 BOOTH WILLARD CLAUDE
80138235 BOOTHE ASSET MANAGEMENT INC
80126929 BORRIS KURT JOHN
80149401 BOSCHEN FINANCIAL INC
80127729 BOSSOLA ANTOINETTE
80116346 BOSTIAN RESEARCH ASSOCIATES INC
80127440 BOSTON INTERNATIONAL FINANCE CORP
80133427 BOTNICK ASHLEY HOWARD
80126797 BOTTOM LINE INC
80118714 BOURGON ROSEMARY
80116861 BOURNE MARK HOWARD
80138952 BOVE RICHARD XAVIER SR
80143722 BOVEY DON VICTOR
80141583 BOWE JACQUELINE ANN /NY/
80126551 BOWEN GROUP INC
80135367 BOWER ASSET MGMT CORP
80132265 BOYD FINANCIAL PLANNING SERVICES INC /MA/
80114333 BOYD JOHN K III
80111552 BOYLE WALTER OTT
80133010 BOYLE WILLIAM J /NJ/
80114734 BOYLE WILLIAM JAMES
80125280 BP ENTERPRISES INC
80143828 BRAATEN ARTHUR PETER /FL/
80128613 BRADFORD DAVID LYONS
80113028 BRADFORD J C & CO
80146262 BRADLEY & BOHANNON INC /FL/
80142645 BRADLEY CLIFTON BLAIR
80127306 BRADWELL MIDWEST LTD /IL/
80148377 BRAHMANDAM KRISHNA MURALI
80133119 BRANCH T A ASSOCIATES INC
80104399 BRANDON & CO
80144074 BRANDSTATTER JOHN RICHARD /MI/
80121576 BRANDYWINE INVESTORS INC ADV
80148625 BRANTLEY CAPITAL MANAGEMENT INC
80135552 BRATTON HENRY WILLIAM
80143826 BRAUN CAPITAL SERVICES INC /NY/
80145398 BRECEK & YOUNG FINANCIAL SERVICES GROUP INC
80134344 BREEN JAMES WILLIAM
80147095 BREGER MARTIN LEROY
80122938 BRENNAN DAVID MICHAEL
80149755 BRENNAN JAMES FREDERICK
80131053 BREWER MELVIN CHARLES
80153056 BRIGHAM DAVID ELMER
80130963 BRILL STUART
80149330 BRISTOW GLENN
80134858 BROAD & WALL ASSET MANAGEMENT INC
80154000 BROCK CAPITAL MANAGEMENT INC
80121964 BROCK MARY STONE
80127658 BROCKELBANK THOMAS ATTWOOD
80149796 BROCKMAN DANIEL
80134292 BRODIE FREDERICK PETER
80143348 BRODSKY MICHAEL SCOTT
80126330 BRODY ALBERT
80150896 BRODY CLIFFORD LLOYD
80135850 BROE PATRICK DENNIS
80133568 BROKERS EDGE INC
80150219 BRONSTEIN RICHARD SCOTT
80146447 BRONTE RONALD ALAN
80148598 BROOKFIELD WUNDERLICH INC
80134793 BROOKS CHRISTIAAN ARTHUR
80139535 BROOKS TED ALAN CPA
80145110 BROSKA DENNIS /CA/
80135891 BROUS H D ADVISORS INC
80141306 BROUSSARD & DOUGLAS INC /DE/
80136219 BROUSSARD CHERYL DENISE
80145109 BROUSSARD JERRY JAMES /LA/
80143097 BROWER INSURANCE AGENCY INC
80132939 BROWN CALVIN JONES
80125347 BROWN CAPITAL MANAGEMENT INC /CA/
80120105 BROWN CECIL DEMORRIS JR
80122726 BROWN DONALD HOWARD
80138366 BROWN FLORENCE EVELYN
80143242 BROWN GREGORY MILLARD /GA/
80130103 BROWN JOHN LEO
80141634 BROWN JR DOYLE RHEA /MO/
80149206 BROWN MICHAEL CRONIN
80126333 BROWN MICHAEL W
80125207 BROWN RICHARD LAWRENCE
80149670 BROWN THOMAS WALTER
80127284 BROWN VERNON J
80142960 BROWN W H & CO INC
80129905 BROWNE BRIAN
80110271 BROWNE HARRY
80134760 BROYLES & ASSOCIATES INC
80126866 BRUCE DAVID & CO
80149630 BRUDERMAN M J & CO INC
80148089 BRUINSMA GARETT DALE
80146400 BRUNING ROBERT MACKENZIE III /CO/
80140336 BRUNS BRUCE LOUIS /PA/
80138215 BRYAN DAVID EUGENE
80115536 BRYANT CONAN WILSON & ASSOCIATES INC

80154021 BRYANT GROUP LLC
80137655 BRYNER MAURICE CLAIR
80149305 BRYSON GREGORY MICHAEL
80132717 BT FORECAST
80148359 BUCHANAN KEITH WAYNE
80149391 BUCK LESLIE SIMPSON
80137694 BUCKLEY BERNARD JAMES /IL/
80137953 BUCKMAN WAYNE THOMAS /CA/
80147804 BUCKSHADOW CORP
80128118 BUDNY KENNETH J
80133375 BUIE ELISSA PAULINE
80146162 BUJOK KAREL
80148673 BUMBALO ANTHONY
80146037 BUONO THOMAS /NY/
80135967 BURACK SEYMOUR SHELDON
80134182 BURCHAM JAMES SAMUEL JR
80142965 BURCHETT KEVIN TODD
80136435 BURDELL WILLIAM MANAGEMENT CO
80122319 BURDICK D LAWRENCE
80149635 BURGER CAPITAL MANAGEMENT INC
80154025 BURGER GARY DEWITT
80139666 BURGER MARTIN EDWARD
80131707 BURGER MATTHEW JOHN
80122398 BURKE J B & CO
80151280 BURKE RICHARD MICHAEL
80114030 BURKHARDT GREGORY CHARLES
80150159 BURKLY PETER JOHN
80150693 BURLESON FINANCIAL STRATEGIES INC
80153326 BURNETT WILLIAM JOSEPH
80118175 BURNS FRY INC /NY/
80132838 BURNS LEO GERALD
80147605 BURNSIDE DANIEL JAMES
80136217 BURNSTEIN SHAWN MICHAEL
80140454 BURR WALTER JEFFREY
80132507 BURROUGHS CAPITAL MANAGEMENT INC /NY/
80154207 BURSON ROBERT THOMAS
80132352 BURT FREDERIC HEWITT
80102833 BURTON ASSOCIATES LTD
80142127 BURTON TIMOTHY HUDSON /TX/
80134063 BURTON WALTER LEE
80125841 BUSADA SAMUEL GEORGE
80139680 BUSH DONALD GLENN II
80145406 BUSINESS & ESTATE PLANNING SERVICES INC/IA
80138323 BUSINESS ARENA INC
80120339 BUSINESS RESEARCH CORP ADV
80130855 BUTCHER TAX SERVICES LTD
80144742 BUTLER & CO INC
80136986 BUTLER JAMES LANCE /MS/
80144216 BUTTONWOOD REPORT LTD /WV/
80134093 BYRD RALPH E
80144070 BYRNE JOSEPH LEO /KS/
80133591 BYSZKO ANTONIO FEDOR
80142589 BYZICK NEIL ROBERT
80109780 C&L SECURITIES CORP
80126511 CA STRATEGIES INC
80136648 CABELLO GARY ALLEN
80133637 CAD FINANCIAL SERVICES INC
80146808 CAFFERKY ANDREW EMMETT JR
80126128 CAHILL TERRENCE STEPHEN
80124756 CALDEIRA MARY KATHRYN /OH/
80140874 CALDWELL MICHAEL WILLIAM
80138587 CALDWELL WILLIAM T & ASSOCIATES INC
80132332 CALIBER ASSOCIATES INC
80111396 CALIFORNIA WESTERN STATES LIFE INSURANCE CO /CA/
80149852 CALLAHAN CHARLES WILLIAM SR
80149853 CALLAHAN PAUL RICHARD
80143077 CALLAN LAURENCE BERNARD /HI/
80110242 CALLARD MADDEN & ASSOCIATES INC ADV
80124951 CALNEVARI CAPITAL MANAGEMENT INC
80129560 CAMBRIDGE FINANCIAL MANAGEMENT INC
80147467 CAMBRIDGE FINANCIAL SERVICES CORP /NY/
80121040 CAMBRIDGE REALTY CAPITAL LTD
80152818 CAMERON BRIAN AGENCY INC
80143112 CAMERON CAPITAL MANAGEMENT INC /CA/
80130798 CAMERON MARY CLAUDIA
80119130 CAMMAROTA MICHAEL C
80129294 CAMP H L & CO INC
80139691 CAMPA J D & ASSOCIATES INC
80149440 CAMPBELL BRIAN DAVID
80129213 CAMPBELL DEAN GEORGE
80133218 CAMPBELL JAMES ROY
80152622 CAMPBELL JANET LOUISE /CA/
80139233 CAMPBELL PLANNING ASSOCIATES INC /GA/
80136423 CAMPBELL RANDY LYNN
80143520 CAMPBELL ROBERT GERARD
80123746 CAMPBELL RONALD JOHN
80143580 CANAVAN BRENDAN CONNOLLY
80110769 CANAVEST HOUSE INC ADV
80143508 CANE JOHN ANTHONY /NJ/
80136508 CANFIELD JAMES BARRY
80147579 CANFIELD THOMAS N
80150724 CANNER IRVING ELDRIDGE
80125135 CANON ARTHUR EUGENE
80130389 CAPCORE PORTFOLIO MANAGEMENT INC
80133031 CAPERTON INVESTMENT CORP
80138554 CAPITAL ADVISORS GROUP INC
80146398 CAPITAL ADVISORS INC /OR/
80130975 CAPITAL ADVISORY CORP
80152117 CAPITAL APPLIED TECHNOLOGIES INC
80119816 CAPITAL APPRECIATION INVESTMENTS
80151281 CAPITAL ASSET ADVISORS INC
80152481 CAPITAL ASSET MANAGEMENT INC /VA
80125977 CAPITAL ASSETS TIMING SERVICE INC
80131591 CAPITAL CONTROLLERS INC
80115477 CAPITAL DEFENSE GROUP LTD
80154697 CAPITAL FORMATION ADVISERS LLC
80125982 CAPITAL FORMATION STRATEGIES INC
80119265 CAPITAL IDEAS INC I/A
80146956 CAPITAL INTERNATIONAL SECURITIES GROUP INC /FL/
80153956 CAPITAL INVESTMENT ADVISORS INC /PA/
80129587 CAPITAL INVESTMENT PLANS OF WEST ORANGE NJ LTD
80133778 CAPITAL MANAGEMENT ADVISORS CORP
80144796 CAPITAL MANAGEMENT CONSULTANTS GROUP INC
80137635 CAPITAL MANAGEMENT GROUP /IL/
80132150 CAPITAL MANAGEMENT GROUP LTD
80150818 CAPITAL MANAGEMENT PARTNERS
80142089 CAPITAL MARKET CONSULTANTS INC
80154488 CAPITAL MARKETS CORP OF PUERTO RICO /PR
80148431 CAPITAL ONE CORP
80132964 CAPITAL PLANNERS RESOURCE LP
80149709 CAPITAL PRESERVATION ADVISORS INC
80146083 CAPITAL PRESERVATION ASSOCIATES INC /NJ/
80145289 CAPITAL PRESERVATION OF AMERICA INC/
80124038 CAPITAL RESOURCES GROUP INC
80131499 CAPITAL SEARCH & MANAGEMENT INC
80141744 CAPITAL TRANSACTION RESEARCH INC
80150667 CAPITAL WEST INVESTMENT HOLDING CO INC
80109635 CAPITOL GROWTH SELECTIONS
80126906 CAPLAN BRIAN LOUIS
80145129 CAPPELLA WORLDWIDE LTD /NY/
80147186 CAPSTONE ASSET MANAGEMENT INC
80142550 CAPSTONE INVESTMENT COUNSEL INC
80129413 CAPUTO MICHAEL ANTHONY
80120759 CARDAN CAPITAL MANAGEMENT CO INC ADV
80144732 CAREY FIDUCIARY ADVISORS INC
80150668 CAREY INSTITUTIONAL ADVISORS LP
80145038 CARLINI ADAM CHARLES /CA/
80137610 CARLINI JOSEPH MICHAEL
80136917 CARLSON CRISTY MARIE /WA/
80118964 CARLSON ENTERPRISES INC
80141935 CARLSON NATIONAL BROKERS LTD
80149510 CARLTON FINANCIAL SERVICES INC
80145705 CARNERO ANDY /CA/
80149576 CAROLINA INSTITUTE FOR MONEY MANAGEMENT INC
80141533 CAROLINA INVESTMENT ADVISORS INC/NC
80145367 CARPEDIEM CAPITAL ASSET MANAGEMENT INC /NJ/
80139234 CARPEDIEM GROUP INC /NJ/
80123172 CARPENTER JAMES FOY
80143099 CARR DONALD WAYNE
80127511 CARR WILLIAM GEORGE
80113454 CARRADO MARTIN E
80129325 CARROLL CHRISTOPHER MICHAEL
80140834 CARSON DAVID W
80153173 CARSON JOHN BERTRAM
80128656 CARSON THOMAS CLAUDE
80145551 CARTER CARL DOUGLAS
80114404 CARTER CONWAY L JR
80123170 CARTER ROBERT WINFIELD
80127566 CARTER YOUNG WOLF DAVIS & DAHLHAUSER
80132633 CARTWRIGHT & WALKER SECURITIES INC /CA/
80151082 CASA DE CULTURA LATINA INC

80145482 CASCADE FINANCIAL MANAGEMENT INC /WA/
80138768 CASE CHARLES ALFRED
80139668 CASE SAMUEL
80138362 CASE W LYMAN & CO /OH/
80150990 CASEBIER KEVIN WAYNE
80154545 CASEY FRANCIS JOSEPH JR
80130735 CASH FLOW INVESTORS INC
80125602 CASHMAN RAYMOND LEO SR
80136963 CASO TIMOTHY PAUL
80124102 CASSEL EDWARD ROY
80145832 CASSIDY CONSULTING CORP
80147353 CASTALDI RAPHAEL JOSEPH
80140468 CASTLE ROCK CAPITAL INC
80147854 CASTORIA JERRY JAMES
80150259 CATALANO JOHN DENIS
80142286 CATHAY ASSET MANAGEMENT LLC
80140737 CATLI VANDEN JOSEPH /NJ/
80144454 CATTARUZZA LOUIS FRANCIS
80129428 CATTELONA RICHARD ANTHONY
80129781 CAUDELL DANIEL MARION
80122159 CAVILL & CO
80137838 CAZENOVE INVESTMENT MANAGEMENT LTD
80154294 CBL EQUITIES INC
80133901 CBS TRUST
80123241 CCF INTERNATIONAL FINANCE CORP
80147038 CCM ASSET MANAGEMENT INC
80126857 CDA INVESTMENT TECHNOLOGIES INC /MD/
80112283 CECCHERINI RONALD FREDERICK WILLIAM
80123099 CEDRO FRANCISCO ALIPAO
80124175 CEFALU SALVATORE J
80153889 CELIA DANIEL JOSEPH
80118642 CENTENNIAL ADVISORS INC /CA/
80149617 CENTER FOR FINANCIAL EDUCATION /MD/
80122139 CENTER FOR FINANCIAL PLANNING INC /NH/
80137331 CENTER FOR FINANCIAL PLANNING INC /GA/
80146551 CENTRAL EUROPEAN FINANCIAL GROUP LTD /NJ/
80142305 CENTRE FINANCIAL GROUP INC /PA/
80123758 CENTURION CAPITAL MANAGEMENT CO INC
80127788 CENTURY FINANCIAL SERVICES OF CENTRAL ILLINOIS INC
80130739 CENTURY FINANCIAL SERVICES OF THE HEARTLAND INC
80128776 CERNERO NUNZIANTE ENRICO
80145819 CEROS PORTFOLIO MANAGEMENT CO
80150825 CETINSKI ADI JOHN
80124311 CFM ASSOCIATES INC
80123608 CFP ADVISORY GROUP
80152908 CFP4NE1 INC
80114972 CGR CONSULTANTS LTD
80151898 CHACE THOMAS ROBERT
80128704 CHADWICKS FINANCIAL SERVICES INC
80139901 CHAIKIND LEONARD STANLEY
80138636 CHAMBERLAIN ROBERT WAYNE
80147855 CHAMPION RJ
80139235 CHAN LARRY C /NY/
80139929 CHANCELLOR GROUP LTD
80137874 CHANIN CAPITAL PARTNERS INC
80147134 CHANT DENNIS M
80144424 CHAPMAN JOHN HOWARD JR
80136744 CHAPMAN LEE MANUEL
80145923 CHAPMAN SECURITIES INC /KS/
80126544 CHAPPELLE PERRY KENT
80132326 CHARLEBOIS GARY THOMAS
80143025 CHARLESTON PLANNING CONSULTANTS INC /SC/
80136843 CHARTER ASSETS INC
80153969 CHARTER INVESTMENT GROUP INC
80147730 CHARTER INVESTMENT GROUP INC /OR/
80130860 CHARTER INVESTMENT SERVICES INC
80128812 CHARTERED FINANCIAL PLANNERS
80127481 CHARTERED FINANCIAL PLANNERS INC
80128156 CHARTERED FINANCIAL SERVICES INC
80154015 CHARTWELL TREASURY MANAGEMENT
80132770 CHASE CHARLES AYER JR
80141097 CHASE DISTRIBUTION INC
80141444 CHASE FUTURES ADVISORS INC
80138849 CHASE INVESTMENT RESEARCH INC /IN
80136650 CHASE JAMES O SECURITIES INC
80138319 CHASE MANHATTAN CAPITAL FINANCE CORP
80146125 CHASE MANHATTAN GLOBAL TRADING STRATEGIES INC /NY/
80135227 CHASE RACHELLE DOCKMAN
80146220 CHATEAU VILLAS INC /MO/
80145130 CHATHAM GARRET INC /NJ/
80141543 CHATMON ASSET MANAGEMENT INC /NJ/
80143599 CHAU RAYMOND TUNG /CA/
80129672 CHAUVEAUX BERT LAWSON
80148325 CHAYKA JOHN W
80117564 CHECHAK BENJAMIN WALTER
80134800 CHEDCO INVESTMENT PLANNING SERVICES INC /MN
80149804 CHEN MING JU
80149997 CHENG STEPHEN HSU
80132547 CHERITON INC
80105234 CHERKIS GEORGE WOLFE
80134616 CHERRY EVAN LEE
80142330 CHESAPEAKE FINANCIAL ADVISORS INC /VA/
80149343 CHESAPEAKE TRUST FINANCIAL ADVISORS LTD
80128985 CHESAPEAKE VILLAGE INVESTMENTS INC
80146478 CHIANG GARY SONG HAW /CA/
80136555 CHICAGO INVESTOR INC
80154208 CHICAGO MANUFACTURING CENTER
80137439 CHICAGO MATHEMATICAL FINANCE CO
80150827 CHIEN FINANCIAL GROUP & CO INC
80146688 CHILDRESS GARY ALAN /AZ/
80141544 CHIUSANO MICHAEL JOSEPH /MA/
80140221 CHIVAS CAPITAL MANAGEMENT INC
80151041 CHODER BRUCE DAVID
80143098 CHOI BRIAN YOUNG
80151389 CHOI DUCKSANG
80134077 CHOI J W K & CO INC
80142596 CHORNEY STEWART HOWARD /CA/
80144676 CHOU JOHN TSU HAN
80144135 CHOY SING INVESTMENTS USA LTD /NY/
80147176 CHRISCOE IRMA K
80142678 CHRISTENSEN NIELS BARRON
80145132 CHRISTIAN DAVID INC
80125688 CHRISTIAN INVESTMENTS
80148087 CHRISTOPHER JOSEPH T ADVISOR INC
80133999 CHRYSALIS INVESTMENTS LTD PARTNERSHIP /MA/
80118969 CHRYSSOSTOMIDES PANDELIS P INC
80149145 CHU INVESTMENT COUNSEL INC
80144630 CHUA CHRISTINA YEE WAI /CA/
80136237 CHURCH STREET ASSET MANAGEMENT
80149798 CHURCHILL ASSET MANAGEMENT INC
80150983 CHURCHILL CAPITAL MANAGEMENT INC
80141485 CHURCHILL JOSEPH L & CO PC
80124049 CIANO DARREL J
80121804 CIMINO GERALDINE
80142415 CINA & VELCOFSKY ASSOCIATES INC
80135459 CIOFALO ROBERT CHARLES
80147212 CIRCLE INVESTMENT COUNSELORS LLC
80152715 CIRRUS FINANCIAL GROUP INC
80133768 CITIZENS INVESTMENT SERVICES INC
80151243 CITY FINANCIAL GROUP INC
80139431 CJ&J FINANCIAL GROUP INC
80154539 CJS INVESTMENT ADVISORS INC
80114476 CLAIRTON FINANCIAL INC
80148314 CLAREMONT BEAL ACQUISITION LP /MA/
80112311 CLARENS ASSOCIATES INC
80152399 CLARION AMERICAN SECURITIES INC
80141179 CLARION FINANCIAL GROUP INC /CO/
80146333 CLARK CANDISE LISA /CA/
80149332 CLARK CAPITAL MANAGEMENT INC /CA/
80140701 CLARK DENISE DIANE LANNING
80140281 CLARK JACK GERALD
80133890 CLARK MICHAEL OLIN
80149008 CLASSIC ASSET MANAGEMENT INC
80138172 CLASSIC INVESTMENT MANAGEMENT INC
80133811 CLEAR LAKE TAX & FINANCIAL PLANNING GROUP
80149921 CLEARVIEW TIMING SERVICE CORP
80149522 CLEARY PHILIP JOSEPH
80152471 CLELAND TODD
80141537 CLEMENTE FUND MANAGEMENT INC /NY/
80154301 CLIFFORD STEVEN D
80127198 CLINARD JOSEPH HIRAM JR
80141068 CLINE JERRY L /OH/
80136859 CLINE LYNDA ALYCE
80121648 CLINGER ARTHUR HERBERT
80140815 CLOSE LINES REPORTS INC
80140800 CMC & ASSOCIATES INC /CO/
80134839 CNB INVESTMENT SERVICES INC

80133393 COASTAL CAPITAL MANAGEMENT
80140871 COATES & SHERER INVESTMENTS INC
80143027 COBB KENNETH BERNARD II /FL/
80119890 COBEY JACOBSON & GORDON INC
80130825 COCHRANE FLANNIGAN & HOLLENDER ADVISORS INC
80151042 CODY JEAN M CPA PC
80145462 COELHO LUIS MANUEL /MA/
80149344 COFNAS ABRAHAM
80149265 COGHILL CLINT D
80130643 COGHLAN JEREMY MASON
80150657 COGSWELL INVESTMENT RESEARCH INC
80148849 COHEN EQUITY CONSULTING INC
80137246 COHEN JACK ORRIN /NH/
80142869 COHEN JED
80143746 COHEN JERRY /CA/
80139674 COHEN LESTER MELBOURNE
80138775 COHEN LOLA ANN
80130986 COHEN NORMAN JAY
80127612 COHN CHARLES MARCUS
80146382 COHN RICHARD JAY /CA/
80154716 COLBERT INVESTMENT MANAGEMENT CO
80147772 COLBURN LEZLIE ANN
80126723 COLDIRON OTTO GREEN JR
80144601 COLE VENTURES INC
80109768 COLEMAN CLARENCE WILLIAM
80116941 COLEMAN GAINES FINANCIAL SERVICES INC /IN/
80139392 COLEMAN LUCILLE
80144945 COLEMAN TERRY LANE
80149303 COLEMAN VERNAL JR
80151706 COLERIDGE GROUP INC
80141332 COLL ASSOCIATES INC /PA/
80129190 COLLEGE FINANCIAL PLANNING SERVICES INC
80137098 COLLEGE SECURITIES GROUP INC
80135401 COLLEY DENNIS OREN
80147937 COLLIER CAPITAL MANAGEMENT INC
80126250 COLLINS CAROLYN /CA/
80145666 COLLINS J D INVESTMENT MANAGEMENT INC
80129914 COLLINS JAMES W
80110821 COLLINS JOHN CARLTON
80138238 COLLINS JOHN CHARLES JR
80142287 COLOMBIAN RESEARCH & INVESTMENT SERVICES SA /COLOMBIA/
80148594 COLONY FINANCIAL ADVISORS INC
80149636 COLOSIMO SANDRA L
80133966 COLOSIMO SANDRA LEE
80150000 COLUMBIA CONSULTING GROUP INC /OR
80150255 COLUMBUS GROUP INC
80151052 COLUMBUS INVESTMENT ADVISORY INC
80123439 COLUNI WILLIAM JAMES
80146897 COMBIAS JOHN ANTHONY
80145531 COMBS KENNETH HARRY
80140094 COMEFORD NEIL JAMES
80137300 COMFORT MIRIAM HAMMER /CA/
80148804 COMMON TRUST FINANCIAL NETWORK
80149945 COMMONWEALTH CAPITAL INC
80145351 COMMONWEALTH INVESTMENT SERVICES INC
80154663 COMMONWEALTH TRUST CO
80143653 COMMUNIK INC
80133015 COMPASS FINANCIAL PLANNING INC /NJ/
80150685 COMPENSATION PLANNING CORP OF ROCHESTER INC
80129354 COMPLETE FINANCIAL SERVICES INC
80120693 COMPREHENSIVE FINANCIAL PLANNING INC /IL/
80125247 COMPREHENSIVE FINANCIAL PLANNING LTD
80137564 COMPREHENSIVE FINANCIAL SYSTEMS INC /CA/
80141903 COMPREHENSIVE INVESTMENT COUNSELING INC /NJ/
80129174 COMPREHENSIVE RESEARCH & ANALYSIS CORP
80140865 COMPU PICK INC
80129520 COMPUTER ASSISTED PENSION INVESTORS INC
80144968 COMPUTER RELIANCE CO INC /MD/
80105965 COMPUTERIZED INVESTMENT MANAGEMENT INC
80142063 COMPUTIME INSTITUTIONAL SERVICES INC /NY/
80141687 CONA FRANKLIN JOHN
80130354 CONANT JAMES ELIOT
80141789 CONAWAY ROBERT WAYNE JR /TX/
80150120 CONCEPTS & MANAGEMENT INC
80140866 CONCEPTUAL FINANCIAL PLANNING INC
80123866 CONCEPTUAL FINANCIAL PLANNING INC /IN/
80144111 CONCILIUM FINANCIAL INC /CA/
80136239 CONDON & FILLMORE PC
80143448 CONDOR ASSET MANAGEMENT INC /CT/
80149050 CONE JAMES BAILEY
80131372 CONFIDENTIAL PLANNING CONSULTANTS INC
80121913 CONGER TERRY WARREN ADV
80143238 CONGRAVE ROBERT HOWARD
80152021 CONLEY JOHN J LTD
80121464 CONNECTICUT FINANCIAL CONSULTANTS
80140971 CONNELL & ASSOCIATES/CA
80139524 CONNER CAPITAL CORP
80133520 CONNER FINANCIAL ADVISORY INC
80146746 CONNOR MICHAEL FRANK
80142604 CONNORS CAPITAL MANAGEMENT INC /CT/
80146935 CONRATH VIVIAN COSIO
80153777 CONSERVATIVE ASSET MANAGEMENT CO INC
80129426 CONSOLIDATED INVESTMENT SERVICES INC
80127448 CONSORT FINANCIAL CORP
80149198 CONSTELLATION FINANCIAL MANAGEMENT CO LLC
80145814 CONSULTATIO ASSET MANAGEMENT INC /NY/
80142741 CONSULTING ACTUARIES INTERNATIONAL INC /NY/
80131833 CONSULTING SERVICES GROUP INC
80138918 CONSUMER FINANCIAL PLANNING NETWORK INC/WA/
80150051 CONTEMPORARY FINANCIAL ADVISORS INC
80130995 CONTINENTAL FIDUCIARY CORP
80129420 CONTINENTAL INVESTMENT SERVICES INC
80125857 CONTRATTO WESTERHOLM & ASSOCIATES INC
80129994 CONVERSE CHARLES MORSE
80129383 CONWAY JAMES W
80112063 CONWAY WILLIAM AUGUSTINE
80121853 COOK JAMES J INVESTMENT COUNSEL INC
80151791 COOK PETER WARE
80149114 COOKE ROBERT ALLEN JR
80139727 COOMBE O BRIEN & CO
80148944 COOPER ALLAN DAVID /MS
80140814 COOPER ASSET MANAGEMENT INC
80116483 COOPER MELVYN
80123447 COORDINATED ASSET PROTECTION INC
80114491 COORDINATED CAPITAL ADVISORY
80133907 COORDINATED FINANCIAL PLANNING OF GREENSBORO INC
80119088 COORDINATED FINANCIAL PROGRAMMING INC
80153095 COPIC INSURANCE AGENCY
80139725 COPKO JOSEPH PAUL /NJ/
80129509 COR PRO INC
80130766 CORBETT DENNIS PATRICK
80137944 CORCOS ALAIN SIMON /CA/
80136685 CORDER MAX GEORGE
80110637 CORDRY THOMAS WALLACE JR
80149952 CORE UTILITY CONCEPTS
80128927 CORKILL ASSET MANAGEMENT INC
80131669 CORKINS WILLIAM HERMAN III
80146963 CORMIER M ASSOCIATES INC
80126080 CORMIER MICHELE JUANITA
80148978 CORNERSTONE ADVISORY GROUP LTD
80150984 CORNERSTONE ASSET MANAGEMENT INC /NJ
80153810 CORNERSTONE ASSOCIATES TECHNOLOGY SERVICES INC
80141036 CORNERSTONE FINANCIAL ADVISORS INC /MA/
80118904 CORNERSTONE FINANCIAL ADVISORY SERVICES INC
80133948 CORNERSTONE FINANCIAL CONSULTANTS INC /MN/
80149653 CORNERSTONE INVESTMENT ADVISORS CORP
80139315 CORNERSTONE INVESTMENT MANAGEMENT INC /GA/
80146430 CORNERSTONE PLANNING ASSOCIATES INC /OH/
80114698 CORNERSTONE RESOURCES INC /TX/
80149208 CORNETT CHARLES EDMONDSON
80121992 CORPORATE BENEFIT PLANNERS INC
80136031 CORPORATE FINANCIAL SERVICES INC
80116058 CORSAIR ASSET MANAGEMENT INC
80148757 CORSAIR CAPITAL ADVISORS LLC
80115335 CORSARO JOSEPH RICHARD
80136446 COSTIGAN THOMAS EDWARD

80132469 COTSWOLD MANAGEMENT INC
80141042 COTSWOLD MANAGEMENT PARTNERS LP /NY/
80136818 COTTER THOMAS JOSEPH /NY/
80133842 COTTLE & SWANSON CPA
80140791 COTTRELL JONATHAN LONG /MA
80123157 COUGHLIN ASSET MANAGEMENT GROUP LTD
80128167 COUGHLIN CHRISTOPHER PAUL
80132932 COUNSEL FINANCIAL INC
80152829 COUNTERPOINT ADVISERS CORP
80129800 COURTNEY DAVENPORT & KISSLING
80144999 COURTNEY FINANCIAL MANAGEMENT INC /MO/
80143558 COVERT CHRISTEL MCLAREN
80125589 COVINGTON FINANCIAL CORP
80148544 COWAN ASSET MANAGEMENT INC
80149148 COWARD NEVILLE SHURLAND
80153651 COX & BRENNAN FINANCIAL SERVICES LLP
80143903 COX BARBARA LYNN /NY/
80147542 COX DAVID EARL
80124974 COX JAMESON WINTHROP
80113996 COY JOHN OLIVER
80137138 COYOTE ADVISORY GROUP INC
80143452 CPR WEALTH STRATEGIES INC /GA/
80140734 CPW ADVISORS INC
80153069 CRAFT JOHN D
80145360 CRAIG DAVID MCKEE /OH/
80101734 CRAIG HALLUM INC
80124083 CRANDALL & SCOTT ASSOCIATES
80137161 CRANE FINANCIAL GROUP INC /IL/
80146020 CRANE RICHARD ALAN
80147577 CRAW GARRETT SUMNER
80104758 CRAWFORD G H CO INC
80126211 CREATIVE INVESTMENTS INC
80138442 CREATIVE TAX PLANNERS INC
80107392 CREDIT LYONNAIS SECURITIES USA INC /NY/
80139314 CREDIT RESEARCH MARKETING CORP /CT/
80121482 CREDIT SUISSE ASSET MANAGEMENT INC
80141819 CRESAP INC /PA/
80148592 CRESCENT BANK & TRUST CO
80128425 CRESTVIEW INVESTMENT ADVISORS INC
80114075 CRICK MICHAEL ASSOCIATES /WA/
80131327 CRISANTI MICHAEL JOSEPH
80137023 CRISWELL ROBERT D /CA/
80145633 CRITERION INVESTORS INC
80153048 CRITTENDEN STEVEN EVERETT
80141601 CROMER WILLIAM J JR /NY/
80134732 CRONIN JAMES JOHN /NY/
80131191 CRONIN LEO
80138070 CROSBY ASSET MANAGEMENT US INC/
80138884 CROSSMAN DANNY EDWIN
80138921 CROSSON JOHN FRANCIS /MI/
80133851 CROUCH BERLAN I INC
80128299 CRUICKSHANK ROBERT ALFRED
80149920 CTIBOR FREDERICK JOSEPH
80141848 CUDIHY JOHN JOSEPH
80144687 CULBERT READ SHEPHARD
80123993 CULBERTSON KEITH & ASSOCIATES INC
80134545 CUNNINGHAM ADVISORY SERVICES INC
80153961 CUNNINGHAM DOYLE RAY
80152987 CUNNINGHAM GEORGE ROBERT
80130597 CUNNINGHAM HENDERSON & PAPIN INC
80140937 CURCURUTO ROBERT VICTOR
80133434 CURKENDALL FINANCIAL PROGRAMS INC
80152714 CURRAN ROBERT EVAN
80141757 CURRAN THOMAS JOSEPH
80136411 CURRIER RONALD CLARENCE
80133109 CURTIS FINANCIAL CORP /CA/
80131007 CURTIS ROGER WARD
80138585 CUSHING CAPITAL CORP
80147621 CUSHING MICHAEL ROY
80132005 CUSHNER GARY DAVID
80147563 CUSTOM DIVERSIFICATION FUND MANAGEMENT INC
80140777 CUTLER & ROTH CAPITAL MANAGEMENT
80137594 CUTUGNO & ASSOCIATES
80149101 CVO GREATER CHINA PARTNERS LP
80142537 CWI PARTNERS LTD
80117962 CYBER SCAN INC
80112974 CYCLIC FORECAST
80140938 CZESCHIN ROBERT W
80148022 D MARK VENTURES INC
80127382 DABBAH ASSET MANAGEMENT CORP
80142583 DAE YU INVESTMENT MANAGEMENT CO LTD
80145501 DAEHAN INVESTMENT TRUST CO LTD
80143029 DAGUIO KAWIKA MIKAELE /MD/
80148961 DAHER ANTHONY JOHN
80137027 DAHM ALFONS G & CO INC /NY/
80141879 DAL SANTO JOHN QUENTIN /CT/
80138033 DALTON J & CO INC
80126082 DALTON JOHN & ASSOCIATES
80140752 DAMIANO ANGELO /NJ/
80134790 DANIEL E L LTD
80142725 DANIEL FRANCIS MASIH /WI/
80146336 DANIELS JONATHAN & CO INC
80131469 DANIELS THEODORE ROOSEVELT
80128348 DANNIN JORDAN ELLIOT
80151412 DARDEN JAMES WALTER III
80126926 DARDER MARIO CARMEN
80129594 DARIEN CAPITAL MANAGEMENT INC
80143715 DARTBOARD PLUS INVESTMENTS
80147137 DASTE TAYLOR & ASSOCIATES INC
80135402 DATZ ASSOCIATES INC
80137856 DAUGHTY RICHARD BEN
80134349 DAVENPORT DAVID ANTHONY
80139167 DAVID CHARLOTTE GERTRUDE
80130198 DAVIDSON & SAURBAUGH ASSOCIATES INC
80142488 DAVIDSON JAMES EDWARD JR /IL/
80116651 DAVIDSON ROBERT N
80125655 DAVIES JOHN DAVID /
80119834 DAVIS DAVID GOTTEN
80149701 DAVIS INTERNATIONAL CONSULTANTS INC /NY/
80126563 DAVIS KINARD & CO
80132583 DAVIS R FINANCIAL SERVICES INC
80126203 DAVIS RICHARD DUANE
80102506 DAVIS ROBERT CHARLES
80154608 DAVIS SCOTT ALAN
80133406 DAVIS THEODORE M
80136047 DAVIS WILLIAM JAMES
80111907 DAWIS
80147935 DAWKINS JAMES PHILIP
80151811 DAWSON CAPITAL MANAGEMENT
80152440 DAWSON CAPITAL MANAGEMENT /DE/
80146161 DAWSON DOUGLAS ARLIN
80143720 DAWSON INVESTMENT ADVISORS
80142228 DAY MICHAEL FORTNER /CO/
80145136 DAY MILTON SHERMAN /MO/
80111937 DAY ROBERT
80148441 DBS ADVISORS INC
80118431 DE LA TORRE JOSE DIAZ
80122309 DE RANIERI JOSEPH THOMAS
80118857 DE VOU JAMES LAIRD
80148449 DEADMAN ROBERT JAMES
80149435 DEAL RICHARD ALLEN
80131527 DEAN C W & CO INC
80126133 DEAN MILES INVESTMENT ADVISOR FINANCIAL PLANNER
80140240 DEARBORN INVESTMENT ADVISORS INC
80136623 DEARNLEY LARSEN & SCHRAGE
80145760 DEASY DONALD JOSEPH
80125536 DEBOCKLER KEVIN JOSEPH
80150278 DECISIONWARE INC
80131035 DEEB & ASSOCIATES INC
80129488 DEEL ROBERT PAGE
80154321 DEEP LAKE CAPITAL MANAGEMENT LLC
80151484 DEFINED INVESTMENTS INC
80127144 DEFOREST CO INC
80154234 DEFRANCESCA PETER FRANCIS
80145028 DEHGHI HAIDEH M /VA/
80113112 DEJARDIN DONALD ARTHUR
80134458 DEJOHN FINANCIAL CORP
80130640 DEKKER ROBERT GERALD
80147999 DEL MAR FINANCIAL SERVICES INC
80148977 DELAMBILY ROBERT WALTER JR
80131056 DELANEY THOMAS GUNNAR
80114600 DELAWARE SECURITIES & INVESTMENTS INC
80143059 DELCU FINANCIAL SERVICES INC /DE/
80126758 DELEHANTY DANIEL ALBERT
80130458 DELISIO JEFFERY SCOTT
80147003 DELLING LEONARD VERNE
80119159 DELNOCE THOMAS PETER
80118824 DELPHI ASSET MANAGEMENT/ CA
80129549 DELPHI CAPITAL PRESERVATION INC
80134352 DELPHI ECONOMICS INC
80150691 DELTA EQUITY SERVICES CORP /MA
80130110 DELTA INVESTMENT SERVICES INC
80148007 DEMARCO FRANK
80137494 DEMATTIA MARK ALEXANDER
80120269 DEMOS JOHN
80148138 DENIETOLIS MARK
80109515 DENNER JOHN WINSLOW
80126645 DENNING RICHARD PAUL

80142043 DENTON NEVIL LLOYD /NY/
80150424 DEPEW MICHAEL WILLIAM
80137073 DERUTAM B V
80138811 DESANTIS ANTHONY
80153446 DESANTO KEITH LEWIS
80142817 DESIO CAPITAL MANAGEMENT INC /NY/
80154717 DEUTSCHE FUND MANAGEMENT INC
80149559 DEVILLIER LYNELLA ANN
80141099 DEVRIES GROUP
80125314 DEWEY ALLEN LEONARD
80135959 DF ADVISORS INC
80125401 DFG INVESTMENTS INC
80131665 DHL FINANCIAL SERVICES INC /MA/
80139690 DI LORETO MICHAEL JOHN
80112604 DIAMOND JOEL RENN
80130307 DIAZ JOSE OWEN REQUIZ /MI/
80149784 DIAZ MARK BALDWIN
80149123 DICK WILLIAM EDWARD
80143679 DICKER TIMOTHY CHRISTOPHER /CA/
80150368 DICKERSON THOMAS EARL
80146843 DICKEY MICHAEL GEORGE
80119768 DIEDERICHS JOHN KUENSTING
80118788 DIETRICH HOWARD NELSON JR
80148332 DIETZ ALFRED EDWARD
80118931 DIETZ JOSEPH ROBERT
80146851 DIGGLE CAPITAL MANAGEMENT & RESEARCH INC
80145704 DIGIOVANNI JOSEPH
80140660 DIGN DOUGLAS ALLEN
80140136 DIMENSIONAL FUND ADVISORS LTD
80146349 DION DAVID ARTHUR
80151234 DIRECT MARKETING GROUP INC
80132675 DIRECTED SERVICES INC
80135590 DIRLAM WILLIAM HENRY III
80145353 DISCIPLINED INVESTMENT STRATEGIES CORP
80132711 DISCOVERY FINANCIAL PLANNERS INC
80142584 DISCOVERY PARTNERS INC /NY/
80150675 DISCUS BAY GLOBAL INVESTMENTS LP
80145951 DISOMMA ROBERT PAUL /NY/
80123756 DISTEFANO ROBERT MICHAEL
80123371 DISTINCTIVE FINANCIAL PLANNING INC
80117173 DIVERSIFIED ADVISORY SERVICES INC
80137819 DIVERSIFIED CAPITAL MANAGEMENT INC /IL/
80125962 DIVERSIFIED FINANCIAL PLANNING INC /MI/
80124045 DIVERSIFIED FINANCIAL SERVICES INC
80135909 DIVERSIFIED FUND MANAGEMENT INC
80138980 DIVERSIFIED WEALTH PLANNING INC
80150800 DIXON & CO CPAS
80139124 DIXON LANG & ASSOCIATES INC
80131316 DIXON THOMAS DOUGLAS
80127556 DIZINNO RONALD EDWARD
80154538 DMR FINANCIAL PLANNING INC
80138967 DOAN DONALD WILLIAM
80145856 DOBBS CORP /GA/
80130575 DODD JOHN DAVID
80108457 DODGEN JOHN DORSEY
80129326 DODSON BRIAN DAVID
80138981 DODSON MARY JEANNE
80139037 DOHAR MICHAEL J
80142487 DOHERTY & STUART PC /MA/
80138095 DOMINION BOND RATING SERVICE LTD
80147279 DOMRES ROGER WILLIAM
80151762 DONALD ROBERT LEE
80144077 DONELON THOMAS PA /FL/
80137835 DONGWON INVESTMENT TRUST MANAGEMENT CO LTD
80139805 DONLAN MCMAHON & CO INC /MA/
80152541 DONNELLY WILLIAM JAMES JR
80135005 DONNER AVRUHUM M
80144160 DONOGHUE SUSAN PAULETTE /KS/
80135312 DONOVAN JOHN KEVIN
80151476 DONOVAN JOHN ROY
80147112 DOOLE BRUCE WILLIAM
80139563 DORIAN GEORGE KEVORK
80140052 DORVALL WILLIAM ALLEN
80139977 DOTEY ROBERT LEE
80147036 DOUGHERTY ADVISORY SERVICES INC
80154607 DOUGHERTY JOHN ARCHER
80141102 DOUGLAS MICAH CALVIN
80126710 DOWELL DOUGLAS RICHARD
80149292 DOYLE PHILIP CRAIG
80137208 DOYLE WILLIAM RANDALL /UT/
80123261 DOZIER WHELAN ASSOCIATES INC
80139311 DP TRADING INC /MI/
80138079 DR Z INVESTMENTS INC
80143781 DRAIN CHRISTINA LYNN /FL/
80129686 DRAKE BARBARA ANNE
80153923 DRAKE WILLIAM DONALD
80148294 DRAKULICH MIKE T
80139548 DRAPER COMPUTIME ASSET MANAGEMENT
80142724 DRAPER DIVERSITIES LTD
80142824 DRAYER GROUP INC /TX/
80151356 DREAMWORKS INC
80122598 DRESSLER CARL T
80136319 DREY MICHAEL WELSH
80146722 DRIGGERS ROBERT S /AL/
80135779 DRISCOLL CHARLES F /MO/
80139953 DRISCOLL EDWARD BENEDICT JR
80112213 DRY MICHAEL POWELL
80122218 DRYADS GREEN PROFESSIONAL ASSOCIATES
80144663 DRYB INVESTMENT ADVISORY INC /IL/
80144994 DS&P REORGANIZATION FUND LP
80126540 DSI FINANCIAL SERVICES INC
80143457 DUBROW DUKER & ASSOCIATES PA /FL/
80142616 DUCHALA JOHN STEPHEN /NC/
80135043 DUDA PAUL ALLEN
80138770 DUDLEY LELAND POST
80141314 DUFFY DINAH CFP INC /CA/
80134751 DUFFY F J & CO INC
80130712 DUFRANE FINANCIAL SERVICES INC
80117652 DUGAN & LOPATKA CPAS P C
80135677 DUKE TIMOTHY ROBERT
80148973 DUMAS ROBURT ANDRE JR
80123800 DUMAS THEODORE SIMON
80128858 DUNDEE PARTNERS INC
80124860 DUNEDIN FUND MANAGERS LTD
80132214 DUNHILL ASSET MANAGEMENT CO INC
80136183 DUNLAP EQUITY MANAGEMENT INC
80119822 DUNN & ASSOCIATES ADV
80152032 DUNN JAMES WILLIAM
80139232 DUNN TIMOTHY /MA/
80140183 DUNNINGTON NANCY WORKMAN
80146078 DUPONT INVESTMENT ADVISORS INC
80126972 DURAND JEFFREY C
80129286 DUVALL RANKIN POWERS III
80140396 DW MULTIEMPLOYER PLAN ADVISORS INC /CA/
80128269 DWYER KENNETH M
80129880 DYE ANTHONY WARD
80141799 DYER JAMES JOSEPH
80139780 DYER MARK EDWARD /WA/
80124795 DYER ROBERTSON & LAMME INC
80127764 DYHOUSE CLIFFORD WILLIAM
80116457 DYM CHARLES HAROLD
80153521 DZE INC
80147451 E C S ASSOCIATES
80144343 EAGLE ADVISORS INC /CA/
80146556 EAGLE INVESTMENT AGENCY INC /GA/
80140610 EAGLE RETIREMENT & INVESTMENT PLANNING INC /NJ/
80115989 EAKER THOMAS WILLIAM
80140839 EAS FINANCIAL CORP /TX/
80130384 EAST BAY FINANCIAL SERVICES INC
80145523 EAST COAST ADVISORY SERVICES INC
80130116 EAST FINANCIAL PLANNING SERVICES INC
80129803 EAST WEST ADVISORY CORP
80126256 EASTPAC SECURITIES GOLD INVTS & FINANCIAL SERVICES
80144794 EATON MAURICE ANTOINE /CA/
80147936 EBENSTEIN CARLA JEAN
80149665 EBERHARD INVESTMENT ASSOCIATES INC
80118234 EBERSBERGER ADVISORY CO INC
80117331 ECA COS/AZ/
80140146 ECHELON CAPITAL ADVISORS INC
80138987 ECKERT GARY MILES
80125946 ECKSTEIN STANLEY
80140699 ECONOMIC & INVESTMENT INSTITUTE INC
80111002 ECONOMIC ADVISORY CORP
80126299 ECONOMIC APPLICATIONS INC
80149802 EDDY & EDDY CPAS PC
80134867 EDEN & EDEN
80135539 EDEN FINANCIAL CORP
80136073 EDER GROUP
80154186 EDGAR WILLIAM HENRY
80124066 EDGERTON & HARPER INC
80128995 EDWARDS E D CO
80130523 EDWARDS HELEN WALLECK
80137568 EGLSEDER SCOTT WHEATLEY /MD/
80142290 EGS INVESTMENT ADVISORS INC /NY/
80148414 EHRENREICH & CO SECURITIES CORP
80145763 EICHER JILL
80141339 EICHNER JEFFREY H /NY/
80132481 EISMAN WILLIAM PERRY
80143651 EISNER MEYER W
80133289 EISS MITCHELL HOWARD
80123385 EK CAPITAL MANAGEMENT INC
80131068 ELER & LUBIN ASSOCIATES
80135065 ELGETHUN TERRY VAUGHN

80146118 ELIAN DAVID MONSIEUR /HI/
80133718 ELKING VALERIE JEAN
80120073 ELLERBACH RICHARD JOSEPH
80143805 ELLIOTT FINANCIAL SERVICES INC /LA/
80152296 ELLIS DAVID VERON
80145572 ELLISON RICHARD WAYNE
80129363 ELLWOOD R S & CO INC
80154631 ELMOQADDEM SALAH
80151137 EM FINANCIAL SOLUTIONS LLC
80146073 EMERALD CAPITAL MANAGEMENT INC /PA/
80139155 EMIC ADVISORS INC
80126070 EMMETT FINANCIAL SERVICES INC
80140216 EMMONS CHARLES CLIFFORD
80122210 EMMONS HARLEY RAY JR
80122731 EMPIRE CONTRACT CONSULTING INC
80135854 ENDICOTT INVESTMENT ADVISORS INC
80141472 ENERGY EQUITIES INC /NJ/
80130709 ENERGY RECOVERY PARTNERS LIMITED PARTNERSHIP
80136903 ENFIELD MANAGEMENT CORP /MA/
80132334 ENG ALBERT
80154323 ENGDAHL MICHAEL BRIAN
80143476 ENGEL STEVEN PETER
80147129 ENGLEMAN DAVID ANDREW
80130524 ENGLISH HARRY GORDON
80131782 ENGLISH JAMES LARUE
80132955 ENGLISH JOHN WILLIAM
80138624 ENGLISH PETER GEORGE JR
80142155 ENHOLM GREGORY BENTON /CA/
80137000 ENRIGHT & CO /NY/
80131012 ENSIGN FINANCIAL PLANNING GROUP INC
80152361 ENSWORTH BRANT A
80143474 ENTRUST PLANNING CONCEPTS INC
80140882 ENVANI HAMID REZA
80139531 ENVIRONMENTAL ALLIES MANAGEMENT INC
80152031 ENVIRONMENTAL BENCHMARKER
80129067 EPHRAIM & MILLER CONSULTING INC
80144780 EPSTEIN ADAM JONATHAN
80143324 EPSTEIN ANDREW ROSS
80148515 EQUITY ADVISORS CORP/OK
80111440 EQUITY FINANCIAL PLANNING CORP
80140588 EQUITY PARTNERS GROUP INC /NV/
80122929 EQUITY PLANNING OF NEW ENGLAND LTD
80139949 ERICHSEN CHRISTIAN EMIL
80125707 ERISA MORTGAGE CO
80144958 EROLGAC YILMAZ
80152240 ESCANDELL KELLY & BYRNE INC
80133291 ESCF CAPITAL CONSULTANTS GMBH
80125812 ESCH ROBERT W /IL/
80151945 ESCOFFERY RONALD GEORGE
80118358 ESKEW WILLIAM JOEL
80152783 ESPARZA ALEX EUGENE
80146490 ESPOSITO RICHARD STEPHEN /NY/
80134031 ESSEX INTERNATIONAL MANAGEMENT CO
80145459 ESTATE & CORPORATE ADVISORS INC /MN/
80119345 ESTATE & FINANCIAL PLANNERS INC
80144221 ESTATE PLANS OF TEXAS INC /TX/
80134953 ESTES MICHAEL
80147648 EUCLID ADVISORS INC
80142360 EUI PUBLICATIONS /UT/
80140764 EUROMOBILIARE SIM SPA /ITALY/
80137471 EUROMOBILIARE SPA
80146465 EUROPAVEST GROUP LTD /IL/
80141443 EVANS GERALD ALLEN
80128098 EVANS JOANNA ELIZABETH
80129689 EVANS THIEL MELISSA
80122664 EVENSKY SIDNEY EARL
80139869 EVEREST FINANCIAL SERVICES INC /OK/
80146053 EVEREST FINANCIAL SERVICES INC /VA/
80133515 EVEREST INVESTOR SERVICES LTD
80143687 EVERGREEN FINANCIAL SERVICES INC
80131975 EVERHART GEORGE G
80126521 EVERTS NELSON TOWER
80124234 EVERY TIMOTHY LAWRENCE
80120985 EWING WILBUR R
80125745 EXCALIBUR FINANCIAL GROUP INC
80146907 EXCHANGE CAPITAL MANAGEMENT INC /IL/
80143937 EXECUTIVE FINANCIAL RESOURCES LLC /UT/
80130089 EXECUTIVE FINANCIAL STRATEGIES INC
80121137 EXECUTIVE GROUP ADV
80142622 EXECUTIVE MONEY MARKETS INC
80132070 EXETER RESEARCH INC
80139582 EXETER SECURITIES CORP /TX/
80131096 EXIMA CAPITAL MANAGEMENT LTD
80136727 EXTEN VENTURES INC /CA/
80144607 FAC INC
80133173 FACCHETTI LOUIS FRANCIS
80148854 FAERMAN DONALD STEPHEN
80137321 FAGAN INVESTMENT GROUP INC /NY/
80140040 FAGERSTROM BRADLEY BERT
80130764 FAGGIO JOHN ANTHONY /
80133029 FAILLA & FAILLA FINANCIAL SERVICE INC
80124209 FAIRBANKS HOWARD TERRY
80122118 FAIRFIELD ADVISORS INC
80148682 FAIRWAY CAPITAL MANAGEMENT LTD
80152244 FALCON REALTY INVESTMENT COUNSELORS INC
80121314 FALVAY DAVID KEEFE
80135403 FALZONE & CO INC /NY/
80154260 FAMILY WEALTH COUNSELORS INC /TX/
80145505 FANNING FINANCIAL SERVICES INC
80141026 FARLEY THOMAS KALIEL /KS/
80143513 FARRAR MICHAEL EDWARD /AZ/
80119149 FARRELL GLENN PETER
80151229 FARRELL JOHN C
80119836 FARRINGTON ASSOCIATES INC
80152819 FAUTH WILLIAM WESTBROOK
80113906 FAVRET BERNARD ALPHONSE
80133799 FB CAPITAL INC
80135396 FBF FINANCIAL SERVICES LTD
80145506 FCF FINANCIAL ADVISORY INC
80137418 FCG INVESTMENT COUNSEL INC
80140330 FDG FINANCIAL SERVICES INC /IL/
80147782 FDIS INC
80137652 FEASEL STEVEN WILBUR
80153153 FEHERVARI ELENA ANN
80112646 FEHRENBACHER JOHN JOSEPH
80127282 FEINBERG LOIS KARLIN
80126590 FEINBERG PAUL LLOYD
80135347 FEINER STEPHEN ASSOCIATES INC
80147945 FELDMAN MONTE JOSEPH
80131464 FELDSTEIN STEVEN
80138060 FERI CORP
80153084 FERNWOOD CAPITAL MANAGEMENT INC
80139918 FERRANTE JOSEPH GEORGE
80137385 FERRARI PASQUALE
80145865 FERRIN FINANCIAL ADVISORS INC
80139876 FERRIS HERBERT CURTIS
80128928 FERTEL MITCHELL
80129013 FERTIG FINANCIAL SERVICES INC
80119138 FERTIG LEONARD MARTIN
80150426 FIALKOW GAIL ANN
80132525 FICKE WILLIAM CRAIG
80124514 FIDDLE JOEL HOWARD
80141358 FIDUCIARIES ASSET MANAGEMENT /NY/
80133312 FIDUCIARY CAPITAL MANAGEMENT CO LP
80139633 FIDUCIARY MANAGEMENT INC /CA/
80145237 FIDUKA PORTFOLIO MANAGEMENT INC /NY/
80140230 FIELDINGS DAVID LEVI
80143062 FIELDS JACKSON EDWARD JR /SC/
80136601 FIELDS TED FINANCIAL INC
80136589 FIEN ANTHONY BARRY
80143528 FILLMORE MERCANTILE INC
80134404 FILLMORE NEAL & DUNN
80146754 FIMSA INVESTMENT ADVISORS INC
80115196 FIN INC
80147480 FINANCIAL & INVESTMENT MANAGEMENT ADVISORS INC
80119886 FINANCIAL ADVISORY CO
80120885 FINANCIAL ADVISORY CORP /MA/
80121110 FINANCIAL ADVISORY GROUP INC /MS/
80125539 FINANCIAL ADVISORY SERVICES /CA/
80126207 FINANCIAL ADVISORY SERVICES INC /CO/
80141776 FINANCIAL ADVOCATES INC /NE/
80142571 FINANCIAL ALTERNATIVES ADVISORY CORP
80141716 FINANCIAL ANALYSIS INC/UT
80138817 FINANCIAL ANALYTICAL STRATEGIC TRADING
80131901 FINANCIAL BASIC TRAINING INSTITUTE INC
80124774 FINANCIAL BUSINESS SERVICES CORP
80148339 FINANCIAL COMMUNICATIONS INC
80135547 FINANCIAL CONSULTANTS INC WV
80128805 FINANCIAL CONSULTANTS OF MICHIGAN INC
80111866 FINANCIAL CONSULTING SERVICES INC /LA/

80146593 FINANCIAL CONTROLS INC /CO/
80129859 FINANCIAL COUNSELORS INC /IL/
80134528 FINANCIAL DESIGN ASSOCIATES INC
80124024 FINANCIAL DESIGNS INC /NC/
80112507 FINANCIAL DESIGNS LTD
80121693 FINANCIAL DEVELOPMENT ASSOCIATES
80119650 FINANCIAL DIMENSIONS PLANNING CORP ADV
80135299 FINANCIAL DIRECTIONS GROUP /AZ/
80114705 FINANCIAL DISCIPLINES INC
80117410 FINANCIAL EDGE CORP
80153412 FINANCIAL EDUCATION INSTITUTE OF NEVADA INC
80135551 FINANCIAL FOUNDATION ADVISORY CORP
80120328 FINANCIAL FOUNDATIONS INC
80122484 FINANCIAL GAME PLANS INC
80125119 FINANCIAL GROWTH ASSOCIATES INC
80134474 FINANCIAL GUARANTY CORP
80140676 FINANCIAL INFORMATION CENTER
80125415 FINANCIAL INSIGHTS INC /TX/
80125533 FINANCIAL INTEGRATION SERVICES INC
80134789 FINANCIAL LINC CORP
80132281 FINANCIAL MANAGEMENT ASSOCIATES /OR/
80126378 FINANCIAL MARKET SECURITIES
80144781 FINANCIAL MATTERS INC /CO/
80150492 FINANCIAL NETWORK ADVISORY INC
80138132 FINANCIAL NETWORKS UNLIMITED /PA/
80148580 FINANCIAL ONE GROUP INC
80118739 FINANCIAL PLAN RESOURCE GROUP /CA
80136063 FINANCIAL PLANNERS INTERNATIONAL CORP
80130480 FINANCIAL PLANNING & MANAGEMENT INC /MA/
80127763 FINANCIAL PLANNING & TAX SERVICE INC
80121328 FINANCIAL PLANNING CENTRE OF SAN DIEGO INC ADV
80149092 FINANCIAL PLANNING CONSULTANTS INC /GA/
80117385 FINANCIAL PLANNING CONSULTANTS INC /OH/
80134948 FINANCIAL PLANNING DIMENSIONS INC
80144354 FINANCIAL PLANNING GROUP INC
80130590 FINANCIAL PLANNING INSTITUTE INC
80142462 FINANCIAL PLANNING SERVICES INTERNATIONAL INC /AUSTRIA/
80133489 FINANCIAL PLANNING SUITE INC/NY
80137351 FINANCIAL PLANNING TRAINING INSTITUTE INC /PA/
80136464 FINANCIAL PRODUCTS & SERVICES INC
80145893 FINANCIAL PROMOTIONS INC /CO/
80151558 FINANCIAL QUEST INC
80120479 FINANCIAL RESOURCE EXCHANGE INC
80143426 FINANCIAL RESOURCE GROUP INC
80123684 FINANCIAL RESOURCE MANAGEMENT INC
80142628 FINANCIAL RESOURCES MANAGEMENT INC
80140925 FINANCIAL SECURITY SYSTEMS INC
80120179 FINANCIAL SERVICES ADVISORY INC
80131290 FINANCIAL SERVICES INVESTMENT ADVISORS INC /FL/
80139786 FINANCIAL SERVICES SOUTH INC SERFISUR
80151144 FINANCIAL SOLUTIONS INC
80140868 FINANCIAL SOLUTIONS INC /CT/
80126826 FINANCIAL SOUNDINGS INC
80133795 FINANCIAL STRATEGIES INC /WV/
80106233 FINANCIAL STRUCTURES INC
80145446 FINANCIAL SYNTHESIS INC /MN/
80125517 FINANCIAL TACTICS INC
80132264 FINANCIAL TRAINING GROUP INC /NC/
80121701 FINANCIAL TRUST CORP /MA/
80142723 FINANCIAL VIEWS INC /CT/
80153754 FINANCIAL WORLD ASSET MANAGEMENT LLC
80126638 FINCH BRADFORD D
80113544 FINDELL GEORGE JR
80124522 FINE EMILY HUGGINS
80152063 FINER & CO INVESTMENT & FINANCIAL ADVISORS INC
80111640 FINNEGAN WILLIAM ADOLPH
80128877 FINNERAN JOHN PATRICK JR
80148023 FIREMAN & ASSOCIATES INC
80118999 FIRST ADVISORY CORP /OH/
80134566 FIRST ALLEGHENY SECURITIES INC
80145784 FIRST ASSET GROUP INC /GA/
80150151 FIRST ATLANTIC INVESTMENT MANAGEMENT INC
80134102 FIRST CAPITAL FUNDING INC
80126637 FIRST CAPITAL PLANNERS INC
80137077 FIRST COLONIAL INVESTMENT SERVICES INC
80128324 FIRST EASTERN EQUITY CORP
80136010 FIRST FINANCIAL GROUP OF COLORADO INC
80128468 FIRST INTERSTATE CAPITAL MANAGEMENT INC
80140992 FIRST INVESTMENTS OF THE SOUTH INC /FL/
80123073 FIRST LIBERTY SECURITIES INC
80134530 FIRST LINCOLN FINANCIAL CORP /CO/
80135098 FIRST NATIONAL INVESTMENT SERVICES INC
80148930 FIRST NEW ENGLAND ADVISORS INC
80123938 FIRST OF PHILADELPHIA REGISTERED INVESTMENT ADVISOR CORP
80140557 FIRST PACIFIC ADVISORY GROUP INC /HI/
80131979 FIRST SAN FRANCISCO CORP /CA/
80149732 FIRST SAVANNAH CAPITAL MANAGEMENT LLC
80149138 FIRST SOUTHEASTERN SECURITIES GROUP INC /FL/
80134887 FIRST UNITED SERVICE SECURITIES INC
80135611 FIRST VERMONT CAPITAL MANAGEMENT INC /VT/
80138147 FIRST WASHINGTON GROUP INC /DC/
80144719 FISAM EQUITY INC
80141825 FISCAL PLANS INC /IL/
80145509 FISCHBACH ELLWYN/CA/
80146033 FISH GARY ROBERT /WA/
80141993 FISHE GERALD RAYMOND AYLMER
80129424 FISHER THOMAS GERARD
80149325 FITZEKAM DOUGLAS BRIAN
80152284 FITZGERALD INVESTMENT MANAGEMENT LLC
80140593 FLANAGAN & ASSOCIATES INC
80151145 FLEMINS FINANCIAL SERVICES LLC
80138984 FLINT FINANCIAL SERVICES INC
80141139 FLORENCE FINANCIAL MANAGEMENT INC
80151340 FLORENCE JOSEPH BRAD
80135016 FLORES MICHAEL DAVID
80153361 FLORES RICHARD ANTHONY
80147575 FLOYD GREGORY WAYNE
80144206 FLYNN PATRICK W /CA/
80136536 FNW BANCORP INC /IL/
80119796 FOCUS FINANCIAL CONSULTANTS INC
80150163 FOCUS FINANCIAL PLANNING SERVICES INC
80112490 FODEMAN LESLIE J
80117531 FODEN ARVA E /VT/
80140150 FOGG BRADLEY MARC
80117625 FOLLMER CYRUS BROWN JR
80147642 FOLTA RAND GOODWIN
80119893 FONDIE JOSEPH JACK
80142776 FOPIANO RICHARD FRANCIS JR
80113002 FORBACH INVESTMENTS & ANALYSIS CO INC
80136880 FORBES ASSET MANAGEMENT INC /VA/
80152633 FORD JAMES MARVIN
80144442 FORD JOHN THOMAS
80149004 FORD SCOTT TYRONE
80119005 FORDE D H & CO
80142944 FORESTAL GROUP INC /IL/
80116248 FORMAN INVESTMENT CO
80112212 FORNEY CRAIG BRUCE
80135713 FORTE COMMODITIES INC
80127459 FORTI RONALD RICHARD
80148800 FORTINE CHARLES T
80120444 FOSS CHARLES NORMAN
80148461 FOSTER & FOSTER INC /
80133416 FOSTER GEORGE EDWARD
80132708 FOSTIN INVESTMENT MANAGMENT CO
80110375 FOULK DAVID G
80147393 FOULKE JOHN HOWARD
80137122 FOWLER & CO PS CPA
80138900 FRANCIS CYNTHIA DENISE
80146709 FRANCIS DALE LEE /OH/
80124642 FRANCIS EDGAR BURNETT
80141417 FRANK ALAN R
80141904 FRANK C R INC /OR/
80153508 FRANK RONALD MELVIN
80133694 FRANKEL GROSS FINANCIAL MANAGEMENT INC
80129153 FRANKENHOFF WILLIAM P INC /NY/
80141829 FRANKLIN MITCHELL HENRY
80148650 FRANKLIN MORRIS CONSULTING SERVICES INC
80132277 FRANKLIN SAVINGS ASSOCIATION
80136539 FRANZ JACK EUGENE

80146035 FRAYSER WILLIAM ASHBY III /SPAIN/
80123782 FRE MAR ENTERPRISES INC
80108386 FREDERICK RESEARCH CORP
80132915 FREED ERIC ROBERT
80128700 FREED SUSAN CAROL
80136751 FREEDOM INTERNATIONAL INVESTMENT MANAGERS INC
80145792 FREEMAN DARRELL DELOS
80140773 FREEMAN MARC
80153983 FREIDINGER TED L MBA CPA PA
80146198 FREIDUS JACOB /NY/
80127062 FREITAS JEFFREY MICHAEL
80143108 FREMONT PATRICK WOODS
80135390 FRENCH CHARLES EDWIN
80124431 FRENCH PAUL COMLY JR
80154252 FRENCH RICHARD JAMES /IL/
80131753 FRENCH ROBERT SIDNEY
80148836 FRICKS FINANCIAL ADVISORS INC
80143284 FRIEDLER JOHN P /NY/
80140838 FRIEDMAN HERMAN
80143201 FRIEDMAN KENNETH STEPHEN /CO/
80122669 FRIEDWALD DAVID CHARLES
80130604 FRIGERIO GIOVANNI NEPOMUCENO
80126580 FRITZ RONALD STEVEN
80126503 FROELICH FREDERICK KARL /NC/
80154246 FUCHS LONNI A
80147486 FUERST KARL WILLIAM
80133821 FUHRER ROGER WURTH
80135321 FULFER DONNA KAY
80112075 FULLER KERMIT
80128835 FUND AMENTA LIST LTD
80130482 FUND MANAGEMENT INC /IL/
80123234 FUNDAMENTAL FINANCIAL ADVISOR INC
80139294 FUNDCAP MANAGEMENT CO INC
80135904 FUNDING THE FUTURE INC
80126672 FUNKHOUSER BRADLEY SCOTT
80118400 FURBEE CAROL ANN WIDMER
80146270 FURLIN DAVID LAWRENCE /NY/
80129211 FUTURE ANALYSTS INC
80129948 FUTURE GAINS INC
80138044 FUTURE PROFESSIONALS INC
80149991 FYI FINANCIAL PLANNING CORP
80128253 GABRIEL MARKET MOMENTUM SERVICES INC
80143365 GAFFNEY CHARLES MCCULOUGH JR /LA/
80130113 GAGNON CO
80141624 GALES MICHAEL A /NY/
80144404 GALLAHER KEITH ROBERT
80136632 GALLANT JAMIE INC
80153323 GALLIGAN STEPHEN CRAIG
80118981 GAMBA LOUIS F INVESTMENTS INC
80115015 GAMMA CAPITAL CORP
80151168 GAMMAWEALTH CAPITAL MANAGEMENT INC
80121784 GAMMILL & CO INC
80145769 GAMUT ASSET MANAGEMENT INC
80145195 GANESAN GURUMURTHY
80148293 GARAFANO JOSEPH ALAN
80136769 GARCIA ANTHONY
80150395 GARCIA FELIX
80120662 GARDNER JOHN DAVID DDS
80148581 GARDNER REBECCA HEFFERNON
80124141 GARDNER ROBERT H ASSOCIATES INC
80134095 GARDNER TIMOTHY GARFIELD
80149032 GARFIELD FRED CARY
80121966 GARFIELD GEORGE JOSEPH
80136990 GARLAND GARY D CPA /NY/
80148972 GARMAN RANDAL EARLE
80128070 GARNER JAMES OZRO
80148384 GARNER MARY ALICE
80124364 GARST WILBUR GALEN
80134256 GARZA & ASSOCIATES INC
80151487 GASSMAN BARRY GORDON
80128817 GATEWAY ADVISORS INC
80147484 GAUGHAN JOHN CHARLES JR
80147757 GAULT JUDITH ROSEMARY
80128305 GAUNT BRENDA MCGRATH
80120697 GCG ASSOCIATES INC
80138188 GEARY JAMES ANTHONY SR
80136593 GEDZUN MICHAEL THOMAS
80137674 GEE & DRAGANZA /CA/
80124633 GEISBAUER JAMES REILLY
80125168 GELFAND IVAN & ASSOCIATES INC
80125000 GELLER MARTIN ALAN
80120617 GELLIS EUGENE OWEN
80126414 GELLY BRUCE S
80139144 GEMINO FRANCIS P
80136039 GENERAL AESTHETICS CORP
80130282 GENERAL INVESTOR SERVICES INC
80153200 GENESIS INVESTMENT ADVISORS INC
80143737 GENSER DAVID STEVEN /NY/
80128016 GENTSCH MADISON BRENT
80139785 GEOFINANCE LIMITED
80132813 GEORGETOWN GROUP LTD
80144606 GERBER NICHOLAS DANIEL
80136616 GERBER TAYLOR ASSOCIATES INC
80110601 GERBINO KENNETH JOSEPH
80139946 GERMAN VREELAND & ASSOCIATES /NJ/
80132204 GERRINGER WAYMON
80126422 GETZ FEARNOW GLORIA
80153010 GETZEN GROUP INC
80123192 GEYER RICHARD LEIDY
80146731 GEZA INVESTMENT MANAGEMENT LTD /LONDON/
80147830 GFC ADVISERS CORP
80126079 GGK FINANCIAL SERVICES INC
80117597 GIANGRANDE FRANK G
80143011 GIANNETTI SALVATORE III /NJ/
80139222 GIBSON ROBERT DOUGLAS /AZ/
80147627 GIBSON ROYAL BRICKER
80137233 GIC INVESTMENT ADVISORY INC /OR/
80138148 GIERE SCOTT MICHAEL /IL/
80141774 GILBERT GARY T /MA/
80146985 GILBERT JOHN WILLIAM
80137030 GILBERT PETER ALAN /CA/
80153716 GILBREATH SYSTEMS INC
80119440 GILBRETH POLLARD MANAGEMENT INC ADV
80141947 GILBROOK JOHN FREDERICK
80147016 GILCHRIST RONALD JOSEPH
80142240 GILL CHARLES FAIRCHILD /CT/
80138139 GILLASPIE B C INSURANCE AGENCY INC /OR/
80146750 GILLIGAN JOHN TOM
80129718 GILLIS LOUISE MARGARET
80126054 GILMAN PLANNING SERVICES INC
80135166 GIMBLE HERMINE LEA
80150243 GIMPEL JAMES ADAMS
80136813 GINSBERG SCOTT /MA/
80133331 GINSBERG TED CHARLES
80124478 GIROUX JOSEPH A
80148366 GISSANDANER KEITH JAY
80129360 GIVENS HALL CAPITAL MANAGEMENT INC
80139293 GLASS & WYLY CO V
80129964 GLASSBERG SAMUEL ZALMAN
80130663 GLASSER ELLIOTT JON
80149441 GLAVES & ASSOCIATES INC
80117798 GLEASON JOEL PAGE
80145728 GLENBOROUGH INSTITUTIONAL INC
80129755 GLEYSTEEN PETER VAN
80138901 GLICK MICHAEL LYNN
80154574 GLICKMAN MARK BARRY
80151851 GLOBAL ADVISORS INC /AL/
80136136 GLOBAL ASSET MANAGEMENT
80152654 GLOBAL FINANCIAL ASSOCIATES INC
80139265 GLOBAL INTERNATIONAL INC /NY/
80150164 GLOBAL INVESTMENT ADVISORS INC
80152198 GLOBAL INVESTMENT ADVISORS INC /IL/
80132596 GLOBAL INVESTMENT ANALYSTS INC
80139549 GLOBAL MANAGEMENT SERVICES INC
80149962 GLOBAL VENTURES LTD
80128460 GOGGINS ALFONZA R JR /GA/
80144280 GOLAN RAFAEL /FL/
80136004 GOLDBERG STEVEN HARVEY
80132501 GOLDEN GATE SECURITIES
80120145 GOLDEN KENNETH HAROLD
80146432 GOLDEN PRAIRIE INVESTMENT SERVICES INC
80127525 GOLDEN STATES FINANCIAL SERVICES CORP
80134009 GOLDMAN GEORGE THOMAS
80126918 GOLDMAN MAYNARD
80132687 GOLDMAN MICHAEL VICTOR
80141239 GOLDMAN RONALD JAY
80134708 GOLDNER & HAWN INC
80144327 GOLDNER RUSSELL DALE
80141976 GOLDSTEIN BONNIE /CA/
80145219 GOLIATH FINANCIAL GROUP INC /KY/
80125432 GOLLER JANET FRANCES
80137157 GOLLY ALBERT JOSEPH JR /NY/
80124448 GONCALVES CARLOS
80143930 GONZALES GEORGE ANTHONY /CA/
80123996 GOODING DANIEL EDWARD
80123024 GOODMAN DAVID ALLEN
80142546 GOODMAN GREGORY SCOTT
80138838 GOODMAN STEVEN MARTIN
80142545 GOODMAN SUZANNE NAPOLITANO
80150973 GOOZNER ALAN R
80135470 GOPPERT FINANCIAL SERVICES INC
80140739 GORDON ANDREW STEPHEN /MA/
80125371 GORDON CARLA SUE CFP
80149088 GORDON GROUP INC
80138313 GORDON PETER J D INC
80135330 GOREY WALTER DAN
80112973 GORGE WILLIAM JOHN JR
80144749 GORMAN THOMAS EDWARD
80152606 GOSS CLINT CONSULTANTS LTD
80144146 GOSS DEAN COLVIN /TN/
80127560 GOTENSTEIN LOUIS PROFESSIONAL CORP

80130169 GOTTL & LANDSBERG
80120493 GOUSSIOS THEODORE
80151164 GRACY CAPITAL MANAGEMENT INC
80132067 GRADY ROBERT NEILL
80113479 GRAEBER & CO INC ADV
80129007 GRAHAM & ELLIOTT INC
80153680 GRAHAM BRADLEY THOMAS
80146636 GRAHAM INVESTMENT ADVISORS INC /NY/
80141241 GRAHAM JEFFREY S /NY/
80124484 GRAHAM RUTH INC
80150594 GRAICAP ASSET MANAGEMENT LLC
80147609 GRANATA THOMAS JOHN
80138856 GRANGER RESEARCH INC
80147121 GRANITE CAPITAL INTERNATIONAL MANAGEMENT LP
80142055 GRANT JEFFREY ROBERT /OH/
80144389 GRASSI RICHARD JOSEPH /TX/
80121207 GRASSO ROBERT ALPHONSE
80151128 GRAVES JEFFERY ROBERT
80153847 GRAY FINANCIAL GROUP /GA
80148460 GRAY RICHARD SPERRY
80115974 GRAYLION INVESTMENTS INC
80141710 GREAT LAKES CAPITAL INC/ FL/
80125865 GREAT PLAINS FINANCIAL DISTRIBUTORS
80125074 GREAVES CAPITAL MANAGEMENT INC
80146839 GREENBERG BARRY MARTIN
80129382 GREENBERG MICHAEL IRA
80127431 GREENE MARTIN HARVEY
80138563 GREENE ROGER ALLEN
80130342 GREENE STANLEY HAROLD SR
80131830 GREENMORE PORTFOLIO MANAGEMENT INC
80147263 GREENSPAN FINANCIAL ADVISORS INC
80137841 GREENSTEIN ROSENTHAL CAPITAL L P /WA/
80150525 GREENWICH FINANCIAL BENEFITS INC
80136916 GREENWICH MONEY MANAGEMENT /CT/
80154158 GREENWOOD COLETTE YVONNE
80139877 GREGG BRUCE SEYMOUR
80123217 GREGOIRE WILLIAM GRANT
80132315 GREGOR MARTIN PETER
80130255 GRENDA WALTER FRANCIS JR
80153482 GRESPINET INVESTMENTS INC
80150038 GREYSTONE CAPITAL GROUP INC /OH/
80126962 GRIEF STEPHEN
80143765 GRIES DAVID FRANKLIN /IL/
80143874 GRIFFIN COMPANIES INC /MN/
80154008 GRIFFIN WYNVERN ASSET MANAGEMENT LLC
80150574 GRIFFITH PORTFOLIO MANAGEMENT LLC
80129647 GRIMES ROBERTA ANN
80123600 GRISWOLD GEORGE HOWARD JR
80136058 GRISWOLD JOAN KARSTEN
80143716 GROCE DUANE LOWELL
80134358 GROFF RONALD FRANCIS
80123146 GROSS COLLINS & CRESS P C
80145347 GROSS HARRY ROBERT /NC/
80136894 GROSS MICHAEL SIMON /NJ/
80146048 GROSS TOVIA /NY/
80119405 GROSSHANS HARLAN DELL
80146290 GROSSMAN NEAL LEONARD /OH/
80154159 GROVER BRIAN L
80128538 GROVES RICHARD MELVIN
80154707 GROWEALTH CORP
80151925 GRP FINANCIAL CORP
80150472 GRUEN DANIEL FREDERICK
80125177 GRUNDEN FINANCIAL INC
80146793 GRUNER CARMAN GEORGE
80152442 GST PORTFOLIO MANAGEMENT CORP
80144640 GUARDIAN CAPITAL MANAGEMENT INVESTMENT COUNSEL INC
80125947 GUARDIAN FINANCIAL CORP
80140795 GUARDIAN INVESTMENT CORP /NV/
80145804 GUFFEY PAUL DANIEL /OR/
80135127 GUIDA FERDINAND J/PA/
80143845 GUILBAULT RICHARD EUGENE /CA/
80125521 GUILFORD SECURITIES ADVISORS INC
80117077 GULATI SURESH KUMAR
80154662 GUNST ROBERT CURTIS SR
80124634 GURSAHANI KATHLEEN JEAN
80119809 GUTOW SOL CLU
80147989 GUZEK LISA JEAN
80142115 GUZMAN OSCAR LUIS
80149040 GUZMAN VALIENTE EDUARDO
80144943 GUZZETTA MARIA CHRISTINA
80136787 HABECK MARK
80136492 HACK INVESTMENT ADVISORS INC
80127110 HACKER ALICE BERNICE
80154526 HADDAD & SCHMIDT FINANCIAL SERVICES INC
80140632 HADLEY MARC C /MN/
80129439 HAFKIN ELIZABETH ELLEN
80141954 HAGAMAN THOMAS CARTER
80133290 HAGEN MICHAEL JOSEPH
80136585 HAGERBAUMER JAMES BENNETT
80142478 HAGERTY MICHAEL CHARLES /IA/
80142136 HAGUE ROBERT FREMONT
80129912 HAGUEWOOD JERRY L
80138019 HAIDER THOMAS FRANCIS /IL/
80116731 HALBREICH STANLEY MAYNARD
80127528 HALEY WILLIAM JERRY
80110128 HALKETT JAMES ALEXANDER ELDER
80146924 HALL DONALD DENNIS
80120576 HALL GARY RUSSELL
80124500 HALL ROBERT PUGH JR
80144405 HALL WILLIAM MICHAEL
80126391 HALL WILSON W & ASSOCIATES INC
80153984 HALLAQ MARK
80133189 HALLMARK INVESTMENT COUNSEL INC
80148733 HALLOCK ROBERT DUANE
80144355 HALLOWS TEDDY K
80129772 HALPERN GROUP LTD
80138057 HALPERN STEVEN JAY
80137278 HAMACHER DIANNA KEY /OH/
80123783 HAMERSHLAG KEMPNER & CO LP
80130098 HAMILTON CAPITAL MANAGEMENT INC
80135940 HAMILTON CONSULTING CORPORATION
80144239 HAMILTON GROUP INC /MA/
80141494 HAMILTON HERSCHELL LANIER
80138281 HAMILTON JOHN JOSEPH JR
80134306 HAMILTON REALTY ADVISORS INC
80137026 HAMM MICHAEL WAYNE /AZ/
80119206 HAMMEL JOSEPH H
80145732 HAMMOND TIMOTHY PATRICK
80141997 HANDLEY LAURENCE OWEN
80125299 HANDSCHUH RONALD RICHARD
80151328 HANIN FUNDS INC
80147190 HANKINSON MARTIN HOWELL
80153713 HANLEY DANIEL ROBERT
80138181 HANLON JACK DOUGLAS
80126404 HANNA RANDALL LESLIE
80153652 HANNA ROY SAID
80133517 HANNAH J A INVESTMENT ADVISORY SERVICE INC
80144254 HANNAN PAUL FRANCIS /NY/
80137248 HANNON BLAIR & ASSOCIATES FINANCIAL SERVICES /OH/
80142428 HANNON NICHOLAS PAUL /UT/ /AD
80135637 HANOVER ADVISORS
80134944 HANOVER CAPITAL ADVISORS INC
80124419 HANOVER INVESTMENT ADVISORY SERVICE INC
80142395 HANROW ASSET MANAGEMENT CORP
80152397 HANSCH & HANSCH
80148370 HANSEN ERNEST ROBERT III
80131228 HANSEN JOHN IVAN
80120280 HANSEN RICHARD LEE ADV
80145768 HANSON & CO
80127731 HARAM JAMES EDWARD
80146225 HARBISON GROUP INC /AL/
80153744 HARBOR WEALTH MANAGEMENT CORP
80128352 HARDESTY STEVEN MARK
80139179 HARDING SEYMOUR LINDLEY /FL/
80144534 HARE JEFFREY AVERILL
80149334 HARGIS JOHN MICHAEL
80148573 HARGRAVE ALEXANDER WILLIAM
80120273 HARLAN JOHN PETER
80141356 HARMAN GROUP CORPORATE FINANCE INC /OH/
80124588 HARMATY EUGENE LUCAS
80152556 HARNIK NOREEN
80113361 HAROWITZ MARTIN WILLIAM JR
80141090 HARRIES GARRY EUGENE /IL/
80148312 HARRINGTON JAMES DREW
80153523 HARRINGTON JAMES PATRICK
80143009 HARRIS PARTNERS LP
80150862 HARRIS PETER
80143553 HARRIS RAYMOND JOSEPH/ MD/
80145866 HARRIS RICHARD WOLFE
80124952 HART GEORGE RICHARD
80139983 HART JOHN FRANKLIN /ID/
80138217 HART MAUREEN CLAIRE
80145338 HARTFORD INVESTMENT ADVISORS INC
80125963 HARTMAN B C & ASSOCIATES INC
80118757 HARTMAN JAMES L CLU & ASSOC
80118749 HARTMAN JAMES L CLU & ASSOCIATES
80104146 HARTWELL J M & CO INC /NY/
80140760 HARTZ GREGORY PHILIP /AR/
80136056 HARTZELL DAVID CORNELL JR
80120059 HARVARD FINANCIAL ADVISORS INC
80144292 HARVARD FINANCIAL PLANNING CO INC /MA/

80138209 HARVEST FINANCIAL PLANNING INC
80146933 HARVEST SPREWELL GROUP LTD
80151901 HARVEY CAPITAL MANAGEMENT INC
80138018 HARWOOD KATHLEEN CULLEN
80146673 HASTINGS MARTHA LOU /WA/
80131587 HASTON BROWN & CO
80115197 HASWELL RICHARD WARREN
80148458 HATFIELD CHARLES HOWARD
80128239 HATFIELD ROBERT EDWARD
80127410 HATTON JAMES EDWARD
80146739 HAUPT BRADLEY LEE
80139344 HAUSER MICHAEL ARTHUR
80141949 HAUTLY GLENN
80132036 HAVEN DOUGLAS FENNO GOSS
80140740 HAVENS VICCI DELORES /CA/
80134308 HAVRE J B INC
80152822 HAWKES RUSSELL ASSOC INC
80125151 HAWKINS MARILYNN GERTRUDE
80118482 HAWKINS RAYMOND JERRY
80150606 HAWORTH INVESTMENT MANAGEMENT LTD
80118805 HAYDEN ASSOCIATES INC
80137400 HAYES JOHN BRUTON JR /CT/
80118925 HAYES ROGER MATTHEW
80130503 HAYWARD ROBERT RODGER
80136630 HCL CONSULTING INC
80148747 HEACOCK PAUL JOHN
80148731 HEADWATERS CAPITAL MANAGEMENT LLC
80135697 HEALTH FINANCIAL GROUP INC
80150474 HEALY RICK ALLEN
80122592 HEARTLAND ADVISORY SERVICES LTD
80146158 HEARTWOOD FORESTLANDS LTD PARTNERSHIP /NC/
80128187 HEATH GEORGE STANTON
80117770 HEATH THOMAS M
80126215 HEDGE MANAGEMENT INC
80132645 HEDGES BOB FINANCIAL SERVICES INC
80119578 HEDGSPETH TERRY LEE ADV
80138670 HEDIN JUDY KAY
80151324 HEE BRIAN HOWARD
80131514 HEGER LOUIS CHARLES
80119304 HEGGY COMPTON ERVIN
80143398 HEIDEL ROBERT SCOTT /IL/
80129157 HEIER RICHARD EDWARD
80135573 HEILBUTH DONALD ROBERT
80111154 HEILMAN JAMES M
80136123 HEIM DENNIS JAMES
80119343 HEINE MANAGEMENT GROUP INC
80147008 HEINLE LEONARD JOHN
80142201 HELFER LOUIS ANTHONY /NJ/
80142840 HELLIWELL GEOFFREY ERNEST
80143752 HELPER STEPHEN JOSEPH /CA/
80144978 HENDRIX MARK GEORGE
80125591 HENINGER ROBLEY DOUGLAS JR
80101339 HENNER SOLOMON
80134778 HENRICHS BRADLEY ALLEN /MO/
80140573 HENRICHSON CARL BERNARD /DE/
80134698 HENRIQUES ALLAN INC
80141706 HENRY DANNY EDWARD SR /MA/
80132945 HENRY FINANCIAL PLANNING SERVICES INC
80135118 HENRY GARY NORMAN
80144644 HENRY THOMAS ARTHUR
80132781 HENRY WENDELL
80145993 HENSLEY DANIEL PAUL/OK/
80133068 HEPBURN BONNIE LEE
80134171 HEPNER FRED LEONARD JR
80146241 HERBERT THOMSON CO /WA/
80140288 HERLIHY JOSEPH BRENDAN JR /KS/
80148214 HERON CAPITAL MANAGEMENT INC
80132984 HERRING SANDER
80142785 HERSEY PETER WOODROW
80120032 HERSHEY & MILLER CO INC
80134585 HERSHMAN STEVEN MARK
80146157 HERSKOWITZ DAVID SHEPHERD /CA/
80149555 HERZBERG & KELLY PC
80136132 HESSE WILLIAM EDWARD
80111406 HEWETT OWEN MERRITT
80126613 HICKEY HOWARD J JR LTD
80139230 HICKEY JOHN LAURENCE /NY/
80141811 HICKMAN & ECKARD CPAS
80137916 HICKMOTT MICHAEL JAMES
80152671 HIGGINS CAPITAL MANAGEMENT INC /CA/
80152332 HIGH PEAKS CAPITAL LLC
80118370 HIGH YIELD MANAGEMENT INC
80137596 HILBE JAMES JOSEPH
80141786 HILDEBRAND GEORGE HARRISON /CA/
80138203 HILKER GLEN WILLIAM
80130162 HILL CLAUDE RYAN
80146597 HILL TIMOTHY SCOT /CA/
80147271 HILLTOP CAPITAL MANAGEMENT INC
80125214 HILSON DENNIS PAUL
80126167 HILT PRISCILLA WING LING
80152672 HILTON FRED ARTHUR
80151454 HILTON GREGORY JAMES
80142884 HINES CAPITAL MANAGEMENT INC /MD/
80132169 HM SPECTRUM FINANCIAL CORP
80137174 HME INTERNATIONAL ADVISORY ASSOCIATES LP /NY/
80150231 HOCHSPRUNG LEROY LAVERNE
80148912 HODGES WILLIAM FLEMING
80140901 HOEPPNER IONA RUTH /CO/
80151165 HOFF CRAIG ALAN
80146967 HOFFMAN JOHN DOUGLAS
80129613 HOFFMAN PEDERSON & MCBRYDE
80126427 HOGAN ARTHUR JAMES
80143892 HOLDERREED GLENN ELZIE /CA/
80121946 HOLLANDER MYRON
80122429 HOLLEMAN JOSEPH SHERRAD
80132356 HOLLERITH DAWN
80134945 HOLLINGSWORTH & COMPANY
80132580 HOLLINGSWORTH PAUL RONALD
80134780 HOLMES GROUP /CA/
80117836 HOLTZ THOMAS L ADV/
80121954 HOME CAPITAL SERVICES INC
80142600 HONCHELL BERT LEE II /NC/
80145864 HONG VIVI WEIYU
80153947 HONOLULU VENTURE CAPITAL INC
80143972 HOOD LEO FREDERICK
80136453 HOPKINS HERMAN LEE
80141197 HOPKINSON BRIAN LEE /IL/
80133728 HOPPER JACK /TX/
80136698 HORD JACLYN MICHELE
80148373 HORIZON AGENCY INC
80140340 HORIZON CASH MANAGEMENT INC
80122451 HORIZONS FINANCIAL ADVISORS INC /OH/
80144537 HORN JAMES DOUGLAS
80109116 HORSEY THOMAS CLAYTON JR
80113228 HORSEY WADE H II
80132443 HORST ROGER EUGENE
80134390 HOSACK DON MERWYN
80148958 HOSANG IAN RICHARD /
80147198 HOSKINS STREET ADVISORS LTD
80122825 HOSMER EMORY FLETCHER
80136512 HOSTETLER CLIFFORD RAY
80130460 HOUGH DAVID ALAN
80139589 HOURIHAN BARBARA JEAN /IL/
80117248 HOUSTON LEONARD WILLIAM
80154582 HOUTZ PATRICIA ANN/NV
80150855 HOWARD ANDREW BRIAN
80136699 HOWARD FINANCIAL PLANNERS INC
80136380 HOWARD LORRAINE MINETTE
80139801 HOWERDD FINANCIAL CORP
80143576 HOWLAND GEORGE FRANK
80141355 HPI REALTY PARTNERS /CA/
80149507 HTL CO INC /CA
80137954 HU KARIN GAIL /CA/
80128154 HUANG SHI SHUNG
80128654 HUBBARD EDWARD EARL
80132655 HUBBARD RAYMOND LESLIE III
80128550 HUBBS JAMES ARLEY
80132373 HUBER ARTHUR ANDERSON
80123876 HUBINGER HAROLD JOHN
80127016 HUBSHMAN RENE DJ
80145745 HUCKABY CO INC
80123081 HUDSON HAMILTON CAPITAL MANAGEMENT INC
80129178 HUDSON HUME INDEX MANAGEMENT INC
80150632 HUDSON ROBERT W
80143320 HUFF JOSEPH DANIEL /OH/
80148764 HUFFMAN MARK ALLEN
80142092 HUFFMAN SCOTT KEITH
80143330 HUFFORD & ASSOCIATES PC
80145680 HUG CHARLES ROGER /CA/
80148386 HUGHES CAPITAL MANAGEMENT L P
80134977 HUGHES RICHARD ALBERT
80110036 HULL JAMES WILLARD
80148825 HULSE ALVIN DEAN
80119814 HULSE CHARLES INVESTMENT SERVICES ADV
80128848 HUMPHREY MARK ANDREW
80121495 HUNT PETER SANFORD
80143882 HUNT R M & ASSOCIATES INC /CA/
80139529 HUNTINGTON & ASSOCIATES
80126081 HUNTINGTON ADVISERS INC
80109978 HUNTINGTON ASSET MANAGEMENT CO
80131061 HURLEY PATRICK JOHN
80128120 HURLEY PAUL EDGAR
80143650 HUSSEY JOHN PATRICK
80125640 HUTCHINSON ADVISERS INC
80131126 HUTTON JEFFREY ROBERT
80136184 HUYA DAVID JOHN
80131569 HWL CO
80143857 HYLAND BRETT ANDREW /CA/
80127802 I&FS INC
80140655 IA FINANCIAL ADVISORS
80147675 IAM CORP /ID/
80151799 IAS INVESTMENT COUNSEL INC

80135914 IBM CREDIT INVESTMENT MANAGEMENT CORP
80147401 ICARUS TRADING LTD
80144662 ICATU ASSET MANAGEMENT INTERNATIONAL LTDA
80132562 IFR SECURITIES INC
80128514 IGNASIAS & ASSOCIATES FINANCIAL SERVICES
80144981 ILIE MARIO MARIAN
80121799 IMHOFF ROBERT NORMAN
80151557 IMMENSCHUH THOMAS ARTHUR
80142231 IMPACT FINANCIAL CORP
80137753 IMPERATO ANTHONY J /NY/
80134523 IMS CPAS & ASSOCIATES /IL/
80130029 INCADMIN LTD
80144311 INCOME INVESTMENT ADVISORY /AD
80124053 INCOME PLANNING ASSOCIATES INC
80120331 INCOMM ASSOCIATES INC
80124353 INCORVAIA PHILIP R
80138278 INDEPENDENT CAPITAL MANAGEMENT INC
80152267 INDEPENDENT EQUITY RESEARCH INC
80149731 INDEPENDENT FINANCIAL CONSULTING INC
80144373 INDEPENDENT FINANCIAL SECURITIES INC /NY/
80138326 INDIALANTIC CAPITAL MANAGEMENT INC
80129925 INDIANA CORPORATE FEDERAL CREDIT UNION
80149372 INDO US CONSULTANTS LTD CO
80152268 INFINITY CAPITAL MANAGEMENT INC
80143858 INFINITY SECURITIES ADVISORS INC /CO/
80143577 INGAR TITAI RAGHURMAN
80153023 INGLIMA CARMELO BRIAN
80134725 INGRASSIA JOSEPH FRANCIS
80136944 INNES ASSOCIATES LTD
80152772 INNOVA GLOBAL RESEARCH INC
80138173 INNOVA MANAGEMENT CO
80151473 INNOVATIVE ADVISORY SERVICES LTD
80144154 INOVEST CAPITAL GROUP /CA/
80142364 INSIGHTER FINANCIAL SERVICES /CA/
80137801 INSTITUTIONAL PROPERTY RESOURCES AN EMERSON/MILLER CO
80140842 INSTITUTIONAL PROPERTY RESOURCES AN IPR EMERSON DUNN CO
80140009 INSTITUTIONAL RESOURCE PARTNERS
80135418 INSYNC CORP INC
80140324 INTEGRA CAPITAL MANAGEMENT CORP /WA/
80118065 INTEGRATED ADVISORY CORP & TRUST LTD
80133350 INTEGRATED FINANCIAL SERVICES /CA/
80133507 INTEGRATED FINANCIAL SERVICES OF PRINCETON INC
80129247 INTEGRATED MEDICAL VENTURE MANAGEMENT
80132408 INTEGRATED MEDICAL VENTURE MANAGEMENT 2
80145662 INTEGRATED MONEY STRATEGIES INC
80131761 INTEGRATED PLANNING SERVICES INC /NY/
80112193 INTEGRATED PROGRAMMING CORP
80119370 INTEGRATED STRATEGIES INC
80147639 INTEGRATED TAX & INVESTMENT SERVICES INC
80140944 INTEGRITY MANAGEMENT INC
80144198 INTELLIGENT MARKET ANALYTICS INC /CA/
80137218 INTER EUROPA BANK LTD
80132880 INTERACT FINANCIAL ADVISERS INC
80151335 INTERACTIVE CAPITAL CONSULTANTS
80143240 INTERCAPITAL ASSET MANAGEMENT CO INC /NJ/
80149062 INTERFIN CORP
80148576 INTERFINANCE ADVISORY GROUP LTD
80129657 INTERFINANCIAL SUCCESS INC
80143260 INTERMARKET MANAGEMENT INC
80144868 INTERNATIONAL ASSET MANAGEMENT SERVICES INC
80141853 INTERNATIONAL ASSETS & INVESTMENTS INC /GA/
80149695 INTERNATIONAL CAPITAL MANAGEMENT INC
80140133 INTERNATIONAL DERIVATIVE INVESTMENTS INC /CO/
80141969 INTERNATIONAL EQUI SOURCE LTD /CO/
80148554 INTERNATIONAL INVESTMENT MANAGEMENT INC
80141699 INTERNATIONAL INVESTMENTS INC
80140974 INTERNATIONAL MARKET STRATEGIES II INC
80134555 INTERNATIONAL MONEY MANAGEMENT INC
80137394 INTERNATIONAL SALES & CONSULTANTS INC /NJ/
80129821 INTERNATIONAL WEALTH ADVISORS GROUP INC
80135545 INTERNET GROUP LTD
80142082 INTERNET INVESTMENT RESEARCH INC
80144711 INTERPHASE RESOURCE GROUP INC
80140857 INTERSUISSE INC
80134563 INTERTRADE INC
80153763 INTRINSIC VALUE CAPITAL MANAGEMENT LLC
80127994 INVEST AMERICA INC
80134000 INVESTECH ADVISORY INC
80135259 INVESTECH CONCEPTS INC /PA/
80148168 INVESTECH SECURITIES INC
80143091 INVESTMENT & TAX PLANNING CONSULTANTS INC /RI/
80150821 INVESTMENT ADVISORS GROUP
80127003 INVESTMENT ADVISORY & PLANNING SERVICES INC
80145188 INVESTMENT ADVISORY ASSOCIATES INC /VA/
80144322 INVESTMENT ADVISORY GROUP INC /NY/
80146361 INVESTMENT ADVISORY NETWORK INC
80115636 INVESTMENT ADVISORY SERVICE INC
80124208 INVESTMENT ADVISORY SERVICES INC /IL/
80136537 INVESTMENT ALTERNATIVES INC
80123392 INVESTMENT ANALYSIS INC /OH/
80134607 INVESTMENT CENTER INC /IN/
80128371 INVESTMENT CO DATA INC
80150392 INVESTMENT CONSULTING GROUP LTD
80107461 INVESTMENT CONTROLLED RESEARCH INC
80151878 INVESTMENT ENGINEERING CORP
80145931 INVESTMENT FOUNDATIONS INC /MA/
80135707 INVESTMENT INSIGHT INC
80150879 INVESTMENT INSIGHTS INC
80113153 INVESTMENT MODELS INC
80120686 INVESTMENT PLANNING ADVISORY SERVICES INC ADV
80135282 INVESTMENT RESEARCH & ADVISORY CORP /MO/
80109770 INVESTMENT RESEARCH CORP /VA/
80124724 INVESTMENT RETURN RESEARCH INC
80112207 INVESTMENT SPECIALISTS INC
80134285 INVESTMENT STRATEGIES INC /VA/
80134259 INVESTMENT STRATEGIES UNLIMITED INC
80124168 INVESTMENT TAX PLANNING ASSOCIATES
80113289 INVESTOR PLANNING SERVICES INC
80109024 INVESTOR RESPONSIBILITY RESEARCH CENTER INC
80144014 INVESTORCORP INC /TX/
80109113 INVESTORS ASSOCIATES MANAGEMENT CORP
80129315 INVESTORS CHOICE FINANCIAL PLANNING INC
80141576 INVESTORS DYNAMICS CORP
80145498 INVESTORS EDGE INC /IL/
80153855 INVESTORS FINANCIAL ADVISORS INC
80113282 INVESTORS PLANNING SERVICES INC /HI/
80126898 INZER J S CO INC
80139576 IONE REAL ESTATE INC
80140367 IORIO RAYMOND SAMUEL
80132757 IPEMA WILLIAM BYRON
80143239 IPO FINANCIAL NETWORK CORP
80152150 IRA INVESTMENT SPECIALISTS INC
80149047 IRIZARRY RAFAEL EUSTAQUIO
80154563 IRONSIDE INVESTMENT MANAGEMENT LLC
80134909 IRVIN CHRISTOPHER TODD PHD
80141050 ISENHOUR BARRY FOUTZ
80145437 ISGI ADVISORS
80145522 ISRAEL ALBERT MORRIS
80143531 ISRAEL GROWTH INVESTMENT ADVISER LTD
80140548 ITO DANIEL HENRY /WA/
80117447 ITO HENRY HISAO
80151321 IVORY INVESTMENT MANAGEMENT
80132873 IXL DISTRIBUTORS INC
80144869 J&J ADVISORS INC
80140163 JACKEL RICHARD
80148725 JACKSON ELIJAH JR
80138657 JACKSON LESTER JOHN
80133839 JACKSON LOWELL /GA/
80135170 JACKSON THOMAS CARSON
80153656 JACKSON WILLIAM ARLIN
80148158 JACOB CHRISTOPHER JOHN

80147626 JACOBS CAPITAL MANAGEMENT INC
80126586 JACOBS GARY KENT
80133275 JACOBSON CHARLES MAY
80127444 JACOBSON JOEL E & CO PC
80128607 JACOBY AGENCY INC
80138140 JACOY DANIEL PAUL/MA/
80130758 JACQUES WILLIAM RAY JR /
80138686 JAEGER & GILL CERTIFIED PUBLIC ACCOUNTANTS
80132083 JAFFE LEONARD MAURICE /CA/
80132235 JAH INC
80150036 JAI DEVANG
80153890 JAMES JOHN FUTURES GROUP LTD
80129601 JAMES MARIE RUPPERT CLU CHFC
80146481 JAMES MICHAEL GEORGE /CA/
80139342 JAMES VICTOR C JR
80146253 JAMES WILLIAM CONRAD /GA/
80140975 JAMIESON JOHN RICHARD JR
80135399 JANCA GEORGE ALBERT
80150222 JANE STREET ADVISORS INC
80143166 JANSEN INVESTMENTS INC
80105937 JANUS MANAGEMENT CORP /CO/
80153583 JARAMILLO ANDREW JUDE
80119504 JARON EQUITIES CORP
80146156 JARRELL WILLIAM GAMMON /CA/
80148607 JARRETT GLOBAL CAPITAL MANAGEMENT INC
80122980 JASANSKY ANTONIN
80107047 JAUCH HEINZ
80142365 JBC INSTITUTIONAL SERVICES CORP /IL/
80136754 JBL NEW ENGLAND LTD
80135443 JBT MANAGEMENT INC
80133775 JCW INVESTMENTS INC
80134261 JEFFERIS JOSEPH WOODSON
80126598 JEFFERS INVESTMENT MANAGEMENT CO INC
80122057 JEFFERSON DAVID ROWE
80135471 JEFFRIES JOHN EDGAR
80146377 JEM FINANCIAL SERVICES INC /WI/
80126290 JENKS PHILIP ARTHUR
80154191 JENNINGS ROBERT JAMES
80123897 JENNINGS ROBERT MARTIN JR
80148213 JEPPESEN THOMAS DALE
80145449 JER ADVISERS INC /VA/
80130107 JERNEGAN FINANCIAL MANAGEMENT INC
80147479 JESKE JERALD LEE
80133941 JESUP JOSEPHTHAL SECURITIES CO INC
80146184 JFW TRADING /IL/
80113524 JHAWAR SHIV RATAN
80127513 JHW FINANCIAL PLANNERS INC
80146212 JMC FINANCIAL CORP /CA/
80146462 JMR CAPITAL MANAGEMENT INC /CA/
80143648 JN INVESTMENT MANAGEMENT INC /FL/
80112077 JOFFE ARMAND
80143856 JOHNSON & ASSOCIATES LTD
80143540 JOHNSON DANIEL BRUCE
80153841 JOHNSON DANIEL THOMAS
80114357 JOHNSON DEAN K INC
80137515 JOHNSON DELBERT L JR
80147572 JOHNSON DONALD JAMES
80140698 JOHNSON EDWIN WILLIAM
80143947 JOHNSON FINANCIAL SERVICES LTD /IL/
80115312 JOHNSON FRANK EDWARD JR
80147921 JOHNSON HERBERT INC
80150822 JOHNSON INVESTMENT SERVICES INC
80133234 JOHNSON JAMES ROBERT
80147247 JOHNSON JAMES TAYLOR
80127887 JOHNSON JEFFREY EUGENE
80152724 JOHNSON KEITH FRANKLIN
80150271 JOHNSON KENNETH DEREK
80147538 JOHNSON MARK ALAN
80145533 JOHNSON MARTIN V JR
80148295 JOHNSON MICHAEL WAYNE
80129687 JOHNSON NICHOLAS MICHAEL
80134547 JOHNSON ROBERT EDWARD
80145411 JOHNSON SCOTT TOWNE
80135814 JOHNSON WILLIAM CHARLES
80148056 JOHNSTON LARRY WAYNE /IN/
80144578 JOHNSTON WALLACE LAMONT /TX/
80140211 JOHNSTON WILLILAM DERLIN
80136488 JOKSCH RALPH EDGAR
80153988 JOLLY WINSTON HATHWAY & BOTTEN DAVID JOHN
80123414 JONES AARON JR
80114037 JONES ADDIS THOMAS
80138017 JONES C TERRY CPA PC /AL/
80121396 JONES CARL MOUNSEY ENTERPRISES LTD
80145695 JONES FINANCIAL CORP /UT/
80126398 JONES FLOYD M JR
80151443 JONES HEWARD INVESTMENT COUNSEL INC
80141745 JONES JOHN WESLEY
80141696 JONES KENNETH AARON
80117945 JONES MARVIN H
80145594 JONES MICHAEL FRANCIS
80144328 JONES STEPHEN TODD
80148452 JORDAN NEAL VINCENT
80122421 JORGENSEN LEO NELS
80151521 JOSEPH ANDRE FAOUR
80125424 JOSEPH JAMES FRANCIS
80146982 JOYCE ROBERT MICHAEL
80143198 JOYCE THOMAS MICHAEL
80125516 JPI & ASSOCIATES INC
80142425 JRK ASSET MANAGEMENT INC
80135741 JRM ASSOCIATES INC
80136065 JRS MONEY MEN INC
80141531 JSL FINANCIAL INC
80149419 JT SECURITIES INC /NY/
80120868 JUHL GARY ALAN
80140316 JUNG YOJIN
80122003 JUREK ENTERPRISES
80128104 JURY FREDERICK EARL
80135430 JUST JAMES THRASHER
80128283 JUSTIN ASSET MANAGEMENT INC
80130134 JUVENNELLIANO FINANCIAL SERVICES
80135219 K&E INVESTMENT CO
80143199 KACOM INC
80123653 KAEPPEL JAY ARTHUR
80133158 KAESER ROLAND KARL
80114146 KAHN BROTHERS & CO INC
80114830 KAILING CAPITAL MANAGEMENT INC
80130748 KALAF BRIAN DONALD
80117697 KALEEL MICHAEL M /MA/
80134513 KAMANITZ UHLFELDER & PERMISON PA
80126417 KAMBOURAKIS PETER HARRY /NY/
80152997 KAMHI LAWRENCE MITCHELL
80138665 KAMSON SPORTS INC
80124889 KANIA PAUL ALAN
80117193 KANKAKU RESEARCH INSTITUTE INC /JAPAN/
80140714 KANTER ROBERT ALAN
80118798 KANTER STANLEY SAMUEL
80119549 KAPLAN ALLAN HARRY
80121704 KAPLAN CHARLES HOWARD
80103733 KAROLY KATHY LYNNE
80133467 KASARJIAN KENNETH PAUL
80140256 KASEMIR WOLFRAM
80144648 KASTEN MITCHELL JEFFREY
80118874 KATZ KENNETH L & CO INC
80128778 KATZ MARC
80130350 KATZ SAMUEL
80134092 KATZ SAPPER & MILLER
80105625 KATZ SYLVAN
80144317 KAUFMAN ANNETTE ESTA
80145535 KAUFMAN CAPITAL MANAGEMENT INC
80153132 KAUFMAN EDWARD JAY
80128046 KAUFMAN NORMAN
80142893 KAUFMAN SIDNEY WALTER
80140696 KAWAI TOMOO
80146504 KAY HERB LLC /AZ/
80133190 KAY STEVEN ARTHUR
80115521 KAY WILLIAM V
80133293 KAYS HOWARD W /IN/
80153800 KAZANA NADILIFU CHRISTOPHER
80151741 KBP ADVISERS LLC
80150033 KCM ASSET MANAGEMENT GROUP INC
80129851 KEARNEY JOHN ARTHUR
80143265 KEEFER DWIGHT EDWIN
80137396 KEELER R W & ASSOCIATES INC /NJ/
80127146 KEENAN TALMAGE L
80144330 KEESBURY GEORGE E
80113921 KEFAUVER JOHN MOODY
80145797 KEHOE JAMES ANDREW III
80141383 KEKICH DAVID ALAN /PA/
80111901 KELLAR DAVID HALE
80131794 KELLAR GREGORY RICHARD /GA/
80148428 KELLER ANTONE PETER /AZ
80135666 KELLER DOUGLAS NEIL
80131917 KELLER FINANCIAL CONSULTANTS INC
80136559 KELLOGG SECURITIES CO
80138131 KELLY ADVISORS INC /IL/
80150101 KELLY COLLEEN JOSEPHINE
80144066 KELLY DANIEL GERARD /CA/
80126429 KELLY JAMES M
80147570 KELLY JOHN JEROME
80120964 KELLY WILLIAM PAUL
80121395 KELMENSON VICTOR A
80153687 KELSO DOUGLAS SCOTT
80135404 KEMPER BJORNSTAD & ASSOCIATES
80141959 KEMPF & CO
80122616 KENDRICK & STIMPFIG FINANCIAL SERVICES CORP
80138926 KENDRICK DANIEL EDWIN /GA/
80132331 KENDRICK RICE MAUCERE CAPITAL INC
80122305 KENNEDY JAMES WILLIAM
80147163 KENNEY JAMES F
80137431 KENSINGTON CAPITAL MANAGEMENT INC
80129968 KENT RONALD E
80138072 KENTON FINANCIAL ADVISORS INC
80152790 KERBER FINANCIAL SERVICES
80121805 KERRIGAN THOMAS JOSEPH
80131887 KERRY STANLEY PETER
80144821 KESSLER KEITH KELVIN
80145863 KESSLER STEPHEN JOEDAVE TIMOTHY

80142485 KETTLER NEMEC REBECCA /MO/
80144650 KEY LATCH OF NEW YORK INC
80105714 KEY VOLUME STRATEGIES INC
80144853 KEYES WILLIAM AUGUSTUS IV
80117870 KEYSTONE SECURITIES LTD
80126851 KG EQUITY RESOURCES INC
80145495 KH ADVISORY SERVICES INC /CO/
80146791 KHAN TARIQ SAMAD
80141810 KHANI FRED
80147485 KHEMET FINANCIAL PLANNING INC
80109703 KIDDER PEABODY ASSET MANAGEMENT INC /NY/
80129767 KIELB DENISE JEAN
80124617 KIESCHNIK & ASSOCIATES INC
80127768 KILGORE DEBORAH ANN
80145106 KIMBALL & CO LTD
80135495 KINDER PINNEY & SCOFIELD
80122233 KING HINDSMAN & CO
80144212 KING JAMES JOSEPH II /NY/
80125475 KING JANE VIRGINIA
80126263 KING JOSEPH EUGENE
80134210 KING KENNETH RICHARD
80134206 KING ROBERT S
80135377 KING VICTOR LEROY JR
80125403 KING WALTER CARROL II
80154359 KINYON DOUGLAS A
80139626 KIRK SECURITIES CORP
80153929 KIRKLAND ADVISORS INC
80113710 KIRKLAND INVESTMENT MANAGEMENT INC
80124099 KISSINGER ADVISORY INC
80140929 KISSINGER FINANCIAL SERVICES INC
80153852 KIYOHIRO LAURENCE MAKOTO
80133661 KL ASSOCIATES
80140393 KLB INVESTMENT MANAGEMENT CO LTD
80131222 KLEFFMAN JERRY LEE
80135531 KLEIN ANNA CATHERINE
80136669 KLEIN DENNIS PETER
80148043 KLEIN JEFFREY KEITH
80116673 KLEIN LAWRENCE R & ASSOCIATES
80148486 KLEIN LEON JAY
80123994 KLEYSTEUBER WILLIAM R A III
80127703 KLINE & KLINE INVESTMENT SERVICE
80142232 KLINE ALEX P /PA/
80146867 KLINE LEON
80137767 KLINGENSTEIN MARKS & COHEN LP
80124546 KLITIN OSCAR ALEXANDER
80134967 KLITZBERG RICHARD /NJ/
80144512 KLOSSNER SCOTT EDWARD
80145659 KMI REALTY ADVISORS INC
80145056 KNELLER FINANCIAL ADVISORS INC /GA/
80151856 KNIGHT DANIEL TAYLOR
80139022 KNOWLES AVERY REALTY ADVISORS
80149492 KNOX FINANCIAL SERVICES GROUP
80149163 KOCHERHANS THOMAS CROFT
80149009 KOENIG JERRY JAMES /DPRQ/ DPF
80141341 KOERSELMAN JON D & CO /CO/
80113347 KOHLER FRED R & CO
80138116 KOHN FINANCIAL CORP /OH
80126815 KOKE WILLIAM LAWRENCE
80119916 KOLO FRANK JOHN
80133756 KOLTUN MICHAEL ALEXANDER
80141970 KONA ADVISERS INC /CA/
80129277 KOPIETZ JAMES OTTO V
80145528 KORI ENTERPRISES INC
80145169 KORLJAN ROBERT RALPH /AZ/
80135213 KOROSEC MICHAEL ANTHONY
80147761 KORTH JOHN ALAN
80145710 KOSHINSKI DAVID PAUL
80152047 KOSLOSKE MICHAEL WAYNE
80152008 KOSUBINSKY STEPHEN MICHAEL
80152147 KOTHARE RAVI VIJAY
80131399 KOTLER MORTON
80123596 KOTSONIS PETER GEORGE
80120746 KRAFFT FINANCIAL PLANNING CO
80120104 KRAMER NOEL R
80141419 KRAMER NORMAN
80136979 KRAUSE MARJORIE BAUTISTA /OH/ LV
80121176 KRCHAK DAN WARREN
80144285 KREDIETBANK GLOBAL MANAGEMENT LP
80148520 KREINBERG STEVE NEIL
80119579 KREINZ ROBERT LEE
80132384 KREMER DAVID JOSEPH G
80135980 KRIEGER MARK ROBERT
80146889 KRIGMAN HARRY MARC
80127601 KRINKE CHARLES FRED
80113877 KRISHER LAWRENCE CHARLES
80151228 KRISHNA DIXIT JAGANNATH
80143277 KRISSINGER LAWRENCE JOSEPH
80153734 KROLL CHRISTOPHER BRIAN
80139095 KROUSE ROBERT EUGENE
80136658 KRUEGER ASSET MANAGEMENT LTD
80135549 KRUEGER CAPITAL MANAGEMENT
80132250 KRUGER JONATHAN SAMUEL
80135541 KRUPKOWSKI MARK DANIEL
80139607 KTB REALTY PARTNERS INC
80151806 KUAN PO CORP
80129655 KUBOTA EDWIN LESTER
80139807 KUIPERS JAMES A /IL/
80118697 KULLBOM ADVISORY INC
80153796 KUNZOG TED INC
80141625 KUO YADONG
80146461 KURIYAMA STEVE TADAO /HI/
80149970 KUROVSKY VLADIMIR NIKOLAY
80146977 KUSHNER JACK
80144521 KUTTAN ROGER
80139050 KVI FEDERAL INC /IA/
80140612 KYLE RICK LEE
80143318 KYPARISIS JERZY /FL/
80145263 L&D ASSET MANAGEMENT INC /NY/
80122588 LA MAR BILLY RAY
80148246 LABBIE HERBERT GEORGE
80128647 LABINE LAWRENCE MICHAEL
80145879 LABOURDETTE LEO ALVIN JR /LA/
80119467 LABREC SECURITIES INC
80152045 LACKEY AARON MICHAEL
80119243 LACY WESLEY DALE
80130296 LADCOR
80132970 LAFAYETTE FINANCIAL SERVICES CORP
80140888 LAFFER WARREN & CO INC /FL/
80138710 LAH JOHN JOON HO /OH/
80151293 LAI ERIC J
80148250 LAICK MATTHEW ALOYSIUS
80135229 LAING ROBERT ROYDEN
80146144 LAKE STREET INVESTMENT MANAGEMENT INC /CA/
80115932 LAKESIDE ASSET MANAGEMENT
80129779 LALOGGIA CONSULTING INC
80133095 LAMAUTE FINANCIAL GROUP INC
80140909 LAMBERSON KNIGHT CAPITAL MANAGEMENT INC /NJ/
80141328 LAMBERT JAMES JEFFREY /CA/
80149403 LAMOTHE ROBERT E /MD/
80126977 LAMPARIELLO JOSEPH
80148555 LAMPENFIELD RICHARD
80147305 LAMPMAN GARY W
80140202 LANDAUER ASSOCIATES INC
80136976 LANDMARK FINANCIAL SERVICES /MA/
80143621 LANDOLT SECURITIES INC /WI/
80133733 LANDON & CO INC
80139385 LANDOR INVESTMENT MANAGEMENT INC
80114284 LANG & ASSOCIATES
80127702 LANG PATRICIA ANN
80144215 LANGLEY MICHAEL JOE /KS/
80145302 LANGSEN GROUP INC
80151694 LANGSETT GREGORY SUMMERLIN
80143744 LANIER CAPITAL MANAGEMENT INC /GA/
80149445 LANSING GARY AUBIN
80129711 LANTZ LLOYD RANDALL
80145377 LARIOS ROBERT CHARLES /AZ/
80112538 LARKIN EMMETT A CO INC
80132267 LARKIN FINANCIAL GROUP INC /MN/
80140042 LARRIVA ALFONSO ANTONIO
80132164 LARSON ADVISORY SERVICES INC
80120128 LARSON PHILIP EMMET
80150253 LARSON RICHARD EDWIN JR
80141147 LARSON ROGER ERNEST
80115268 LATANE MORRIS INVESTMENT MANAGEMENT ASSOCIATES OF NC INC
80141486 LATHAM BARBARA PRIVOTT /MD/
80131626 LATIMER MANAGEMENT CO
80135045 LATOUR MARK LOUIS
80143435 LAU ROBERT C /FL ADV
80125498 LAUDATE ANDREA
80146930 LAUREN & MERLIN INC
80151079 LAURENT DAVID JEAN PIERRE
80118025 LAVOIE ROBERT ARMAND
80132639 LAWHORN MICHAEL JOHN
80131184 LAWLER FINANCIAL ADVISORY CORP
80127393 LAWRENCE DENNIS E & ASSOCIATES INC
80134577 LAWRENCE FIELD INC
80146735 LAWTON ANNA FELMLY
80128584 LBA PROFESSIONAL FINANCIAL PLANNING LTD
80153944 LC FINANCIAL INC
80144852 LCP GROUP LP
80141157 LEA WILLARD HARLON
80109230 LEADEM JOSEPH ANTHONY/ CA/
80146701 LEADFORD & ASSOCIATES INC /MI/
80138307 LEASURE JOHN HAYES
80146737 LEAVY MARC INC /OH/
80122196 LECHNER EDWARD JAMES
80148847 LECOT CONSULTING SERVICES INC
80152369 LEDERMAN HENRY SAMUEL
80149179 LEE ALBERT JEN TA
80152863 LEE FRED M FINANCIAL CORP

80139319 LEE KENNETH KC
80148846 LEE LAURENCE FREDERICK III
80134968 LEE MICHAEL DAVID
80136940 LEEDHA INC
80151908 LEEDY SLUSAR & CO LTD
80120636 LEER PFEIFFER WARD CORPORATION
80139321 LEES CAPITAL MANAGEMENT INC
80142218 LEGACY FINANCIAL PLANNING ASSOCIATES INC /CA/
80151227 LEGACY RESOURCES LLC
80137137 LEGRAND RIGHT FINANCIAL GROUP INC
80151570 LEHNER HARVEY SANDERS
80113931 LEHRENS IRVING
80128384 LEIGH ARTHUR EDWARD
80131931 LEMIER ROYAL ROBERT
80133223 LEMMER PAUL ALAN
80143918 LENHART SCOTT STEPHEN /CA/
80151251 LENOX CAPITAL MANAGEMENT INC
80145471 LENZA MICHAEL JOSEPH /MA/
80142958 LEONARD SCOTT ALAN
80117150 LEOPOLD JONATHAN PORTER AARON JR
80137883 LEPPERT NORMAN E
80154444 LERNER ERIC WILLIAM
80144531 LERNER LORI
80136927 LESLEIN JACK
80149882 LESSIN JUDITH LOUISE
80141939 LETCAVAGE RANDALL
80146993 LETSON ROBERT LEE JR
80135910 LEVALLEY CURTIS RAY
80152082 LEVECK STEVE LEWIS
80127482 LEVINE LAWRENCE EAGLE
80135504 LEVINE RICHARD HARVEY
80145145 LEVY ESTHER
80139041 LEVY JOSEPH
80146045 LEVY MOSES & ALBERT INVESTMENT ADVISORS INC /MD/
80147457 LEVY PERRY ADRIAN & SPRINTZ HENRY
80122392 LEWIS BROCK ASSOCIATES LTD
80141101 LEWIS CRAIG EDWARD
80106438 LEWIS DANIEL ROBERT
80126986 LEWIS DANIEL ROBERT /WA/
80146314 LEWIS ELLIOTT EDWARD /NY/
80146145 LEWIS GORDON PHILIP /CA/
80128532 LEWIS RICHARD S
80133930 LI HSIAO YUAN BRUCE
80143301 LIBERTY ADVISORY SERVICES CORP
80148860 LIBERTY CAPITAL MARKETS INC
80119872 LIBERTY FINANCIAL MANAGEMENT CO OF NORTH AMERICA ADV
80152327 LIBRA
80135758 LICA AMERICA INC
80133959 LICHTER JOHN ROBERT
80145307 LIEBOWITZ L & CO INC
80121212 LIEFER MARTHA
80130660 LIEN RECOVERY SERVICE INC
80129469 LIFESTYLE FINANCIAL PLANNERS INC
80154509 LIGHTHOUSE INVESTMENT ADVISORS INC
80141435 LIGHTNING GROWTH ENTERPRISES INC
80129012 LIGHTSEY EDDIE LEE
80128058 LIN GEORGE SEIN
80106633 LINAM RONALD HAMPTON
80128469 LINCOLN FINANCIAL GROUP INC
80144535 LINCOLN FINANCIAL INC
80129794 LINCOLN MYRON CARLTON JR
80146506 LINCOLN PARK ASSOCIATES INC /IL/
80142403 LINCOLN PROPERTY CO INVESTMENT ADVISORS INC /CA/
80112008 LINCORP RESEARCH INC
80140803 LINDBERG DONALD JOHN /TX/
80145545 LINDSAY SANDBAK GROUP INC
80132346 LINDSAY WILLIAM DAVID
80127489 LINDSEY DAVID ERLE
80142367 LINHART ROBERT WALTER /NY/
80120214 LINK FINANCIAL CORP
80131560 LINVILLE PAUL EUGENE
80135010 LINZMEIER OONAGH MARY
80147197 LITCHFIELD MANAGEMENT CORP
80136871 LITTLE LARRY G /AZ/
80138592 LITTMAN ROBERT JACOB
80142131 LITWACK JEFFREY MARK /NY/
80142295 LITZLER LINDA ANN /OH/
80117365 LIVON SECURITIES INC
80121058 LJL INC
80127690 LJR ENTERPRISES INC
80149176 LOCKE LARRY VAN
80138108 LOCKE RICHARD KEITH
80124744 LOCKHART ANGELO DRAKE
80126600 LOETZ GORDON HENRY
80131242 LOEWI MANAGED ACCOUNT SERVICES INC
80144680 LOFGREN THOMAS EMIL /FL/
80132666 LOFTON MYRON LIONEL
80154421 LOH JOHN
80145592 LOMENZO MICHAEL
80145062 LONG KYLE JONES /AZ/
80151474 LONGVIEW INVESTMENT ADVISORS INC
80135224 LOPEZ J & M & ASSOCIATES INC
80154358 LOPEZ SAMUEL JR
80123448 LORD MICHAEL PHILLIP
80142112 LORGB INVESTMENT ADVISORS INC
80128981 LORING CHARLES S
80146367 LOSCH MANAGEMENT CO
80151797 LOSOFF RICHARD FRED
80144214 LOTT GERALD MAYNARD /CA/
80144320 LOUGHRAN GERALD MORRIS
80148247 LOUISIANA ASSET MANAGEMENT POOL INC
80125443 LOUX DAKOTAH JAKE
80150431 LOVE MICHAEL GEORGE
80148157 LOVERN DAVID GEORGE
80149977 LOVETT RICHARD JAMES SR
80127028 LOWELL INVESTMENT MANAGEMENT CORP
80125382 LOWENTHAL RODGER DANIEL
80132981 LOWN JEFFREY BARRY
80122299 LUBARSKY NEIL ROBERT
80128291 LUCAS DELEON SOLOMON
80143132 LUCIA RAYMOND JOSEPH
80145031 LUCIE FINANCIAL SERVICES INC /GA/
80141670 LUNA CARLOS MORENO
80146928 LUNN PARTNERS LP
80140169 LURIE JAMES L CERTIFIED FINANCIAL PLANNER LTD /IL/
80142507 LUSSIER ADELARD JOSEPH /RI/
80144956 LUTHER MICHAEL LOUIS /CA/
80136014 LUTZ LARRY ALBERSON
80137129 LYMAN JOHN EDWIN
80151568 LYNCH DAVID ALAN
80137441 LYNCH E F & CO INC
80134214 LYNCH KENNETH NOLAN
80151502 LYNN BOYD & CO INC
80145204 LYNX ASSET MANAGEMENT INC /CT/
80147130 LYON WILLIAM FRANK
80146828 LYONS & HANOVER MANAGEMENT CO
80133699 LYVERS DOUGLAS BRUCE
80147983 M O S A I C INVESTMENT ADVISORS INC
80125968 M SECURITIES OF FLORIDA INC
80136710 M&M CAPITAL MANAGEMENT INC /MI/
80146777 MAAS CLIFFORD ALBERT
80120668 MABREY LEON ROY
80127422 MACDONALD THOMAS MARTIN
80147090 MACFARLANE PARTNERS LTD PARTNERSHIP
80131178 MACFARLANE REALTY ADVISORS INC
80144192 MACGEORGE MICHAEL JOSEPH /MD/
80149328 MACIQUES PABLO EDUARDO JR
80144064 MACKENZIE JASON ASSET MANAGEMENT INC /GA/
80144329 MACKENZIE JASON SECURITIES INC
80153238 MACKEY BRIAN CRAIG
80154590 MACKIE MATTHEW CARTER
80128881 MACLEAN ASSOCIATES
80150050 MACNEILAGE SCOTT DANIEL
80138458 MACOBY INVESTMENTS INC
80135159 MACPHERSON ROBERT
80131933 MACRO WORLD RESEARCH CORP /NC/
80131976 MADDOX CHARLES WESLEY
80150194 MADISON CAPITAL MANAGEMENT CORP
80118230 MADISON GROUP INC
80154153 MADISON MONROE INC /PA/
80128237 MADISON ONE DATA GROUP INC
80136207 MAGASINN ARNOLD WEBBER
80140683 MAGEE JOHN INC /MA/
80140784 MAGUIRE CHARLES DAVID
80146470 MAGUIRE WILLIAM JAMES /CA/
80139465 MAHAN JON MARSHALL /MI/
80145069 MAHAN ROBERT TYDE
80141436 MAHER JAMES RILEY
80125662 MAHOUBI INVESTMENT STRATEGIES LTD
80139886 MAHROK CHARANJIT S
80143210 MAIN STREET FINANCIAL CO
80150311 MAIN STREET FINANCIAL PARTNERS LLC
80147919 MAINLAND BRADLEY TIMOTHY
80148052 MAINSTREET CAPITAL MANAGEMENT INC
80148322 MALEKI ALEXANDER SCOTT
80133986 MALKASIAN HENRY ARAM JR
80124403 MALLAS GUSTAV JOHN
80119079 MALLEY EDWARD FRANCIS
80115000 MALLINSON CONSULTANTS INC
80126164 MALOOF RAYMOND EDWARD
80139012 MANAGED ASSET PROGRAMS INC /CO/
80125923 MANAGEMENT BUSINESS AMERICA CO
80123609 MANDELL INSTITUTE INC
80138716 MANETTA JOHN RAYMOND

80145915 MANHATTAN CAPITAL PARTNERS INC /NY/
80139965 MANKAU HAROLD LEWIS
80143872 MANN JOHN DAVIDSON /TX/
80142627 MANNING INSURANCE AGENCY INC
80142947 MANNING RICHARD JOHN /PA/
80153243 MANSION HOUSE USA LLC
80122073 MARAM HARRY LEON
80128711 MARANT MICHAEL DAVID
80130178 MARANTETTE & CO
80146690 MARATHON FINANCIAL GROUP INC
80116168 MARCH DARRYL VICTOR
80132468 MARCUSSE JANET MAVIS
80120952 MARCY JOSEPH FREDERICK
80122485 MARDER BRIAN IRWIN
80141759 MARDER IRVING /NH/
80127408 MARGAVIO MARK GERARD
80141574 MARICK CAPITAL MANAGEMENT INC /FL/
80138322 MARIOTTI MARK CARL
80149938 MARIUS ERHARD VICTOR
80143427 MARKAS FINANCIAL SERVICES INC /NJ/
80132641 MARKET MODEL CORP
80124966 MARKET RESEARCH & MANAGEMENT CORP
80112185 MARKET STUDIES REPORT
80114322 MARKET TIMING & RESEARCH INC
80128934 MARKETS ADVISORY INC
80154678 MARKETS ADVISORY INC /AZ
80137375 MARKEY MICHAEL LYNN
80135296 MARKOFF JOHN GREGORY
80136826 MARKOSKY THOMAS WILLIAM
80140144 MARKWELL INC
80144755 MARKWITH GERALD RALPH JR
80109943 MARQUETTE CAPITAL MANAGEMENT CORP /MN/
80124813 MARSDEN MARGARET LOUISE
80148919 MARSH JAY KENNETH
80133607 MARSHALL & CO SECURITIES INC
80144982 MARSHALL & STERLING FINANCIAL CONSULTANTS INC
80129521 MARSHALL JAMES C PC
80143529 MARSHALL REALTY ADVISORS
80150002 MARTEL ERNEST LAURENT
80139547 MARTIN ANDREW LEE
80147763 MARTIN CHRISTOPHER /TX/
80132613 MARTIN LINDA REDDEN
80146781 MARTIN MICHAEL LYNN
80131793 MARTIN MICHELE KATHARINE
80154405 MARTIN RALPH EDWARD
80128911 MARTIN RICHARD JAMES
80150001 MARTIN STEVEN EDWARD
80123725 MARTINDALE WIGHT JR
80144509 MARTINEZ JOHN LUIS
80137467 MARTINEZ LEONARD FRANCIS JR
80123317 MARTINEZ STANLEY FRANK
80121094 MARYLAND FINANCIAL GROUP INC
80133783 MAS CONSULTANT SERVICES INC /NY/
80123473 MASSEY & CO INVESTMENT ADVISORS
80149161 MASSINGILL JAMES HORACE III
80138939 MASTER FINANCIAL CONSULTANTS INC
80136853 MASTER PLANNING SYSTEMS INC
80113090 MASTRANGELI ALFRED JAMES
80119101 MATHES DOUGLAS A FINANCIAL CORP
80129201 MATHIS WEST HUFFINES & CO
80143887 MATOFF RICHARD IRVING /CA/
80132256 MATRAC GROUP INC
80118391 MATRIX FINANCIAL CONSULTING INC
80134236 MATRIX GROUP INC
80146352 MATRIX INVESTMENT ADVISORS INC
80123266 MATRIX PLANNING GROUP INC
80137573 MATTHEW A G & CO /CA/
80143911 MATTHEWS HARLAN STUART /NY/
80115775 MATTHEWS LEONARD
80113444 MATYLEWICH THADDEUS DANIEL
80145457 MAY DAVIS GROUP INC
80136282 MAYER GERALDINE THERESA
80140682 MAYES GREG C FINANCIAL GROUP
80138094 MAYES TRENDS INC
80147701 MAZZETTI INTERNATIONAL INVESTMENTS INC
80132982 MAZZOLA EUGENE CORNELIOUS
80150412 MBA FINANCIAL SERVICES INC /IL
80146418 MBS INVESTMENT RESEARCH /GA/
80131428 MCALLISTER COOK ADVISORS INC
80147607 MCC SECURITIES INC
80150924 MCCAFFERY PINDJAK & ASSOCIATES INC
80143021 MCCALL & ALMY INVESTMENT ADVISORS INC /MA/
80124605 MCCARTHY JOHN FRANCIS
80124755 MCCARTHY STEPHEN A
80112492 MCCARTHY WILSON
80146845 MCCAULEY DOUGLAS JOHN
80139340 MCCAULEY JOHN JOSEPH
80132657 MCCOLLUM TIM GORDON
80137791 MCCONICO DAVID & CO
80129442 MCCORD RICHARD DAVID JR
80138509 MCCORMICK LAURIE BECKWITH /CA/
80120431 MCCOURT PATRICK JOSEPH
80134879 MCCRACKEN FLOYD A SECURITIES INC
80145553 MCCRACKEN MARSHA JO DASENBROCK
80135103 MCCRARY CAPITAL MANAGEMENT INC
80122427 MCCUISTION & CO
80112753 MCCUNE CHARLES ALEXANDER
80127534 MCCUTCHEN THURSTON BEN
80137617 MCDANIEL CORP /SC/
80132228 MCDANIEL DAVID LEE
80147667 MCDEVITT CHRIS COLIN
80128484 MCDONALD DEWEY WANDELL
80152226 MCDONALD TIMOTHY JAMES
80129366 MCDONOUGH JOSEPH RICHARD JR
80136161 MCDOWELL FINANCIAL ADVICE INC
80127550 MCELROY FELIX PAUL JR
80148770 MCELVEEN WILLIAM EDWARD
80145488 MCEVOY CONSULTING PC /IL/
80134233 MCGEE FINANCIAL GROUP INC
80142656 MCGINNIS SEAN WILLIAM
80148348 MCGOVERN LAWRENCE EDWARD
80154602 MCGUIGAN KEVIN FRANK
80130844 MCGUIRE DEBRA GLOVER
80130843 MCGUIRE JAMES HARRISON
80130115 MCINTIRE FRANCIS EDWARD JR
80141897 MCINTOSH JOHN NICHOLAS /CA/
80122765 MCKAY JAMES BRUCE DOUGLAS
80140905 MCKEE W B SECURITIES INC /AZ/
80134315 MCKEEVER SECURITIES INC
80140715 MCKENZIE GLOBAL INC /IL/
80132841 MCKENZIE OBIE LEE
80131693 MCKINLEY BELCHER /DC/
80132391 MCKINNIE RAYMOND MICHAEL
80122491 MCLAIN LOVINS & CO PC
80119433 MCLAREN ROY BURTON STEPHEN
80135706 MCMANN JOHN HATHAWAY STUART
80152370 MCMASTER MARK ALAN
80125641 MCNAIRY & CO INC
80142580 MCNEELEGE MATTHEW KENNETH /CA/
80141932 MCNEIL EDMUND COLWELL
80139023 MCNEILL DON SCOTT
80133411 MCNEISH DAVID DIXON
80137930 MCPHILLIPS THOMAS PATRICK /OH/
80148011 MCRENA THOMAS ANTHONY
80113510 MD MANAGEMENT ASSOCIATES INC
80130846 MDE ASSOCIATES INC
80120390 MDS INVESTMENTS ADV
80150590 MEAGHER BRIAN JAMES
80143139 MEAS INTERNATIONAL LTD /NY/
80144009 MEC FINANCIAL GROUP INC /CA/
80153146 MECHIGIAN KATHRYN KAY
80123712 MECKFESSEL JOY COTTLE
80146165 MEDCOR
80137483 MEES & HOPE FUNDMANAGEMENT BV
80123549 MEGARIAN INC
80149685 MEHL PHILIP EDWARD
80143334 MEIER RONALD EDWARD CFP
80139821 MEISTER LLOYD DUANE
80127447 MELF VINCENT LEONARD
80125265 MELLO CURTIS JOSEPH /MA/
80140248 MENA CAPITAL MANAGEMENT CORP
80148163 MENDOLIA PETER RICHARD
80130131 MENES MELVIN
80137569 MENTAS HARRY JOHN /MA/
80145346 MERAMEC INVESTMENT ADVISORS INC
80140596 MERCHANT GROUP /MO/
80133889 MERCURY TRADING INC
80140343 MEREL VINCENT GEORGE /NJ/
80129324 MERGER & ACQUISITION SCIENCES CORP
80146868 MERIDIAN ASSET MANAGEMENT INC /FL/
80121982 MERIDIAN FINANCIAL SERVICES INC
80142989 MERJAN MONEY MANAGEMENT INC
80129251 MERLIN ASSET MANAGEMENT ASSOCIATION
80146009 MERRILL LYNCH PORTFOLIO SERVICES INC

80136966 MERRITHEW LESLIE ROBERT /CA/
80147363 MERRITT & CO INC /FL/
80150627 MERRITT LESLIE SCOTT
80147815 MERRITT THOMAS HAINES
80148549 MESE JOHN CARL
80113258 MESENBURG J R & ASSOCIATES
80123021 MESENBURG J R ASSOCIATES
80135913 MESIROW CAPITAL INC
80128937 MESSAM LEROY ANTHONY
80128968 MESSAM RUBY PATRICIA
80153659 META CO INC
80143594 METIS CAPITAL MANAGEMENT INC
80130848 METRO EQUITIES CORP /IL/
80137981 METROPOLITAN CAPITAL ADVISORS
80153613 METROPOLITAN FINANCIAL CLUB INC
80128158 METROWEST FINANCIAL GROUP INC
80127573 METZGER JEFFREY ROBERT
80141319 MEYER JAMES RODNEY /CA/
80143131 MEYEROWITZ MARK
80150470 MEYERS GEORGE WENDEL
80150471 MEYERS GREGORY W
80150146 MEYERS PATRICK JOHN
80105397 MEYERSON & CO INC
80123001 MFG CONSULTING INC OF NJ
80138638 MFP FINANCIAL SERVICES AGENCY INC
80126525 MICHELS & DUFFY FINANCIAL PLANNERS /CA/
80126213 MICHELS JOHN LOUIS
80125613 MICHELS ROGER LEON
80131231 MICHIGAN FINANCIAL PLANNERS INC
80146374 MID AMERICA CAPITAL ADVISORY INC /MI/
80133123 MID ATLANTIC FINANCIAL MANAGEMENT CORP
80139600 MID ATLANTIC FINANCIAL MANAGEMENT CORP /VA/
80125292 MID IOWA FINANCIAL SERVICES
80148772 MIDATLANTIC INVESTMENT ADVISORS INC
80135687 MIDDLETON R J & CO
80139882 MIDWEST MORTGAGE ADVISORS INC
80147931 MIELNICKI AMY LOUISE
80141960 MIHATA KENNETH KIYOSHI
80135204 MILES MANAGEMENT INC
80149281 MILLAR JAMES RANDOLPH JR
80143047 MILLENNIUM GROUP OF ILLINOIS INC /IL/
80107311 MILLER ARTHUR & CO
80110562 MILLER DAVISON & CO INC
80144347 MILLER ENSIGN GIBSON & CO
80123730 MILLER FINANCIAL CORP
80138396 MILLER GARY STEPHEN
80140766 MILLER GROUP
80113185 MILLER LEONARD HANMER
80120593 MILLER LESLIE NOEL
80116230 MILLER MARION KERR
80113845 MILLER NATHAN
80149533 MILLER RICHARD//NY
80145752 MILLER WYNN CASWELL
80138479 MILLIAN ROBERT PAUL
80146601 MILLIGAN MICHAEL GEORGE /CA/
80136448 MILLS MEADOW MANAGEMENT INC
80128882 MILLS ROBERT WADE
80146529 MILNE INVESTMENT SERVICES INC /FL/
80130132 MINARD CHRISTOPHER MILTON
80149699 MINORITY FUNDCORP INC
80127031 MINUTEMAN FINANCIAL SERVICES INC
80115209 MINUTEMAN PUBLISHING CO
80146080 MINX KATHRYN ANN /IN/
80115026 MIRCHANDANI LAL NARAINDAS
80134787 MIRRAS DONALD ROBERT
80145808 MISCHILER LIBERTY INC /CA/
80136584 MISSION CAPITAL INC
80153000 MISSION FUNDING GROUP INC
80153623 MISSION SHORES FINANCIAL MANAGEMENT LLC
80146355 MITCHELL RICHARD EDWARD
80144887 MITSI CORP
80151004 MIYASHIRO JED NORIO
80151572 MIYOSHI & KITAMURA INC
80116007 MIZRACHI JOSEPH
80148280 MIZRAHI JOSEPH
80143087 MIZUNO NORIHIRO
80131698 MJB ASSOCIATES INC
80143481 MJC INVESTMENTS LTD
80147529 MJM PLANNING SERVICES INC /NY/
80138867 MJS ASSOCIATES INC /NY/
80128855 MKA FINANCIAL DESIGNS INC
80128822 MLADJENOVIC PAUL JOSEPH
80130095 MLM WORLDWIDE SECURITIES INC
80120411 MNC MORTGAGE & REALTY ADVISORS INC ADV
80137920 MO L ASSOCIATES INC
80129370 MOFIELD OWEN DEAN
80136741 MOIDEL JACOB SOLOMON
80150890 MOIR JAMES ANDERSON
80151997 MOIR JOHN STIRLING
80141614 MOLAMPHY PATRICK DECLAN
80148684 MOLDOVAN GEORGE JOHN
80123140 MOLINARI DONALD EUGENE
80146672 MOLINARI JAMES THOMAS /AZ/
80143908 MOLITZ DAVID SAMUEL /CA/
80143353 MOLNAR ANTHONY ALLAN
80144421 MOLOTSKY LEE STUART
80138212 MONAGHAN MICHAEL JAMES
80142440 MONCRIEF DAVID GUY
80120550 MONETA PLANNING CORP ADV
80146495 MONEY CONCEPTS INC /FL/
80123893 MONEY FARMING INC
80126548 MONEY GROUP INC
80141934 MONEY MAGAZINE SERVICES INC
80130117 MONEY MANAGEMENT & ANALYTICAL RESEARCH INC
80122842 MONEY MANAGEMENT ADVISORS INC
80142144 MONEY MANAGEMENT INSTITUTE INC /NJ/
80125370 MONEY MANAGER INC
80129094 MONEY MANAGER REVIEW
80116530 MONEY MARKET ADVISORS CORP
80149575 MONEY MONITORS INC
80133731 MONGERSON & CO SECURITIES CORP
80145294 MONITOR INVESTMENT GROUP INC /PA/
80149501 MONTANARY WILLIAM BRUCE
80124136 MONTEREY BAY INVESTMENT CORP
80131859 MONTOYA GONZALO
80142508 MONUMENT CAPITAL MANAGEMENT INC /WY/
80129623 MOONEY JOAN MAXFIELD
80134745 MOONEY WILLIAM STEVEN
80106938 MOORE & SCHLEY CAMERON & CO
80140058 MOORE ALEX JAMES
80134957 MOORE DAVID PAUL
80146295 MOORE FINANCIAL GROUP INC
80149098 MOORE KATHERINE ANN
80126480 MOORE ROBERT ALONZO
80153553 MOORE ROBERT DONNIE
80132425 MOORE ROBERT LEE
80150519 MOORE SHEILA JANE
80144245 MORA JOHN PAUL
80148476 MORAN KEVIN VINCENT
80132339 MORAN MARY KATHERINE DEAN
80133708 MORAN VIRGINIA FLYNN
80139217 MORAND JEFFREY PETER /CO/
80134428 MORBANC FINANCIAL CORP
80119515 MORGAN CAPITAL MANAGEMENT INC /WA/
80125723 MORGAN GENE FINANCIAL
80137716 MORGAN HENRY OTIS
80135632 MORGAN WILLIAM BRYAN
80144276 MORGAN WILLIAM FRANK /OH/
80137855 MORGAN WILLIAM PAUL JR
80147339 MORGENWECK WILLIAM FRANK
80131735 MORIARTY DANIEL P & ASSOCIATES INC
80114845 MORIN VOLNEY F INC
80134813 MORRE JOHN JOSEPH /CA/
80145119 MORRIS ALAN MILLER /UT/
80141911 MORRIS ANDERSON INVESTMENT ADVISORS INC /IL/
80116495 MORRIS INVESTMENT COUNSEL INC
80133042 MORRIS LYNN EARL
80137521 MORRISON MARC M
80151266 MORROW MARK DARREN
80143352 MORT STEVEN LINWOOD
80130140 MORTENSON MALENE PATRICIA
80148316 MORTGAGE CAPITAL ADVISORS INC
80137538 MORTGAGE INDUSTRY ADVISORY CORP/NY
80144969 MORTON RUPERT JAMES PHILIP /FL/
80149404 MOSCHIANO FRANK LOUIS
80139117 MOSES DANIEL PAUL
80127985 MOSES NORRIS & TROSTLE FINANCIAL PLANNING INC
80142032 MOSS CHRISTOPHER RICHARD /TX/
80117869 MOSS JOSEPH H INC
80112092 MOSS JOSEPH HENRY
80152237 MOSSE GEORGE EDWARD JR
80152625 MOTE EDWARD
80149888 MOULTON DOUGLAS DRISCOLL
80129649 MOY GEORGE
80151581 MOYERMAN DAVID ROBERT
80148411 MPS CAPITAL MANAGEMENT
80143824 MRK CAPITAL MANAGEMENT INC /NY/
80141876 MSS ASSET MANAGEMENT INC /NY/
80147522 MSW INTERNATIONAL INC
80131972 MTH ASSET MANAGEMENT
80142029 MTL INTERNATIONAL FINANCE INC
80130264 MUDD RICHARD PEERS
80130792 MUELLER HELEN GLADYS CFP

80131528 MUENCH WILLIAM RANDALL
80136608 MUFFOLETTO MICHAEL D
80126671 MUHAMMAD INVESTMENTS
80128930 MULHALL THOMAS PATRICK
80116767 MULLIGAN MARTHA JANE
80146911 MULLIGAN ROBERT JAMES JR
80141664 MULLINS DAVID JERRY /DC/
80148983 MULTIPLEX FINANCIAL GROUP INC
80141002 MUNDO DOMINIC PETER /NY/
80136112 MUNI CALL INC
80153192 MUNICIPAL BOND ASSET MANAGEMENT INC
80119448 MUNK FREDERICK LOUIS JR
80122519 MUNOZ MANUEL ANTHONY
80139779 MUNROE ROBERT GEORGE /AZ/
80142795 MURCHISON INVESTMENT ADVISORS INC /TX/
80135912 MURCHISON PATTI JEAN
80149933 MURDOCK STUART LAIRD
80125029 MURPHY & CO PC /VA/
80145117 MURPHY DANIEL ROBERT /IL/
80132239 MURPHY DANIEL THOMAS
80144078 MURPHY DEAN THOMAS /AZ/
80129437 MURPHY JAMES RICHARD
80146457 MURPHY PAUL THEODORE /CA/
80145333 MURPHY WALTER WILLIAM /NY/
80126902 MURRAY MARY HOWARD
80119094 MUSUMECI ANDREW ANTHONY
80136546 MUTEFF GEORGE MLADEN
80151002 MUTUAL FUND MANAGEMENT CO INC
80124430 MUTUAL FUND PATHFINDER INC
80114437 MUTUAL MANAGEMENT CORP
80134533 MVL FINANCIAL CORP
80142582 MYERS GERALD EUGENE /OR/
80135251 MYERS JAMES MILTON
80135357 MYGRANT STEVEN J
80134040 MYLES MYRTIS YVONNE
80144277 MYRIN FOLKE ALARIK WILHELM II /RI/
80141580 N & B CONSULTING INC
80129300 N A L ENTERPRISES CORP
80130625 NADEL WARREN D & CO
80141231 NAGLE INVESTMENT ADVISORS LTD
80147253 NAGLER WILLIAM MERLE
80147301 NALABOLU MALATHI REDDY
80132818 NALLEY GARY AND ASSOCIATES INC
80121713 NAMENSON RICHARD GARY
80133104 NANCE VICTOR GILES
80138934 NANCE WAYNE ELTON
80137642 NASCO CONSULTANTS LTD /NY/
80141126 NASH MCKINLEY MERCHAND /CA/
80145690 NATAPOFF MILTON /CA/
80145948 NATIONAL CAPITAL MANAGEMENT CORP /TAIWAN/
80147170 NATIONAL CITY INVESTMENTS CORP /OH/
80120202 NATIONAL COMPUTER NETWORK CORP
80137554 NATIONAL FINANCIAL CO /CA/
80143039 NATIONAL FINANCIAL GROUP INC /CA/
80132098 NATIONAL FINANCIAL PLANNING INC /IL/
80139641 NATIONSBANK PANMURE INVESTMENT MANAGEMENT LTD /ENGLAND/
80150328 NATIONWIDE FINANCIAL ADVISORS GROUP INC
80134414 NATL BANK OF SUSSEX COUNTY INVESTMENT ADV SERVICES INC
80116298 NATWEST INVESTMENT MANAGEMENT LTD
80142864 NEAG FINANCIAL PLANNERS INC
80149956 NEFSCO
80134700 NEIDER FINANCIAL CONSULTANTS INC
80147722 NEIGHBORHOOD BANCORP /CA/
80129476 NELKIN CAPITAL MANAGEMENT INC
80153901 NELLANS GALE DEVON
80147362 NELLIGAN STEVEN THOMAS
80143283 NELSON CHARLES ROBERT /CA/
80127140 NELSON DALE WILLIAM
80141764 NELSON WILLIAM RICHARD /TX/
80139044 NEMCHIK JOSEPH T & CO AGENCY INC
80145357 NEO STRATEGIES MARKETING ALLIANCES INC /TX/
80140184 NET LEASE PARTNERS REALTY ADVISORS INC
80152526 NETGAIN ASSET MANAGEMENT INC
80154290 NETHERLAND SECURITIES INC
80146795 NETWORTH INC /MO/
80126865 NEUBACHER JUDITH BARBARA
80140595 NEUMANN RANDOLPH ROBERT
80114328 NEW & ERA INVESTMENT MANAGEMENT CO
80133030 NEW APPRECIATION INC
80141206 NEW LONDON FINANCIAL CONSULTANTS INC /GA/
80150438 NEW MILLENNIUM ADVISORS
80139203 NEW SOUTH ASSET MANAGEMENT INC
80138566 NEW WORLD ADVISORS INC
80139053 NEWBURY MARKET SOLUTIONS INC /MA/
80129865 NEWCASTLE SECURITIES INC
80152493 NEWKIRK CRAIG WINFIELD
80143209 NEWMAN ROBERT MARSHALL
80118814 NEWMARK CONSULTANTS INC
80119236 NEWMARKET FINANCIAL SERVICES INC
80145751 NEWPORTFOLIOS LTD /CA/
80153100 NEWSOM CINDY R
80132208 NEYREY RENE JEROME
80145823 NGO PIERRE NGOC /CA/
80141489 NGUYEN NGHIA XUAN /CA/
80154392 NIAGARA INVESTMENTS INC
80151861 NICHI CAPITAL LTD
80154681 NICHOLAS APPLEGATE CAPITAL MANAGEMENT HONG KONG LLC
80121072 NICHOLS INVESTMENT ADVISORY FIRM INC
80134742 NIEKAMP ANDREW JOSEPH III
80127009 NIELSEN DAVID R
80138689 NIEMAN WILLIAM ALBERT
80141659 NIERMAN KENNETH ALLEN
80132738 NILES JUDITH ELLEN
80138810 NIMS TERRY MICHAEL
80122877 NINE J CORP
80143914 NISSI DANIEL CORNELIUS /MA/
80143557 NISSI JIREH & ROPHE
80131151 NIVETTE JAMES DEWAYNE
80148410 NIWOT CAPITAL GROUP LTD
80148010 NLV FINANCIAL GROUP INC
80140741 NNAJI GODSWILL IFEANYI /NY/
80120471 NO LOAD TIMING SERVICE INC
80154646 NOFELT ULF WOLLMAR
80128501 NOHOWEL STEPHEN REHM
80120712 NOLLER CARL WILLIAM III
80136767 NOMURA RESEARCH INSTITUTE AMERICA INC /NY/
80111603 NOMURA RESEARCH INSTITUTE LTD
80141561 NORCROSS FINANCIAL ADVISORS CORP
80129003 NORMAN & NORMAN INC
80133553 NORMAN GROUP LTD
80117658 NORMAN M E & CO INC
80121098 NORRIS CURTIS PAUL
80115942 NORRIS T R CO
80147070 NORTH AMERICAN MARKETING CO
80137444 NORTH AMERICAN REALTY ADVISORY SERVICES LP
80126216 NORTH HILL PLANNERS INC
80144908 NORTH SHORE FINANCIAL SERVICES INC
80154243 NORTHBRIDGE REALTY ADVISORS INC
80146910 NORTHEAST CAPITAL MANAGEMENT INC
80147646 NORTHSTAR INVESTMENT
80132854 NORTHWEST CAPITAL MANAGEMENT INC
80146535 NORTHWEST INVESTMENT ADVISORS INC /WA/
80144900 NORTHWEST RETIREMENT PLANNING INC
80131136 NORTON RALPH G III
80146456 NORTON THOMAS ASSOCIATES INC /NY/
80144356 NOVA FINANCIAL CORP
80146210 NOVAK TODD JAMES /AK/
80129990 NOVAK TONY
80120095 NOVEMBER SIDNEY MILES
80123069 NOVKOV MARK WILLIAM
80146632 NUBIAN ASSET MANAGEMENT INC /NY/
80143952 NUBIAN CAPITAL MANAGEMENT INC /FL/
80147125 NUNEZ & HARRIMAN
80124003 NUPORT ASSOCIATES
80110833 NUSBAUM HARVEY MALCOLM
80145490 NYER LEONARD B /NY/
80149574 NYLUND GERALD K
80137190 OAK HARBOR FINANCIAL
80150781 OAKHURST GROUP INC
80121643 OAKLEY JAMES EDWARD
80143235 OAKPARK INVESTMENT ADVISERS INC
80129556 OAKTREE EQUITY GROUP INC
80133929 OAKWOOD ASSET MANAGEMENT INC
80126878 OBERWEIS ASSET MANAGEMENT INC
80113291 OBERWEIS SECURITIES INC /IL/
80112465 OBRIEN ALLAN ADRIAN
80142088 OBRIEN FINANCIAL SERVICES CO /MI/
80138196 OBRIEN SHAWN THOMAS
80128428 OBRIEN THOMAS BOLTON
80133867 OBRIEN WILLIAM H
80145234 OCEAN STATE ADVISORY GROUP INC /RI/

80139628 OCONNELL MICHAEL THOMAS /MA/
80131524 OCONNOR FINANCIAL PLANNING INC
80113093 ODAY STANLEY RICHARD
80149838 ODELL PATRICK ALLEN
80144162 ODERBERG NATE /CO/
80134680 OEMIG FRANK HERBERT
80150361 OFFENBERG SHAR
80136286 OGDEN DANIEL ALBERT
80139215 OGNIBENE MICHAEL ANTHONY /NY/
80147965 OHAIRE RICHARD JOSEPH
80113770 OHIGGINS ASSET MANAGEMENT INC
80124985 OHIO FINANCIAL GROUP /OH/
80140810 OHMAN JERALD EARLAND
80132314 OIS INC
80145664 OKSER LEWIS MICHAEL
80150489 OKUN ATH ART KINGSLEY
80141325 OLD DOMINION ASSET MANAGEMENT LP /VA/
80146763 OLDS DENNIS LEREY
80142976 OLEJKO LINDA MARIE
80127257 OLIN RON INVESTMENT MANAGEMENT CO
80145525 OLIVER DANNY EDWIN
80143554 OLLROGGE JOHN PAUL
80135252 OLSEN JAMES LAWRENCE
80136660 OLYMPIA ASSET MANAGEMENT INC
80131439 OMALLEY JOHN CHARLES
80146468 OMANS ARTHUR LEROY /FL/
80151475 OMEGA FINANCIAL SERVICES INC/CT
80137728 OMNI INVESTMENT ADVISORS INC
80139443 OMNI MANAGEMENT CORP /MA/
80130473 ONE FINANCIAL GROUP INC
80135306 OPELLE WILLIAM ROBERT
80132175 OPR INVESTMENT & SERVICE CORP
80152975 OPSAHL THOMAS RONALD
80147046 OPTIMAL INVESTMENT STRATEGIES INC
80146438 OPTION ADVISERS INC /OH/
80133177 OPTIONS MANAGEMENT GROUP INC
80145034 ORACLE CAPITAL MANAGEMENT INC
80151624 ORANGE CAPITAL MANAGEMENT CORP
80120067 ORCHARDS ACCOUNTING & TAX SERVICES INC ADV
80102730 ORNEST IRVING
80137488 ORO FINANCIAL INC /LA
80151362 OROURKE BERNARD FRANCIS
80146918 ORR BRUCE NEAL
80147368 ORR CLIFFORD DUAYNE
80136814 OSBORN FREDERICK HENRY III /NY/
80133647 OSTER DAVID WAYNE
80141936 OSTERLUND KARL AUGUST /MA
80127908 OTTO JUDITH M /AZ/
80134471 OVERSTREET ROBERT LEWIS
80130332 OXFORD REALTY ADVISORS CORP
80147071 PA REALTY ADVISORS INC
80154549 PACE DAVID ALAN
80128868 PACIFIC ASSET ADVISORS INC /CA/
80133155 PACIFIC EQUITY GROWTH & MANAGEMENT INC
80137186 PACIFIC INSTITUTIONAL ADVISORS INC /OR/
80146071 PACIFIC NORTHWEST PROFESSIONAL CONSULTANTS INC /WA/
80137698 PACIFIC SOUTHWEST PLANNING GROUP /CA/
80149593 PACIFIC SUN FINANCIAL CORP
80153071 PADDEN & CO LLC
80151060 PAINTER WILLIAM JACOB /MD
80135806 PALFFY KAI
80137775 PALM BEACH CAPITAL CORP
80148635 PALUMBI ROBERT FRANCIS
80126575 PAN AMERICAN INVESTMENT ADVISORS INC
80117205 PANAMINT STAR SURVEY
80134845 PARADIGM ASSET MANAGEMENT CO
80152647 PARADIGM CAPITAL ADVISORS INC
80138478 PARAGON ADVISORY SERVICES CORP
80138899 PARIKH PRAGNESH
80149781 PARIS DOUGLAS EUGENE
80146204 PARK AVENUE FINANCIAL INC /MI/
80138300 PARK CAPITAL INC
80119171 PARKER LEE MERKEL
80150613 PARKER MICHAEL JOHN
80136694 PARKER WILLIAM NORMAN
80142176 PARKHURST STANLEY GORDON /CA/
80118936 PARKMAN SHAW & CO INC
80140988 PARKS TUTTLE FINANCIAL SERVICES INC /NH/
80128193 PARRAMORE JOHN ANDREW HARTSFIELD
80129478 PARRISH ROBERT CLIFFORD
80154203 PARSONS DAVID WILLIAM
80117815 PARSONS WILLIAM RAYMOND
80137509 PART JOSEPH ANDREW /NC/
80138350 PARTNERS ADVISORY SERVICES INC
80133191 PARTNERSHIP PROFILES INC
80152168 PASCHAL JOHN PERRY
80136554 PASCHKE GERALD CARL JR
80145853 PASIONEK ROBERT ANTHONY /MI/
80139092 PATE SHARON LEE
80129342 PATEL RAMESH N
80147969 PATRICK CAPITAL MANAGEMENT /IL/
80143907 PATTERSON CHARLES WALTER
80127497 PATTERSON JERRY LEE
80142798 PATTERSON ROGER BRUCE /CA/
80144432 PATTON GEORGE RAY JR
80134082 PATTY RON J
80129532 PAYNE DAVID JR /IL/
80138809 PAYNE GEORGE ABIJAH JR
80144757 PAYNE MORRIS & ASSOCIATES INC
80128246 PAZ SECURITIES INC
80139905 PCM ASSOCIATES LTD
80133129 PDP INC /IL/
80136688 PEALE DAVIES & CO INC
80117845 PEARL & ASSOCIATES ADVISORY CORP /MI/
80141342 PEARLMAN FINANCIAL GROUP INC /NJ/
80129216 PEARSON CATHERINE GAIL
80127656 PEARSON MICHAEL NOVEL
80144345 PEAVY FINANCIAL SERVICES INC
80144085 PECK THEODORE GORDON /NY/
80137933 PEGASUS PARTNERS INC
80152993 PEISNER ROBERT N
80143487 PELED ANAT /NY/
80143657 PELOSI MICHAEL JOSEPH /HI/
80127112 PENDLEY DON WILLIAM
80117342 PENN CAPITAL ADVISORY INC /PA/
80145286 PENN CENTER INVESTMENTS INC /PA/
80135555 PENNISI CONCETTO JERRY
80141783 PENOBSCOT GROUP INC
80112226 PENRYN INC
80143469 PENSION & INVESTMENT MANAGEMENT SERVICES INC /IN/
80139826 PENSION & TRUST CAPITAL ADVISORS INC /MN/
80133021 PENSION FORTE INVESTMENT ADVISORY INC
80140421 PENSION FUNDING CLEARINGHOUSE INC
80145392 PENSION INVESTMENT ADVISORS /IL/
80136771 PENSION SCIENCES ASSOCIATES INC
80122619 PENTAGON FEDERAL CREDIT UNION
80119060 PENTAWAVE CORP
80146510 PENTE INVESTMENT MANAGEMENT LTD /CANADA/
80153708 PENTECOST CLAUDE DANIEL
80151974 PENTOLA BETTY JEAN
80130366 PENTZ RAYMOND F & CO
80129635 PEPIN PAUL ALFRED
80149060 PEPPER FINANCIAL INC
80139827 PERCOCO STEPHEN PAUL /NJ/
80130142 PERCZEK VENTURES & RESEARCH INC
80141404 PERFORMANCE ANALYSIS & TRENDS INC/NY/
80136019 PERFORMANCE CAPITAL MANAGEMENT LTD LP /NY/
80142018 PERFORMANCE EVALUATIONS INC
80120466 PERFORMANCE GROWTH INC ADV
80104495 PERFORMANCE GUIDE PUBLICATIONS
80116421 PERFORMANCE MANAGEMENT INC
80144712 PERFORMANCE PROPERTIES CORP
80137665 PERKINS WILLIAM CREIGHTON /TX/
80137512 PERLMAN HARRELL M
80131025 PERPETUAL FINANCIAL PLANNERS INC
80130205 PERRY LEONARD
80154312 PERRY MICHAEL JOHN
80144495 PERRY PETER SALVATORE
80139738 PERSONAL ACCOUNTING SERVICES LTD
80124995 PERSONAL ASSET MANAGEMENT INC
80133508 PERSONAL CAPITAL MANAGEMENT INC
80146959 PERSONAL FINANCIAL PLANNING INC /MI/
80130609 PERSONAL INVESTMENT CO
80133656 PERSONNEL RESOURCES CONSULTANTS INC
80146384 PERSPECTIVE FINANCIAL STRATEGIES INC /OH/
80140227 PESUT TIMOTHY SCOTT
80151392 PETERS STEPHEN FOX

80134581 PETERSON ALBERT F III
80114442 PETERSON DANIEL EDWIN
80112529 PETERSON DAVID ERIC
80126751 PETERSON DONALD MARVIN
80125875 PETERSON LAVERLE CARL
80138738 PETERSON SPENCER FANSLER CO /MN/
80149497 PETRILLO EUGENE N LP
80144819 PETROFF JOHN HENRY
80113965 PETROLEUM ANALYSIS LTD
80135864 PETRONE ELAINE
80145210 PETRONE PETRI & CO
80154009 PETRUS INC
80144906 PETTITT GARY JAY
80144878 PETTY WILLIAM WALLACE
80124015 PFA CONSULTING INC
80142533 PFAMCO INVESTMENT MANAGEMENT SERVICES CORP /CA/
80135041 PFOHL PAUL J JR
80117190 PFS INSURANCE SERVICES INC
80113390 PHELPS GEORGE E CO
80135071 PHILBIN JAMES PATRICK
80146576 PHILIP J FUND MANAGEMENT INC /CA/
80105528 PHILIPS APPEL & WALDEN INC /NY/
80152704 PHILLIPS & CO INC /MN/
80129074 PHILLIPS JEFFREY JOSEPH
80137839 PHOENIX MANAGEMENT SERVICES INC
80128645 PHYSICONOMICS INC
80137184 PIAGGESI KATHLEEN /NY/
80145213 PIANOWSKI JOHN THOMAS
80120993 PICKERING WILLIAM ANDREW
80150571 PICTET OVERSEAS INC
80119317 PIEDMONT REALTY ADVISORS INC /CA/
80134003 PIEPER BEVERLY VIRGINIA
80129340 PIERCE CHARLES R
80149747 PIERCE DEXTER IRVIN
80131710 PIERCE JOHN PATRICK /NE/
80153632 PIERCE SCOTT CALDWELL
80114205 PIERSON CAPITAL MANAGEMENT INTERNATIONAL B V
80144336 PIERSON RICHARD RAYMOND
80152681 PIETRI JOSE ALBERTO
80151073 PILARO JOSEPH F
80134617 PILLETTE STEWART JOSEPH /CA/
80148072 PILOT MUTUAL FUND SERVICES INC
80121723 PIMM ROGER GENE
80129422 PINCH DAVID GORDON
80141225 PINE NEIL MARCELL /CA/
80139356 PINNACLE ASSET MANAGEMENT INC
80137994 PINNACLE CAPITAL MANAGEMENT INC
80141988 PINNACLE FINANCIAL MANAGEMENT INC /FL/
80123795 PINNACLE FINANCIAL MANAGEMENT INC /VA/
80141111 PINNACLE INTERNATIONAL CAPITAL MANAGEMENT INC
80154624 PINNACLE INVESTMENTS INC
80138756 PINTER DAVID M
80144290 PIONEER FINANCIAL MANAGEMENT GROUP INC
80110717 PIONEER FINANCIAL SERVICES INC
80136384 PITEO THOMAS ANTHONY
80146237 PITKIN CHRISTOPHER ROCH /OR/
80140167 PITTS JOHN FREDERICK
80146252 PKG FOUNDATION CORP /MD/
80126030 PLACIDO RICHARD ANTHONY
80131924 PLAN ATLANTA FINANCIAL INC
80124270 PLAN INC
80146905 PLAN IT CONSULTING SERVICES
80130783 PLANNING ASSOCIATES INC /MD/
80135966 PLANNING CONCEPTS FINANCIAL SERVICES INC
80141860 PLANNING INSIGHTS CORP /CA/
80133385 PLANNOW PERSONAL FINANCIAL PLANNING INC
80148336 PLASTRIDGE JOEL FLETCHER
80116416 PLATER ZYBERK JOSAPHAT JR
80116442 PLATNER & ASSOCIATES /PA/
80143373 PLATZ FREDERIC BAKER
80125633 PLAZA COMMUNICATIONS INC
80132597 PLOUS HARRY JAMES JR
80115474 PM PORTFOLIO MANAGEMENT GMBH
80143364 PMC ASTROP CAPITAL MANAGEMENT INC /GA/
80116172 PME CORP /NJ/
80145063 PMJ FINANCIAL GROUP INC
80144037 PNAMBIC INC /CA/
80129882 POHREN CLIFFORD GEORGE
80119736 POLLAK ROBERT KENNETH ADV
80146660 POLO GROUP LC /VA/
80122219 POMEROY G W FINANCIAL SERVICES INC
80127160 POND JONATHAN DAVIDSON
80130707 POONAWALA NADIR ABBAS
80154316 PORCHETTA CORP
80152508 PORTER BRUCE ALAN
80151853 PORTFOLIO DESIGN SPECIALISTS INC
80142519 PORTFOLIO EVALUATIONS INC /NJ/
80148139 PORTFOLIO MONITOR CORP
80133321 PORTFOLIO PERFORMANCE SYSTEMS
80130112 PORTFOLIO REVIEW CORP
80140887 PORTFOLIO SECURITIES CORP INC /CA/
80142854 PORTFOLIO TOTALS INC
80138787 PORTFOLIOS INC /NM/
80131186 PORTLAND INVESTMENT RESEARCH INC
80122434 POSITIVE MANAGEMENT INC
80136100 POSMANTIER DAVID HOWARD /NY/
80137109 POSPISIL JON STANLEY
80152164 POTOMAC INVESTMENT MANAGEMENT INC /VA/
80120566 POWELL CHARLES MONROE
80127696 POWELL DOUGLAS WOODROW
80101119 POWELL EDITH HARLAN
80145928 POY ROBERT ALLEN JOE /CA/
80134162 POYNOR ANTHONY JAMES /IL/
80150700 POYNTER ROBERT EUGENE
80115880 PPS SECURITIES CORP
80148808 PRABHAKAR SATYA
80141861 PRATHER PERRY SCOTT /CA/
80132056 PRECURSOR CORP
80149078 PREFERRED ADVISORS INC /IL/
80136943 PREFERRED CAPITAL MANAGEMENT INC
80152665 PREFERRED INVESTMENTS INC /NY
80154445 PREMIER ADVISORS INC
80129244 PREMIER FINANCIAL MANAGEMENT GROUP INC
80147764 PREMIER FINANCIAL MANAGEMENT INC
80126186 PREMIER INVESTMENT ADVISORS LLC
80144450 PREMIERE CAPITAL CORP
80143249 PRESERVE CAPITAL MANAGEMENT INC /PA
80128358 PRESTON MANAGEMENT INC
80124989 PREVILLE BARRY GREGG
80125038 PREVILLE GERARD RICHARD
80133574 PREVITI BARBARA ANN
80139272 PRICE DENNIS GEORGE /CO/
80125726 PRICE FINANCIAL INC
80150321 PRIDE DOUGLAS JEFFERSON
80152318 PRIESTER HORACE RICHARD III
80130745 PRIME ASSOCIATES INC
80138688 PRIME INVEST CORP
80152748 PRIME INVESTMENTS INC
80148906 PRIME ONE
80121342 PRIMELINE ADVISORY INC
80146917 PRINCE ROGER PYNE
80128505 PRINCESS CITY SECURITIES INC
80138127 PRINCETON ARBITRAGE CONSULTANTS INC
80143649 PRINCETON INVESTMENT TECHNOLOGIES CORP /NJ/
80124367 PRINCETON J M CO INC
80125167 PRINCETON MONTGOMERY CO INC
80133222 PRINCETON RESOURCE ADVISORS INC
80133942 PRIORITY RESOURCES INC
80146260 PRISM INVESTMENT CORP /TX/
80121198 PRIVATE FINANCIAL ASSOCIATES
80142030 PRIVATE LABEL CAPITAL INC /CA/
80148070 PRO MANAGE CONSULTANTS INC
80145539 PRO PLAN
80139253 PRO PLANNERS INC /TX/
80146046 PROBITAS ADVISORS INC
80124004 PRODUCT MOMENTUM INDEX CORP
80148603 PROEMPTOR CAPITAL MANAGEMENT INC
80133261 PROFESSIONAL ASSET PROTECTION INC
80150569 PROFESSIONAL CONSULTING ASSOCIATES INC
80134252 PROFESSIONAL FINANCIAL PLANNING GROUP INC
80108245 PROFESSIONAL FINANCIAL PLANNING INC
80121534 PROFESSIONAL FINANCIAL SECURITY CORP
80135615 PROFESSIONAL INVESTMENT ADVISORS CORP
80127777 PROFESSIONAL INVESTMENT ANALYSTS INC
80144678 PROFESSIONAL INVESTMENT MANAGEMENT SERVICES INC
80140977 PROFESSIONAL MANAGEMENT ST LOUIS INC /MO/
80140099 PROFESSIONAL PLANNERS GROUP USA INC
80129538 PROFESSIONAL PLANNERS INC /NV/
80119843 PROFESSIONAL PLANNING CONSULTANTS INC
80148292 PROFESSIONAL PLANNING STRATEGIES INC
80153203 PROGRESS ASSET MANAGEMENT CO

80133071 PROGRESSIVE VENTURES INC
80137851 PROKOP RUTH ELLEN
80123306 PRONK RAYMOND THOMAS
80136227 PROPLAN /NY/
80143754 PROSTROLLO DANNY RAYNO /SD/
80147683 PROTRUST CAPITAL INC
80153098 PROVIDENT FINANCIAL SERVICES INC
80140487 PROXY VOTER SERVICES INC /IL/
80149108 PRUDENT INVESTMENT ADVISERS INC
80149212 PRUDENT INVESTMENT ADVISERS INC /CO
80110342 PRUDENTIAL MORTGAGE BANKERS & INVESTMENT CORP
80150873 PUBLIC & PENSION FUNDS INVESTMENT SERVICES INC
80138493 PUBLIC FUNDS ADVISORS INC
80152808 PUBLIC SECURITIES MANAGEMENT CORP
80146641 PUCCI WILLIAM J /MA/
80142551 PUGH STEVEN THEODORE /CO/
80117327 PULS RICHARD JOHN
80135614 PUMA DEL MAR INTERNATIONAL LTD
80125175 PURDY JAMED D
80149277 PURPURA PHILIP
80122455 PUTNAM SUSAN PARKER
80143138 PYFROM JUAN ANDRE /FL/
80135173 QAMATZ INC
80147442 QPA CORP
80150869 QUALITY GROWTH MANAGEMENT INC
80146682 QUANTECH RESEARCH GROUP INC /CT/
80149345 QUANTITATIVE SOLUTIONS INC
80129460 QUANTUM CAPITAL MANAGEMENT INC
80136050 QUANTUM FINANCIAL PLANNING SERVICES INC/WA/
80131413 QUATRIX INC
80116154 QUEEN CITY ADVISORS INC
80143037 QUEST TRADING INC /CA/
80128426 QUESTOR GROUP INC
80121833 QUICK & REILLY INC
80144503 QUINN IRVIN ASSOCIATES
80124571 QUINN MARILYN LEE
80138829 QUINN TERRENCE M
80120890 QUIRK DENNIS MICHAEL
80122600 R&M INVESTMENT MANAGEMENT LTD
80134755 RADIGAN MICHAELS INC
80154679 RAFFERTY ASSET MANAGEMENT INC
80106869 RAFKIND & CO INC
80136778 RAFTER WILLIAM RAYMOND JR
80129295 RAGONE DEAN ANTHONY
80123128 RAGUCCI ARNOLD JOHN
80152206 RAHEL CORP
80139185 RAINEY COMPANIES INC /AL/
80145716 RAJENDRAN ANNAMALAI /CA/
80134464 RAJKOVICH J P & CO /CA/
80148702 RALLS ASSET MANAGEMENT INC /
80121115 RAMEE RESEARCH CONSULTANTS LTD ADV
80135672 RAMEY STEVE CPA PC
80139449 RAMOS MERLE A
80121414 RANDALL ROGERS & LONG INTERNATIONAL INC
80153436 RANDOLPH FRANCIS RODERICK
80131893 RANEY T J & SONS INC
80138003 RANHOUSE CORP /RI/
80118249 RANKIN DIANNE MARY
80132309 RANKINS DONALD
80138629 RANSOM JOHN ALBERT II/MI/
80151216 RAPTOR INVESTMENTS PLC
80133372 RASTOGI MANJU
80142390 RAYMOND MICHAEL D
80135517 RDS FINANCIAL GROUP
80147097 REAL CONSUL INC
80132022 REALM ASSET MANAGEMENT CORP
80136686 REALTY CAPITAL ADVISORS
80140197 REALTY CAPITAL INVESTMENTS CORP
80115410 REC INVESTORS INC
80134711 REDEGELD JOSEPH JOHN
80149034 REDFIELD BRUCE IRVING
80146047 REDMER ALFRED WILLY JR /MD/
80124609 REDWINE MORGAN ROBY JR
80139212 REDWOOD ADVISORS INC /CA/
80143257 REED GROUP /CA/
80143256 REED GROUP /CA//
80129051 REED STRAWSER AGENCY INC
80153240 REEDER & REEDER CPAS INC
80148871 REEOG SECURITIES CORP
80138599 REEVES DEAN MICHAEL
80154223 REFFEITT MICHAEL W
80134326 REGENT ASSET MANAGEMENT INC
80150699 REGENT FUND MANAGEMENT LTD
80145903 REICH IRWIN MARTIN /CA/
80132611 REICHERT DAVID ALLEN
80135849 REICHERT ROBERT ANDREW
80126348 REIFMAN & ASSOCIATES LTD
80139522 REINGANUM MARC RICHARD
80132767 REINKE STEVEN NOLD
80139420 REIS ROBERT J
80147429 REISLER RONALD ALAN
80129633 REISMAN BETTY LOU
80142496 REISS RONALD EDWARD /CO/
80140463 REITER PETER SCOTT
80137607 RELIANCE FINANCIAL ADVISORS
80146860 RENCO FINANCE LTD
80141451 RENDE GIANDOMENICO JOHN A N
80143980 RENFRO BILL
80151479 RENO EDWARD JEROME JR
80140205 RENZ ALLAN CHESTER
80153913 REPPLE G A & CO /FL/
80154556 RESEARCH ONE INVESTMENTS INC
80144334 RESERVES ASSETS MANAGEMENT PARTNERS LP
80147414 RESIO JOHN ANTHONY
80139270 RESOURCE 2000 LTD /MS/
80132357 RESOURCE INVESTMENT ADVISORY SERVICES INC /IL/
80120991 RESOURCE MANAGEMENT INC /LA/
80132868 RESOURCE PLANNING SERVICES INC
80138990 RESSLER JOHN R /IA/
80137578 RESTON FINANCIAL SERVICES INC /VA/
80149918 RETIREMENT ASSETS CONSULTANTS INC
80132431 RETIREMENT INCOME SERVICES INC
80128596 REUBEN NATHAN ASSOCIATES LTD
80139556 REYNARD ROBERT
80124780 REYNOLDS & REYNOLDS FINANCIAL ADVISORY GROUP
80133346 REYNOLDS LLOYD LEWIS
80147876 RFCA FINANCIAL SERVICES INC /NV
80133088 RG FINANCIAL LTD
80131375 RHODES DAN
80150290 RIA INC
80139271 RICCARDI ASSET MANAGEMENT CORP
80143478 RICE THOMAS GORDON
80145886 RICHARD DONALD LEONARD /ME/
80109302 RICHARDS JOHN LOFTES
80145372 RICHARDS JON A LTD
80152420 RICHARDS SCOTT ANDREW
80138357 RICHARDSON G C INSURANCE SERVICES INC
80144653 RICHEY CYNTHIA DANETTE
80117291 RICHLAND CO /CA/
80138395 RICHMAN GROUP INC
80148212 RICHMAN JEFFREY BARRY
80137701 RICHMAR INVESTMENT STRATEGIES INC
80112969 RICHTER FRANCIS ALBERT
80143548 RICKMAN JEFFREY J /OR/
80148499 RICO NKEMENA INC
80145486 RIDGELY CHARLES STUART /RI/
80123760 RIDING TIMOTHY W
80132814 RIECHERS SHIRLEY LOUISE
80105449 RIFKIN SOL J
80119564 RIGGS FINANCIAL SERVICES INC
80129446 RILEY MICHAEL VAIL
80133135 RILEY WILLIAM C
80147811 RIM ASSOCIATES INC
80142714 RINER JAMES THOMAS
80129629 RINGER ALLEN INC
80138660 RINGGOLD JOHN WAYNE
80121388 RINK JOHN JOSEPH
80146713 RINKER DAVID E /CA/
80128714 RIQUIER THOMAS TIRRELL
80138658 RIVERSONG MICHAEL DORAN
80127131 RIX JAMES AVERYT
80119273 RIXE LAWRENCE THOMAS
80150434 RMC FINANCIAL PLANNING CORP
80137478 RMR PLANNERS INC
80127252 ROBBINS CO
80143527 ROBELEN FJELD & ASSOCIATES INC
80119477 ROBERSON EDWIN EARL
80141681 ROBERT J E CO INC
80130649 ROBERTS DONALD KENT
80142745 ROBERTS FINANCIAL GROUP INC /AL/
80147365 ROBERTS GLENN LEE
80131553 ROBERTS JAMES MICHAEL /CA/
80143589 ROBERTS RICHARD JAMES /IL/
80104319 ROBERTS SCOTT & CO INC
80150899 ROBERTSON MARK ALAN
80128587 ROBERTSON PRESSMAN & MORRIS LTD
80126956 ROBINSON AUDREY SMITH
80136708 ROBINSON COLEMAN ROGERS
80136460 ROBINSON FARMER COX ASSOCIATES
80130629 ROBINSON TIMOTHY RAY
80133394 ROBISON STEPHEN VICTORY/ FL/
80143519 ROCKWELL CAPITAL MANAGEMENT INC
80135267 RODD CLIFFORD ARTEMUS /NY/
80133040 RODERICK GONZER LEE
80123904 RODGERS ROBERT D & CO INC

80117963 RODMAN ADVISORY SERVICES INC
80152253 RODRIGUEZ RICARDO MICHAEL
80142405 ROE FINANCIAL PLANNING & INVESTMENT ADVISORY INC
80110205 ROE MARTIN & NEIMAN INC
80133834 ROEDEL FINANCIAL CORPORATION /MN/
80140279 ROGERS DAVID LEE
80137123 ROGERS GEORGE ALFRED
80136561 ROGERS HAROLD JAMES
80136524 ROGERS JAMES JOSEPH
80148881 ROGERS REPORT INC
80118645 ROHAN EDWARD PATRICK
80148856 ROLFES RICHARD JOHN
80143174 ROMEO ROSS VICTOR
80148167 RONAN PAUL JAMES
80145816 RONE NINA REINHARZ
80117991 ROOF BRODNAX ASSOCIATES INC
80135260 ROONEY FINANCIAL PLANNING INC /NJ/
80154555 ROSA JACK KEITH
80136470 ROSE JEFFREY MALCOLM & COHEN JERRY
80129385 ROSELLI JOHN ANTHONY
80124898 ROSEN LOUIS AARON
80132933 ROSENBERG ARTHUR/PA
80144770 ROSENBERG DANIEL JOSEPH
80139291 ROSENBLATT MICHAEL ALAN
80111538 ROSENBLUM JESSE
80141012 ROSENDAHL STEVEN FREMONT /CA/
80146135 ROSENFELD DAVE /NY/
80118588 ROSENSTIEL ROBERT LEON
80144287 ROSENWALD ROGER WILLIAM
80133464 ROSKE MILDRED ELLEN
80151067 ROSKOPH DAVID JOHN /WA
80125372 ROSS RICHARD DAVID
80154407 ROSS RONALD LORANCE
80131365 ROTANDO LOUIS MEHRTENS
80134560 ROTHSTEIN STEVEN WARREN
80142707 ROTRUCK RUSSELL ROYCE JR /MD/
80153965 ROULSTON INVESTMENT PARTNERS INC
80153215 ROUND HILL INVESTMENTS INC
80129103 ROUTER PAUL GETTY
80123593 ROWE & ASSOCIATES INC
80119941 ROWE PETER LEE
80130780 ROYAL ASSET MANAGEMENT CO
80130173 ROYAL JON DOUGLAS
80104136 ROYCE LTD
80130391 ROZEN SHAREN NANCY
80132853 ROZENCWAIG BRYAN LANCE
80132746 ROZENCWAIG STEVEN MICHAEL
80134978 RSC FINANCIAL INC
80148351 RUBY GEORGE MERRIMAC
80152055 RUCKEL H ANTHONY
80129960 RUDD CAPITAL CORP
80149658 RUDD LAUREN VONEGGERS
80152172 RUDDER EDWARD MITCHELL
80147373 RUDDY CINDY CHOU
80126856 RUDDY VINCENT WILLIAM
80141224 RUF INVESTMENT GROUP INC /CT/
80147231 RUFF PAUL ROBERT
80147409 RUFFER CHARLES
80140082 RUIZ LUIS ANTONIO
80144025 RULE AUTHUR RICHARDS /CA/
80143969 RUMAN WALTER CHARLES /GA/
80143880 RUMANA ROBERT H
80151308 RUNYAN DAVID CLIFFORD
80111114 RUSH M A & CO
80122833 RUSHTON GERALD E
80122332 RUSSELL BRUCE HARDY
80117805 RUSSELL GEORGE EDWARD /IN/
80134008 RUSSELL JOHN C INVESTMENT MANAGEMENT INC
80129992 RUSSELL ROY LEE
80134163 RUSTIC RIDGE FINANCIAL PLANNING INC
80125192 RUTHERFORD CHARLES EDWIN JR CFP
80136820 RUZICH JOYCE ANN /MD/
80125650 RXR CAPITAL MANAGEMENT INC
80127171 RYALS MICHAEL DORSEY
80142492 RYAN BRUCE C & CO INC
80119359 RYAN JAMES WILLIAMS
80151208 RYAN ROBERT JOHN
80134378 RYE MANAGEMENT INC
80148718 RYKEL SECURITIES INC
80142618 SABA STANLEY /MA/
80145989 SADDLE RIVER INVESTMENT ADVISORS CORP /NJ/
80111827 SAFFER & ASSOCIATES INC
80146279 SAGE CAPITAL MANAGEMENT INC /CO/
80148419 SAHLI PATRICK JAMES
80140804 SAJE ASSET MANAGEMENT INC /NY/
80144940 SAKAMOTO STANLEY NORITO
80140481 SALMONSON BRIAN KEITH /CA/
80142532 SALTER R T FINANCIAL SERVICES INC
80143588 SALUS CAPITAL MANAGEMENT INC /CA/
80136236 SAMARA PIETER SCHOONHEIM
80126933 SAMMIS THOMAS COTRELL
80140543 SAMSON STEVEN RICHARD /NY/
80137627 SAMSUNG INVESTMENT MANAGEMENT CO LTD /KOREA/
80132121 SAMUELS THOMAS EDWIN JR
80141965 SAN DIEGO ASSOCIATES INC
80151774 SAN DIEGO EQUITY ADVISORS INC
80149257 SAN FRANCISCO FINANCIAL CORP
80126382 SANBORN ADVISORY SERVICES INC
80134860 SANCHEZ RICARDO JUAN
80129223 SANCHEZ WILLIAM JR
80134870 SANDEFORD SAMUEL ELMORE JR
80134247 SANDERS & SIZEMORE FINANCIAL CONSULTANTS
80142767 SANDERS EDWIN ROSS
80131905 SANDERS LEONARD LOUIS
80145887 SANDS BROTHERS ASSET MANAGEMENT LTD /NY/
80124850 SANDY JOYCE HAMMOND
80147776 SANJANA ESPI
80122199 SANNA MARK ANTHONY
80137296 SANTANDER MANAGEMENT INC
80142384 SARAPPO JOSEPH PHILIP III /PA/
80140260 SARCOH REPORT INC /NY/
80127203 SARKIS GEORGE JOSEPH
80145226 SAROFIM INTERNATIONAL MANAGEMENT CO /TX/
80113773 SAROFIM TRUST CO
80146137 SARRI SAMUEL DR /AZ/
80108774 SASS M D & CO INC
80152616 SATELL ANDREW GLEN
80143971 SATELL INVESTMENT ADVISORS INC /CT/
80153452 SAUNDERS KEITH LIDDELL
80141128 SAUNORIS RONALD FRANCIS
80139510 SAVINGS GROWERS INC
80121030 SAWYER GARY R
80144289 SAXENA SANJAY
80104393 SAY J B & RATLIFF CO
80139040 SAY YES MARKETING INC /NY/
80142375 SAYER EDWARD JOSEPH /MA/
80131110 SAYKES MARY KAREN
80154517 SC FINANCIAL SERVICES CORP
80128520 SCANLON J & CO INC
80146972 SCANNELL TIMOTHY MARTIN
80154164 SCHAEFER LAWRENCE STEVEN
80152323 SCHAEFER PAUL ADAM
80142120 SCHAGRIN EDWARD
80117474 SCHAKNER RANDALL C
80127328 SCHARDT GEORGE
80152574 SCHECHNER LIFSON ADVISORS LLC
80133061 SCHEIDLER & ASSOCIATES INC
80138002 SCHEINER STEVEN MICHAEL /AZ/
80112956 SCHEINMAN WILLIAM X
80140823 SCHELL JEROME MATTHEW DR /NJ/
80130009 SCHIFF H GERALD
80144361 SCHLEGEL RICHARD LOTHAR
80148760 SCHLIITER TODD WILLIAM
80140845 SCHMERTMANN GARY MICHAEL
80135088 SCHMID JOSEPH DEAN
80145988 SCHMIDT MICHAEL EUGENE
80135311 SCHMIDT NEAL WADE
80117080 SCHMIDT R D INC
80144580 SCHMIDT STEVEN JAMES /MN/
80138915 SCHMOLZE KENNETH LESTER /NJ/
80139085 SCHNEIDER LOUISE MARTINEZ
80135446 SCHNEIDER SIDNEY H
80149493 SCHNEYER DAVID JONATHAN
80142149 SCHNIEBOLK EVE E
80138309 SCHOCK FINANCIAL SERVICES INC
80151206 SCHOCK JASON
80150420 SCHOETTMER MARK LEONARD
80124707 SCHOFIELD BERNARD JOSEPH
80146464 SCHOLTZ PETER D /NY/
80144182 SCHONHORST MELVIN HERMAN JR /NY/
80123407 SCHOTT INVESTMENT CORP
80135492 SCHREINER ROGER J /PA/
80132881 SCHRIMSHER JERRY JAMES
80119594 SCHRODERS ASIA LTD
80126058 SCHUBACH JOSEPH BERNARD
80133573 SCHUERMANN MICHAEL RICHARD
80130520 SCHULMAN MARTIN LEONARD /MD/
80140621 SCHULTZ CARL GOTTFRIED /NC/
80153567 SCHULTZ ENTERPRISES INC
80140275 SCHULTZ RICHARD BRYON
80136097 SCHULZE RONALD RAY
80142454 SCHUMACHER INVESTMENT SERVICES INC /MA/
80126415 SCHWARTZ H B & COMPANY INC
80140846 SCHWARTZ LEE ARTHUR
80128984 SCHWARTZ RICHARD

80125042 SCHWARTZ STEVEN F
80119438 SCHWARTZBACH SAUL MARVIN
80110121 SCHWARZ ROBERT INC
80145096 SCHWEITZER SAMUEL /NJ/
80139269 SCHWESER GILBERT CARL /IA/
80130453 SCOFIN INTERNATIONAL INC
80148152 SCOTT BRIAN P
80149450 SCOTT MARK ALLISON
80136770 SCOTT MICHAEL DAVID
80153629 SCOTT NANCY JEAN
80145881 SCOTT RICHARD OLSON /CA/
80141535 SCOTT ROBERT SECURITIES INC /CA/
80153862 SCOTT ROY ROBERT
80124319 SCOTT RUPERT INC
80130870 SCOTTISH LIFE ASSET MANAGERS LTD
80126126 SCOTTSDALE FINANCIAL CONSULTING
80122577 SCRANTON VIDEO MARKETING INC
80123361 SCREES WILLIAM RUSSELL
80120350 SCS GROUP INC ADV
80132313 SCULLY BROTHERS & FOSS
80116351 SEA INVESTMENT MANAGEMENT INC
80146716 SEARS THOMPSON RUSSELL ADVISORS INC /FL/
80133475 SEAUX LEROY
80139199 SEAWAY INVESTMENT MANAGEMENT CO /IL/
80129927 SECO & ASSOCIATES LTD
80129919 SECURE FINANCIAL MANAGEMENT INC
80146545 SECURITIES & INVESTMENT PLANNING CO INC
80150433 SECURITIES ARBITRATION GROUP INC
80133154 SECURITIES INTERNATIONAL LTD
80142408 SECURITIES PLANNERS INC
80107782 SECURITY COUNSELING CORP
80144931 SECURITY DEALERS GUILD INC
80120583 SEFERIAN RALPH ASSOCIATES INC
80145270 SEGARRA DANIEL /NY/
80139765 SEKTOR FINANCIAL GROUP INC
80118608 SELDNER ALVIN A
80146062 SELECT FINANCIAL SERVICES INC /WA/
80116619 SELECTED OPTIONS SERVICE INC
80128798 SELEEN DANIEL HOWARD
80152453 SELLAS JOHN ANTHONY
80153262 SELLS M E INC
80127060 SEMANIK JOHN MATTHEW
80116996 SENDER BERL & SONS INC
80121026 SENDROW JERROLD BERNARD
80125250 SENECA STANLEY JOSEPH
80142378 SENEFELDER MATTHEW GEORGE /NY/
80152535 SENIOR PLANNING GROUP LLC
80154032 SENOWITZ ARTHUR GARY
80135243 SENSIBA & ASSOCIATES INC
80153113 SENTRY ASSET MANAGEMENT INC
80132663 SERRANO KEITH MILTON
80140351 SESSIONS JEFFRY LYN /MN/
80110305 SETLIN GEORGE STANLEY FINANCIAL INC
80148532 SETTERS JAMES EDSEL JR
80134044 SEWARD SECURITIES INC
80136681 SEXTANT ASSET ALLOCATION INC
80134051 SEYMOUR JAMES DUBOIS
80145683 SHAFCO MANAGEMENT INC
80137932 SHAFFER KENNETH CRAIG /CA/
80134574 SHAFFER MONEY MANAGEMENT INC
80126284 SHALL JOHN M
80154702 SHAMROCK ASSET MANAGEMENT LLC
80150145 SHAMROCK FINANCIAL SERVICES INC
80127413 SHANDLES IRA DAVID
80145515 SHANNON CHARLES H
80145513 SHANNON THOMAS MICHAEL
80140490 SHAPIRO GARY MITCHELL /AZ/
80148122 SHAPIRO RACHEL CAROLYNN
80147874 SHARMA GAUTAM
80147528 SHARPE ADVISORS LTD
80117994 SHAUB LARRY NORMAN
80154584 SHAUGHNESSY STEPHEN J LTD
80146677 SHAVES FINANCIAL SERVICES INC
80138013 SHAW WALTER JOSEPH /CA/
80135476 SHEAR MARSHALL & CO
80131758 SHEARSON LEHMAN REALTY ADVISORS INC
80137500 SHEER ASSET MANAGEMENT
80125087 SHEETS ASSET MANAGEMENT
80129403 SHEETS PHILLIP LAMAR
80125694 SHELLEY JOHN RICHARD
80119367 SHELLEY SEAN PATRICK
80119367 SHELLEY SEAN PATRICK
80133008 SHERIDAN RICHARD HARVEY JOHN
80133305 SHERMAN RICHARD ALAN
80151603 SHERMAN VINING ALDEN JR
80142456 SHETH SECURITIES INC /PA/
80131847 SHEVLIN EDWARD JAMES
80153155 SHIELDS BRAD RANDALL
80134400 SHIN SUN KYUN
80148012 SHIOKARI DAVID
80121043 SHIPLEY FINANCIAL GROUP INC
80126327 SHIPP FINANCIAL SERVICES INC
80129104 SHOECRAFT TIM HENRY
80125644 SHOPP PETER FREDERICK
80133468 SHOUP JOHN RICHARD /ME/
80138279 SHUBIN & CO INC
80147208 SHULEVITZ WILLIAM P
80150967 SHUMATE & ASSOCIATES INC
80138502 SHURGARD REALTY ADVISORS INC /WA/
80131393 SHWAB T W INVESTMENTS CORP
80132092 SIB ADVISORY CORP
80134020 SIBEL JEFFREY ALEN
80120979 SIBONI SYLVAIN
80137857 SICHEL RICHARD IRA
80135205 SIEBAR ADVISORS INC
80126157 SIEGEL & DONNELLY ASSOCIATES
80132327 SIEGEL BART HOWARD
80145158 SIEGFRIED GARY DEAN
80143323 SIEGFRIED JEROME /NY/
80145247 SIELEWICZ LEONARD MARIAN
80154178 SIENKIEWICZ MICHAEL ALEXANDER
80138068 SIERAWSKI MICHAEL ANDREW
80149783 SIERRA CAPITAL MANAGEMENT INC /MN/
80142374 SIERRA FIRST EQUITIES INC /CA/
80121962 SIEVEWRIGHT ROBERT GEORGE
80138914 SIFF JESSE ASSOCIATES INC /NY/
80119927 SIGMA ASSOCIATES INC ADV
80143084 SIGMA CAPITAL MANAGEMENT
80147035 SILBY GUFFEY & CO INC
80146571 SILVER ALAN JOHN /CA/
80149722 SILVER GROUP INC
80134417 SILVER JERRY
80118992 SILVERMAN & CO INC
80139908 SILVERMAN HOWARD M /CT/
80112300 SILVERMAN THOMAS
80149826 SILVERSTEIN EDWARD SAUL
80136292 SILVETTE CAPITAL MANAGEMENT CORP
80144689 SIMIC MICHAEL
80148759 SIMKINS DAVID & ASSOCIATES INC
80111501 SIMON BRUCE E
80127820 SIMON RICHARD MARK
80117183 SIMON ROBERT DESMOND
80145003 SIMONS ERIC INC
80141660 SINCLAIR GROUP INC
80136082 SINCLAIR JAMES EDWIN /NY/
80146149 SINGER & FRIEDLANDER AMERICAS INC /FL/
80142011 SINGER LINDA MAE
80118664 SINGISER STEPHEN THOMAS
80137252 SINGLETON DOYLE MATTHEW /TX/
80154415 SIRCHIA VICTOR J
80132739 SISK ROBERT CHARLES
80153419 SISTO CAPITAL MANAGEMENT INC
80148909 SITLINGER ALAN TODD
80125696 SIVASLIAN GREGORY K
80148901 SJS CAPITAL MANAGEMENT INC
80133793 SKAHAN JEAN LINNEA
80151523 SKARIAH SANTHOSH
80133136 SKOCIR SANDRA MARIA /OH/
80136600 SKYLANDS FINANCIAL SERVICES INC
80134709 SLACK RONALD /PA/
80122995 SLEAR JAMES ANTHONY
80147836 SLOAN EDWARD ANDERSON
80145599 SLOAN WILLIAMS ASSOCIATES LTD
80132531 SLOCUM CHUCK & ASSOCIATES INC
80119593 SLOVER RONALD EDWARD
80143103 SMALTZ KENNETH FRANK /OH/
80148420 SMARTSOFT INC
80138296 SMD INVESTMENTS INC
80130196 SMETEK VAN HORN & CORMACK INC
80135716 SMITH & HOWARD FINANCIAL MANAGEMENT SERVICES PC
80145771 SMITH ADAM & CO INC /NY/
80128914 SMITH ADVISORY SERVICES INC
80144122 SMITH AMZLER ELLEN MARIE /NJ/
80147558 SMITH BISSELL JOSEPH
80150713 SMITH BRIAN MARSHALL
80150945 SMITH BURNELL RAYMOND
80142379 SMITH BUTLER RICHAL /WA/
80148069 SMITH CHRISTOPHER
80139249 SMITH DALE ROBERT
80154655 SMITH DAVID HAYNES
80139484 SMITH DAVID L ADVISORS INC /TN/
80114271 SMITH DENISON EVERETT
80145268 SMITH DWIGHT ALBERT /CO/
80123349 SMITH EDMOND MCVAY II

80120030 SMITH EDWARD FARRELLY
80150712 SMITH GARY ALLEN
80139391 SMITH GREG A ASSET MANAGEMENT CORP
80149406 SMITH GREGORY WILLIAM
80147435 SMITH JACOBS INVESTMENT MANAGEMENT INC
80105023 SMITH JAMES HEYWARD
80148559 SMITH JEFFREY SCOTT
80143984 SMITH KEITH BRADFORD /NJ/
80141863 SMITH KEVIN EUGENE /CA/
80126314 SMITH LEO LESTER
80143322 SMITH LEON FRANCIS /CA/
80114726 SMITH MILTON
80134007 SMITH MITCHELL & ASSOCIATES INC /WA/
80143444 SMITH MITCHELL ASSET MANAGEMENT SERVICES GROUP LTD /WA/
80124164 SMITH PERRY LYLE
80116932 SMITH PETER E
80154650 SMITH PETER E ASSOCIATES
80121857 SMITH ROBERT GABAY
80145310 SMITH ROBIN WEEKS
80130664 SMITH STEVEN ABBA
80153740 SMITH THOMAS WILLIAM
80140844 SMITH TOWNSEND & ASSOCIATES LTD
80141387 SMITH WADE ALAN
80114586 SMITH WARREN LEE
80137049 SMITHERS LISA BUCK
80148929 SMITHLINE CAPITAL ADVISORS INC
80125348 SMOLAR EDWARD N
80132475 SNIDER HELEN KAYE
80154136 SNOW WILLIAM JAMES
80139453 SNOWDEN JAMES HASTINGS III
80124194 SOARES FINANCIAL GROUP INC
80116097 SOBOL ADAM EDWARD JR
80148061 SOCIETE DANALYSE FINANCIERE EUROPEENNE SAFE
80135690 SOCIFA & BETA SOCIENDADE FINANCEIRA DE C0RRETAGEM SA
80144337 SOHNEN DAVID JOSEPH
80143431 SOLBY INTERNATIONAL INVESTMENT CO
80123174 SOLOMON NEAL JAY
80138291 SOLOVY ROBERT MICHAEL
80125929 SONNENBERG FRED MAX
80150082 SONTHEIM ASSET MANAGEMENT INC
80139257 SORCIC & BLACK INC /TX/
80127659 SORENSEN JOHN R
80145156 SORGEN ROBERT WILLIAM
80142389 SOSA MICHAEL JOSEPH
80149181 SOSNOFF SHERIDAN CORP
80144045 SOURCE ADVISORY INC /PA/
80116943 SOURCE FINANCIAL GROUP INC
80152145 SOUTH ATLANTIC CAPITAL MANAGEMENT GROUP INC
80118809 SOUTH EASTERN FINANCIAL MANAGEMENT INC
80147165 SOUTH JERSEY BROKERAGE GROUP
80135673 SOUTH SHORE CAPITAL PLANNING INC /NY/
80120089 SOUTH SHORE FINANCIAL PLANNING
80140089 SOUTHEAST CAPITAL MANAGEMENT INC /FL
80134759 SOUTHEAST HARD ASSETS INC
80146502 SOUTHERN FINANCIAL CORP /CO/
80150314 SOUTHERN STATE UNIVERSITY INC
80144003 SOUTHERN STATE UNIVERSITY INC /CA/
80128176 SOUTHLAND ADVISORY CORP
80143250 SOUTHPORT GROUP INC
80140159 SOUTHPORT PARTNERS L P
80116527 SOUTHREN MARILYN
80142391 SOUTHWEST INVESTMENT ADVISORS INC/TX/
80147567 SOUTHWEST REAL ESTATE ADVISERS INC
80118216 SOUTHWORTH & MCFAWN ADVISORY CORP
80142177 SOWINSKI J E INC /NY/
80142417 SPACE RICHARD THOMAS
80146148 SPALA HENRY ANTHONY JR /CA/
80124620 SPALLO JOSEPH PHILIP
80128794 SPANOS CHRISTOPHER JAMES
80114317 SPECIAL SITUATION REPORT & STOCK MARKET FORECAST
80139456 SPECTRUM PLANNING SERVICES INC
80149211 SPECTRUM SECURITIES INC /CA/
80123710 SPEIRS GARRETT DEFORREST III
80118794 SPENCER JACK BURTON
80129551 SPERBER ADAMS & CO INC
80139553 SPERGEL MARTIN JAY
80145402 SPINELLA DOMINIC
80150506 SPIRANAC CORP /CO/
80128502 SPRABERRY & ASSOCIATES INC
80152414 SPRINGER DREW ALAN
80152949 SPRINGER LAWRENCE EARL
80148489 SPRINTZ HENRY
80137685 SPRINZ FRED FRANCISCO
80144715 SPURR KATHI ANN
80136587 SQUIRE SERVICES INC
80137339 SSANGYONG INVESTMENT MANAGEMENT CO LTD
80140716 ST THOMAS MORTGAGE ADVISORS /FL/
80136924 STAAF JACQUELYN CHRISTINE /AZ/
80139276 STAHEL JAMES EDWARD
80147698 STAIRMAN ARNOLD
80141557 STAMFORD CAPITAL MANAGEMENT INC
80116655 STAMFORD CO INC
80149408 STAMMER KENNETH EUGENE
80130684 STANDARD ASSET MANAGERS CORP
80133260 STANGER ADVISERS LP
80133323 STANTON DALE ALAN
80141652 STANZIANO ROBERT THOMAS /FL/
80137053 STAPLER FINANCIAL INC
80131692 STAR FINANCIAL PLANNING CORP MARION
80152189 STARBURST ADVISORY INC
80125054 STARK ROBERT WILLIAM
80144954 STARSHAK MICHAEL FRANCIS /IL/
80140637 STATE FINANCIAL NETWORK INC /PA/
80152547 STATE STREET SECURITIES INC
80133183 STAUBACH PENSION ADVISORS INC
80125788 STAUTH ELISABETH C EA LTD
80125346 STEELEY BARRY LEE
80130075 STEGALL LEA ROY JR
80149122 STEGE BARBARA COLLINS
80123701 STEIN GARY H /MA/
80132266 STEINBERG CHARLES DAVID
80129436 STEPHANIAN DANIEL MARTIN JR
80110097 STEPHENS NEIL INVESTMENT CORP /RI/
80140717 STERLING ASSET MANAGEMENT MD
80127071 STERN & STERN SECURITIES INC
80126567 STERN HERSH LEON
80151754 STERN MICHAEL WARREN
80135214 STERNBERG LAWRENCE NEIL
80125889 STEVENS INTERNATIONAL CORP
80133639 STEVENS PHILIP ASHWORTH
80125310 STEVENSON MARY TYLER
80112430 STEVENSON O ROY
80127708 STEVER KATHLEEN ANN
80138627 STEWARD ANALYTICS INC /OH/
80152075 STEWART BEVERLY ANN
80119601 STEWART JOHN S PH D
80143228 STEWART KENNEDY & ASSOCIATES /NY/
80122656 STEWART NANCY HOPE
80123011 STEWART PAUL ASSOCIATES INC
80111191 STEWART ROBERT
80123707 STEWART ROBERT MITCHELL
80120260 STILLMAN JOEL ELLIOTT
80118802 STITSKY MURRAY
80117809 STOCK MARKET TIMING INC
80137862 STOEVER KYLE EDMUND
80113852 STOKELY HUGH LAWSON
80133125 STOLZENBURG LARRY S /NY/
80145651 STOLZENBURG LARRY S CPA PC
80145658 STONE CHARLES RAY
80145733 STONE JEFFERY STEVEN /TX/
80138786 STONE JOHN J
80148268 STONECREEK ADVISORS
80139824 STONEHILL CAPITAL MANAGEMENT INC /NY/
80124039 STRAFFORD FINANCIAL SERVICES INC
80125064 STRAIN SHERYL SCHOUWEILER /CA/
80133884 STRAIT TIMOTHY EDWARD
80140123 STRATEGIC BENEFIT CONSULTANTS INC
80153170 STRATEGIC BUSINESS PLANNING
80130094 STRATEGIC FINANCIAL PLANNING INC
80133879 STRATEGIC INVESTING INC
80149081 STRATEGIC INVESTMENT CONSULTANTS INC
80135564 STRATEGIC INVESTMENT PLANNERS INC
80145087 STRATEGIC MANAGEMENT CORP
80132122 STRATEGIC PLANNING LTD
80133429 STRATEGIC TIMING INC
80116204 STRATFORD INVESTORS MANAGEMENT INC /NY/
80137921 STRATLINK INTERNATIONAL INC
80128285 STRATTON CHARLES E
80130293 STRATTON GERALD LYNN
80145010 STRAUS & WEBER
80141513 STREETMAN WILLIAM GREER /KY/
80152776 STRETTI MICHAEL WILLIAM

80133391 STRIBLING ROSS LEE
80133976 STRICKLER ELLEN BRAESTRUP
80145622 STRINGER RANDEL RAY
80123682 STRIVINGS PAUL DANA
80129539 STROMBERG LENNART ERIK
80138085 STRUMINGHER SERGIU STREJA
80136991 STUART DONALD JAMES
80150970 STUCKEMEYER PHILLIP LEE
80124154 STUDENT PLANS INC
80143120 STUMP FINANCIAL GROUP INC /MO/
80152187 STURIALE JOHN V CFP
80152011 SUCCESSFUL MONEY MANAGEMENT OF GEORGIA INC
80145376 SUCCESSFUL MONEY MANAGEMENT SEMINARS OF UTAH LC /UT/
80126917 SUGERMAN DAVID HENRY
80145896 SULLIVAN DANIEL OWEN /OH/
80140250 SULLIVAN FINANCIAL PLANNERS INC
80129033 SULLIVAN HUGH & ASSOCIATES INC
80100707 SULLIVAN J LANGDON
80144974 SULLIVAN JOHN DENNIS /MA/
80142350 SULLIVAN ROGER /NY/
80119031 SUMMERFIELD JANET LYNN
80115569 SUMMERS CAPITAL SERVICES INC
80135948 SUMMERS FINANCIAL SERVICES INC
80122239 SUMMIT ANALYTICAL SCIENCES INC
80135234 SUMMIT ASSET ADVISORS INC
80132262 SUMMIT CAPITAL ADVISORS INC /IN/
80152176 SUMMIT CAPITAL MANAGEMENT LLC
80129920 SUMMIT FINANCIAL ADVISORY INC
80151702 SUMMIT FINANCIAL CONSULTANTS INC
80136105 SUMMIT INTERNATIONAL CORPORATION
80151601 SUMMIT INVESTMENT TECHNOLOGIES LLC
80144174 SUN WEA /NY/
80137576 SUNBURST FINANCIAL GROUP INC /MS/
80146626 SUNCOAST FINANCIAL SERVICES OF CLEARWATER INC /FL/
80147406 SUNDANCE ADVISORS
80151094 SUNPOINT ASSET MANAGERS INC
80134262 SUNRAY SECURITIES INC
80128635 SUNRISE DATA INC
80121273 SUPREME FINANCIAL SERVICES INC
80123212 SUSLOW MANAGEMENT CORP
80134983 SUTTON FINANCIAL SERVICES INC /IL/
80127655 SWANSON BARRY ERNEST
80130272 SWANSON GAYLON ALFRED
80143593 SWANSON RONALD JAMES /TX/
80124991 SWANSON SECURITIES INC
80133913 SWB INVESTMENT CENTRE INC
80140949 SWEDA PETER MICHAEL
80123714 SWIDER FINANCIAL COMPANIES INC
80153120 SWIFT FINANCIAL GROUP INC
80144411 SWISS AMERICA PRODUCT SALES INC
80145024 SWISS HELVETIA ASSET MANAGEMENT INC /NY/
80111304 SWORD WM & CO INC
80135500 SYDNEY CAPITAL MANAGEMENT INC
80126582 SYMPHONY CAPITAL MANAGEMENT INC
80145738 SYNERGY CAPITAL MANAGEMENT INC /GA/
80118299 SYSTEMATIC FINANCIAL MANAGEMENT INC
80130567 SZEGO GEORGE CHARLES
80132242 SZEHNER WILLIAM CHESTER
80104558 TA MANAGEMENT CO
80124646 TABER KENNETH WILLIAM
80142697 TACTICS FINANCIAL SERVICES INC /NY/
80130123 TAFT GARDNER ALEXANDER
80127581 TAI INVESTMENT CONSULTANTS INC
80123972 TAILLEFER CHARLES GREGORY
80143572 TAKE CHARGE FINANCIAL INC
80125267 TALBERT FINANCIAL GROUP INC
80113711 TALLASI MANAGEMENT CO INC
80147454 TALLEY DARREN J
80128758 TAMARACK FINANCIAL SERVICES LTD
80113140 TANCREDI LEONARD ANDREW JOSEPH
80128982 TANNER DOUGLAS HOWARD
80151821 TANNER JON DAVID
80148907 TANNER KEVIN PETER
80148275 TANTALUS GROUP INC
80121455 TAPSAK JOHN PETER
80132499 TARBOX KARL F
80137382 TARLETON ASSET MANAGEMENT INC
80144413 TARTAGLIA ANTHONY JOSEPH
80145699 TASSAN DIN DANIEL /NY/
80140406 TASSIN DORIS RETIREMENT CAPITAL ADVISORS GROUP /OH/
80148784 TATE WILLIAM HINDMAN
80150637 TATULINSKI FRANK EDWARD III
80132461 TAUB ET AL INC
80118506 TAUBE VICTOR BERNARD
80126346 TAUSSIG EDWARD HERMAN
80145765 TAX & FINANCIAL ADVISORS INC /FL/
80149104 TAX & FINANCIAL MANAGEMENT INC /NJ/
80138894 TAX & FINANCIAL SOLUTIONS /CA/
80149927 TAX & FINANCIAL SOLUTIONS /OH/
80141427 TAX & INVESTMENT CONSULTANTS INC
80147260 TAX & INVESTMENT STRATEGIES INC /MA/
80146116 TAX BREAKS INC /FL/
80147303 TAX STRATEGIES & FINANCIAL SOLUTIONS INC
80145656 TAYLOR ALAN R RETIREMENT PLANNING INC
80133645 TAYLOR DIANA RAHE
80124508 TAYLOR FRANKLIN WATKINS III
80123258 TAYLOR GEORGE PRESCOTT
80140854 TAYLOR LARRY INC
80142279 TAYLOR LESLIE BARRETT /CA/
80148237 TAYLOR PRUITT CAPITAL MANAGEMENT INC
80138153 TAYLOR TIMOTHY ROBERT /OH/
80146228 TCD FINANCE INC /IL/
80143226 TCON INVESTMENT MANAGERS INC
80129726 TECHNICAL MANAGEMENT ADVISERS CORP
80127091 TECTUM FINANCIAL SERVICES
80138604 TEDESCHI & ASSOCIATES INC
80125069 TEHACHAPI TAX SERVICE
80146473 TEICHBERG MARKET STRATEGY
80135523 TEITELL CHARLES MARTIN
80135074 TELEKURS NORTH AMERICA INC
80126064 TEMPLIN RICHARD CHALMERS
80133012 TENAGLIA VINCENT
80145655 TERDIK JOHN GEORGE III
80145780 TERRILL THOMAS INC
80135384 TERRY ALVIN FRANCE/FL/
80126947 TESSITORE AL R
80134441 TEXAS SECURITIES INC
80122067 TFP HAWAII INC
80149733 THL EQUITY ADVISORS III LTD PARTNERSHIP
80135352 THL EQUITY ADVISORS LIMITED PARTNERSHIP
80151891 THOMA JOSEPH OTTO
80126321 THOMAS & THOMAS
80141733 THOMAS BARRY NEAL
80115497 THOMAS DAVID WILLIAM
80134232 THOMAS FINANCIAL SERVICES INC
80132223 THOMAS RON
80148589 THOMAS WILLIAM DAVID JR
80131259 THOMPSON ASSET MANAGEMENT CORP
80126760 THOMPSON BILLY M
80142096 THOMPSON KEITH HOWARD
80148995 THOMPSON MARK A
80148826 THOMPSON MICHAEL DONNELL
80138465 THOMPSON NICHOLAS LEE
80134496 THOMPSON RICHARD ELTON
80128149 THOMPSON TED CLARENCE
80114829 THORN SAMUEL
80154218 THORNES & ASSOCIATES INC INVESTMENT SECURITIES
80125941 THORNHILL FINANCIAL CORP /CA/
80138911 THORNTON EVELYN MAE /CA/
80138367 THREE RS & ASSOCIATES INC
80135747 THUROW & ASSOCIATES INC
80114108 TICKER TAPE INVESTMENT ADVISER INC
80139922 TIEDEMAN MICHELE L
80131968 TIEFEL PAUL MARTIN
80125240 TILLMAN & TILLMAN
80145654 TIMMIS G C & CO
80126667 TIMSON CORP
80125476 TINKER FINANCIAL SERVICES INC
80137603 TIS ASSET MANAGEMENT LP
80144011 TITE BRADFORD CHARLES /NY/
80148127 TIZABI JACQUES
80150521 TJC INC
80115472 TK INVESTMENTS
80129553 TLM INC
80138982 TMAR I INC /IL/
80117690 TMI INVESTMENT ADVISORY SERVICES INC
80137241 TNC INC /
80142695 TOLENTINO NOEL JOCSON DR /CA/
80139005 TOLTON JUSTIN CRAIG
80129093 TOMASINO PETER SEBASTIAN
80146440 TOMASO TASSAN DIN /NY/
80154364 TOMPULIS CHRIS G

80153946 TORKELSON BRYN HEYSER
80143085 TOTAL ASSET PLANNING
80117074 TOTAL FINANCIAL PLANNING INC /CA/
80147153 TOTAL FINANCIAL PLANNING INC /MI/
80137537 TOTAL FINANCIAL PLANNING INC /MN/ ADV
80130565 TOTAL RETURN INC
80129745 TOTH GEORGE /PA/
80135412 TOTH WILBERT & HANNON LTD
80116689 TOUCHE REMNANT INVESTMENT MANAGEMENT LTD
80145253 TOUCHSTONE SECURITIES INC
80113804 TOVEY & CO INC
80148274 TOW STEPHEN I
80135416 TOWNS CLIFTON SR
80124227 TOWNSEND ROBERT WELLMAN JR
80118515 TRACK DATA CORP
80149247 TRADEWINDS INTERNATIONAL INC
80139501 TRADING POTENTIAL
80145094 TRAINER THOMAS WELDON JR /CA/
80145245 TRAN HIEN TRONG NGHIA
80132188 TRANG R L & ASSOCIATES INC
80154019 TRANSAMERICA INVESTMENT SERVICES CO
80137864 TRANSGLOBAL PORTFOLIOS INC
80137150 TRANWOOD AMERICA INC /DE/
80127303 TRAPP ROBERT F
80128956 TRAVERS MICHAEL J
80127930 TRECO FRANK S JR
80141254 TREISMAN & CO INC/NY/
80129307 TRENCH ENTERPRISES INC
80154677 TRENDSGROUP FINANCIAL INC /CA
80146358 TRENTON FALLS ASSET MANAGEMENT INC
80150843 TREYZ PETER STODDARD
80143063 TRI AD RUSSELL INVESTMENT ADVISORS INC /CA/
80150834 TRIDENT FINANCIAL MANAGEMENT INC
80152256 TRIGON INVESTMENT PARTNERS INC
80139151 TRINDLE SUSAN HARRIET
80130428 TRIPARK SECURITIES INC
80141512 TRIPLE M ASSET MANAGEMENT /IN/
80148994 TRITON EQUITY ADVISORS INC
80146888 TRIVEDI HEMANT NANDUBHAI
80120642 TRIVOLI GEORGE WILLIAM PHD INC ADV
80143152 TRONGONE ANTHONY FRANCIS DR
80137336 TROTH JOHN SHIPLEY JR
80141278 TRUDEAU CANDICE ANN
80140400 TRUGMAN RONALD FRANCIS
80129082 TRUHN WENDY HELEN
80142400 TRUITT KEVIN
80128888 TRUMBULL ELY CAPITAL MANAGEMENT CORP
80153693 TRUST FOR COMMUNITY BANKS LP
80148785 TRUST REALTY ADVISORS INC
80147151 TRUSTEE MANAGEMENT SERVICES INC
80147123 TRZNADEL DANIEL ADAM
80137881 TSG INVESTMENT ADVISERS LP
80139644 TSI FINANCIAL /CA/
80139279 TSUJIMOTO GARY M
80153513 TUBBERGEN DENNIS CLARE
80125972 TUCHINSKY HERBERT
80124767 TUCKER BILLY RAY
80138534 TUITION CHECK INC
80139471 TULMAN MICHAEL MARTIN /MA/
80133572 TURNER ANNABLE & CO INC/ TX
80142356 TURNER CAPITAL MANAGEMENT INC /NY/
80151931 TURNER MELVIN DOUGLAS
80132686 TURNER MICHAEL PAUL
80130471 TURNER ROBERT BURYL
80143450 TUROV DANIEL H /TN/
80148151 TUTTLE JACK
80133687 TUTTLE WILLIAM ROGER
80145834 TYLER INTERNATIONAL FINANCE INC
80139298 TYSKEWICZ JOSEPH JOHN /CT/
80154400 TYSON LOYD DALE
80143378 UI USA INC /NY/
80129692 ULMER CHARLES THOMAS /MO/
80148337 ULRICH HUMMRICH & MCDONOUGH INC
80129023 ULRYCH MILOS
80146639 ULTIVEST GLOBAL ADVISORS LTD /NJ/
80140634 UMB ASSET MANAGEMENT LTD /NY/
80124255 UNCAPHER ASSOCIATES INC
80139418 UNDERHILL ROLAND DENTON
80127801 UNION CAPITAL MANAGEMENT CO
80130188 UNITED ASSET MANAGEMENT INC
80140799 UNITED CAPITAL MANAGEMENT INC /CA/
80145396 UNITED DANIELS CASE ALLIANCE INC
80124491 UNITED DANIELS SECURITIES INC
80136061 UNITED METHODIST FOUNDATION O/T BALTI WASH CONFERENCE
80138603 UNITED REALTY ADVISORS INC
80148967 UNITED SECURITIES GROUP INC
80128792 UNITED STATE FINANCIAL CORP
80141888 UNITED STATES CAPITAL CORP /IL/
80119077 UNITED STATES FINANCIAL SERVICES CORP
80146954 UNIVERSAL FINANCIAL PLANNING CONSULTANTS INC
80150417 UNIVERSAL MODELS & ACTORS INC
80105864 UNIVERSITY APPLIED MANAGEMENT CONSULTANTS CORP
80118166 UNIVERSITY BUSINESS SERVICES
80148334 UNIVERSITY CAPITAL MANAGEMENT
80118793 UNLISTED MARKET SERVICE CORP
80129675 UNTERHALTER MARC KYALL
80132274 UR FINANCIAL INC
80147315 URANGA VICTOR MANUEL
80142250 URBAN REALTY ADVISORS INC /IL/
80122051 URBONAS ALGIE JOHN
80136542 URQUIJO PATRIMONIOS SOCIEDAD GESTORA DE CARTERAS S A
80136714 US SELECT MANAGEMENT INC
80150846 US STRATEGIES INVESTMENT CORP
80124957 USA MONEY NEWSLETTER
80142183 USAFFINITY ADVISORS LIMITED PARTNERSHIP
80139133 UTCHEL JOSEPH JAMES
80146813 VADAS ANDRE GABRIEL ALEXANDER
80126073 VALE JACK ROYE
80152505 VALENTINE JAMES ROBERT IV
80127335 VALENTINO GARY J
80142248 VALLAIR ROBERT WAYNE /TX/
80136740 VALLEY ESTATE PLANNERS LTD
80151192 VALLEY FORGE COMMERCIAL MORTGAGE ADVISORS INC
80147329 VALLEY GROUP FINANCIAL SERVICES INC
80139761 VALLI SECURITIES INC
80149879 VALUEQUEST CHINA LTD
80143532 VAN BUREN GEORGE WARREN /HI/
80137850 VAN CLEEF JORDAN & WOOD WEST INC
80130207 VAN DEVENTER EDWARD L JR
80142355 VAN METER PAUL ALLEN /TX/
80131506 VAN PEEBLES ADVISORS INC
80143647 VAN SICKLE RANDALL DAVID /MA/
80140018 VAN SLOTEN CAMDON TROY
80142351 VANDERHAAR FINANCIAL PLANNING INC
80132519 VANDERMEID TIMOTHY LESTER
80130865 VANDERPOL A J MANAGEMENT BV
80138742 VANGUARD FINANCIAL CORP
80121599 VANLEUVEN BRUCE CLARKE
80128312 VANNUCCI PETER
80151731 VANSON DENNIS
80125391 VANSON PETER
80135023 VANTRESS FLORENCE ELIZABETH /CA/
80136370 VAQUERO INVESTMENT MANAGEMENT CO
80135897 VARDAMAN VIRGINIA BRADLEY
80153027 VARMA SANDEEP
80140743 VASCONCELLOS JOSEPH CESAR /CA/
80135955 VAUGHAN & CO SECURITIES INC
80125716 VAUGHAN JAMES ALLEN
80131095 VC MANAGEMENT OF CONN INC/CT/
80148279 VCK CAPITAL ADVISORS LTD
80129559 VECTOR FINANCIAL SERVICES
80139194 VECTORVEST MANAGEMENT ASSOCIATES INC
80116302 VELMER WILLIAM ABRAHAM
80149824 VENTUNELLI PETER PAUL
80143772 VENTURE RESOURCES INC /NH/
80105069 VENTURE SECURITIES CORP
80143346 VERBECK XAVIER H
80122234 VERIBANC INC
80144829 VERONA GROUP INC
80149459 VICKERS HENRY ALONZO JR
80134319 VICTOR ARTHUR BARRY
80146335 VIENO MARK JOHN II /VA/
80128603 VIGILANT ADVISORS INC
80136419 VILNER ENTERPRISES INC

80129836 VINCENT JOSEPH CURRO
80144936 VIP INSURANCE AGENCY INC
80141142 VISION CAPITAL INC
80139299 VISION CAPITAL MANAGEMENT INC /OH/
80109828 VISTA MANAGEMENT CO INC
80115078 VIVELO ROBERT F
80113940 VLAHAKIS EDWARD
80148633 VON WIENKEN UWE GERALD
80118784 VONSUSKIL HOWARD JR
80147159 VOYAGER INVESTMENTS INC
80123751 VS INVESTMENTS /HI/
80127851 W&D EQUITIES CORP
80139430 WACH FINANCIAL PLANNING INC
80141424 WAGNER CAPITAL INC
80135886 WAGNER MARC S FINANCIAL SERVICES LTD
80150907 WAGNER STEPHEN HANS
80133374 WAGONER ERIC VERNE
80128096 WAHL MICHAEL THOMAS
80119694 WAIGHT JOHN F
80139798 WAIS ERIC JOHN
80133858 WALD HARVEY SEYMOUR
80139685 WALDNER INVESTMENT ADVISORS INC
80132607 WALGENBACH CHARLES JAMES
80151215 WALKER GREGORY STEPHEN
80152079 WALKER PETER CRAWFORD
80147775 WALKER WRIGHT LORENZO
80141967 WALKUP WILLIAM BASKIN
80152889 WALL STREET SMALL CAP REPORT INC
80142892 WALL STREET STRATEGIES /NY/
80125308 WALL STREET STRATEGIES INC /GA/
80138539 WALLACE ANTHONY INVESTMENT MANAGEMENT INC
80144633 WALLACE JOHN MACK
80151553 WALLACE TERRY
80126004 WALLACE WELCH & WILLINGHAM INC
80141556 WALLACE WENDELL WILLIAM
80139451 WALLACE WILLIAM ROBERT
80126015 WALLENTINE FRANK DEAN
80132088 WALLER DAVE
80123223 WALLIN IRA MYLES
80148578 WALLSTREET MONEY MGRS INC
80124277 WALSH & HINCKLEY CO
80149270 WALSH JOHN MARSHALL /FL/
80149454 WALSH JOHN RICHARD
80145164 WALSH KENNETH E CPA PC
80142760 WALSH M D & CO
80123907 WALSH ROBERT F INC
80147653 WALSH WILLIAM JOHN
80143222 WALSINGHAM LTD
80127008 WALTER WILLIAM STEPHEN
80138626 WALTERS GEORGE WILLIAM
80152953 WALTERS RONALD JOSEPH
80135505 WALTERS SCOTT GEORGE
80134951 WANEK CHRISTIAN LOUIS
80150301 WANG STEVEN KRIS
80143816 WARD GARY STEVEN /CO/
80144619 WARE & PARSONS FINANCIAL GROUP
80124237 WARE JOHN PATRICK JR
80136517 WARE RAYMOND RANDOLPH
80125458 WARNER GROUP INC
80131691 WARNER INVESTMENT ADVISORS INC
80115070 WARREN PATRICIA ARMSTRONG
80130912 WASHINGTON FINANCIAL GROUP INC
80149056 WASHINGTON HACKETT CO
80148664 WASHINGTON STEPHEN THORNTON
80144571 WATCHMAN FINANCIAL ADVISORS INC /MD/
80140826 WATER CAPITAL CORP /CT/
80151530 WATERS ROBERT BALLARD JR
80144882 WATKINS JAMES MICHAEL JR
80125964 WATSON ROBERT JOHN
80151551 WATSON THOMAS JOSEPH
80130521 WATTS CARL ANTONI KEITH JAIME
80129889 WATTS CARL AUGUSTUS
80144297 WATTS PAUL DAVID
80152891 WAY JUSTIN EDWARD
80147443 WCF & ASSOCIATES/CA/
80133335 WEALTH DYNAMICS INC
80152160 WEALTH SMART PLANNING & INVESTMENT MGMT CO
80136596 WEATHERALL GREEN & SMITH INC
80132789 WEATHERLY CAPITAL CORP
80127297 WEAVER ACCOUNTANCY CORP
80122943 WEAVER DAVID EDWARD
80147483 WEAVER SCOTT CLINTON SR
80152588 WEB INVESTMENT MANAGEMENT INC
80147794 WEBB DAVID STAUFFER
80144370 WEBBER HAROLD KENT
80119095 WEBER FRED RAYMOND
80147275 WEBER JEFFREY L
80136365 WEDECK ANDREW S
80139939 WEDGEWOOD EQUITIES INC /GA/
80135304 WEDREN GERALD ERWIN
80145537 WEDREN GERALD ERWIN /DC/
80113814 WEED ANTHONY J ADVISORY
80134137 WEED DONALD EVERETT
80127475 WEEDEN JAMES DENNIS
80143613 WEEKS HERMAN
80144990 WEGLEY ROBERT M JR
80127217 WEHRLY JAMES DOUGLAS
80131470 WEIDLICH & ASSOCIATES INC /WV/
80127504 WEIDNER FREDERIC CLINTON
80150995 WEINBERG GREGG SCOTT
80147847 WEINBERG JERROLD NORMAN
80147780 WEINBERGER SAMUEL
80147408 WEINBLATT SUSAN SCHECHTER
80143603 WEINMANN DENNIS TODD /TX/
80143304 WEINSTEIN GREGORY DANA
80145123 WEINSTEIN RICHARD ARTHUR /OH/
80147849 WEINSTOCK RONALD H
80124624 WEISER FINANCIAL PLANNING SERVICES INC
80141309 WEISSBERG MICHAEL J /NY/
80150224 WEISSBERGER ALAN JONATHAN
80123075 WEITZBERG FRED ALAN
80113519 WEITZEL DAVID HAROLD
80139402 WEIUM PAUL NATHAN
80150115 WELCH ANTHONY SAMUEL
80148387 WELCH CLARENCE ALBERT
80147736 WELCH DAVID CHARLES
80128482 WELCH DAVID HINSON
80130500 WELCH RICHARD LAWRENCE
80132718 WELCH W & ASSOCIATES
80134626 WELCH W KEY PROFESSIONAL CORP
80141559 WELCH WILLIAM JOSEPH
80137262 WELLS EARLES LEIGHTON
80116668 WELLS REYNOLD WILLIAM
80147313 WELLSPRING INVESTMENTS INC
80127214 WELSH CAPITAL PLANNING INC
80142442 WENDEL STEPHEN CHARLES
80119047 WENSLEY MANAGEMENT CORP
80141884 WERBLE PHILIP CHARLES /NY/
80126148 WERNER BERUS PAUL LEFEVRE & CALLICOTT INC
80154148 WERNER FINANCIAL GROUP INC /CA/
80145474 WERNER HOWARD STEVEN /NY/
80147908 WERTZ MARJORIE D INC
80125353 WESSMILLER ROBERT JAMES
80137255 WEST ROBERT LEWIS /OH/
80119442 WEST SHAW INSTITUTE INC ADV
80144054 WESTCHESTER FINANCIAL ASSOCIATES INC
80136127 WESTERGAARD RESEARCH & PUBLISHING CORP
80120000 WESTERN CAPITAL MANAGEMENT CORP
80143731 WESTERN PENSION SERVICE CORP
80149172 WESTERN RESERVE INVESTMENT CO LTD
80140954 WESTERN RIM INVESTMENT ADVISORS INC
80150591 WESTFALL WADE HAMITON
80131322 WESTHAGEN & WESTHAGEN INC
80115013 WESTIN CAPITAL MANAGEMENT INC
80148130 WESTMARC MANAGEMENT INC
80146561 WESTMARK SECURITIES INC /OR/
80125288 WESTMORELAND LARRY
80152044 WESTWOOD VENTURES LTD
80118650 WETZEL FRED JR
80136210 WF ADVISORS INC
80145161 WHARF FINANCIAL ENTERPRISES LTD
80132564 WHEELER DANIEL MARK /CA/
80123934 WHEELER JOHN H
80144973 WHEELER STEVEN ALLEN /KY/
80153558 WHELAN & GRATNY CAPITAL GROUP LLC
80148204 WHIPPLE JOSEPH EDWARD SR
80123588 WHISTLER LEHMAN P
80148400 WHITAKER CHARLES J /OH
80139961 WHITE CRAIG ANDREW
80152886 WHITE ERICKSON & ASSOCIATES
80152230 WHITE GERALD LAWRENCE
80119371 WHITE JOE O /CA/
80118340 WHITE LEO E /NJ/
80142274 WHITE RICHARD DUANE /NC/
80125242 WHITE ROBERT WAYNE
80135702 WHITE TERRY WAYNE
80143178 WHITELAW ASSET CONSULTING CO
80123375 WHITFIELD J CHARLES
80124730 WHITFIELD SCOTT INVESTMENT ADVISORY CO
80140157 WHITING GROUP INC
80116914 WHITMORE MAX EARL
80111546 WHITTAKER HOMER CHARLES
80129163 WHITTAKER RUSSELL LEROY
80128623 WHITTINGTON WILLIAM WORTH
80139845 WHITTLE LINDA LOU /IA/
80127602 WHITTLESEY STANLEY

80116928 WHITWELL OMER DWIGHT
80133633 WHOLEHAN & ASSOCIATES INC
80124119 WICK PATRICK ANTHONY
80123892 WICKERS ALONZO B
80132703 WIEDERMAN ARTHUR STEWART
80125967 WIERE ENTERPRISES INC
80109688 WIGGINS ROBERT GLENN
80139921 WIGHT CHRISTOPHER SCOTT
80127353 WIGHT FINANCIAL CONCEPTS CORP
80135972 WILBER ROBERT BRIAN
80136739 WILCOX INVESTMENT ADVISORS INC
80123845 WILDSTEIN STEVEN EDWARD
80116266 WILE THOMAS FREDERICK
80139820 WILEY CHARLES INC /TX/
80154401 WILEY PAUL JR
80148981 WILKENS KENT EUGENE
80123471 WILKERSON WILLIAM LANKFORD
80133693 WILKINS PATRICK LAWRENCE
80137192 WILKINSON DANIEL FRANCIS
80125352 WILLIAMS ALBERT GEORGE
80148277 WILLIAMS ALEXANDER BERNARD JR
80119669 WILLIAMS ARTHUR LYNCH JR
80137644 WILLIAMS ASSOCIATES & COMPANIES INC
80144235 WILLIAMS BRADLEY BRUCE
80146475 WILLIAMS DAVID MERIL /NY/
80151883 WILLIAMS DENNIS TODD
80132086 WILLIAMS JACK OLIVER
80126626 WILLIAMS JEANETTE R
80128886 WILLIAMS JEFFREY SCOTT
80104675 WILLIAMS JOHN MINORS
80131120 WILLIAMS KELVIN DOUGLAS
80128443 WILLIAMS KUEBELBECK & ASSOCIATES INC
80136661 WILLIAMS LARRY DEDRICK
80126974 WILLIAMS LINDA ANNE
80150716 WILLIAMS MICHAEL CHRISTOPHER
80133582 WILLIAMS PATRICK BENNIKE
80143221 WILLIAMS PAUL CLIFTON
80129464 WILLIAMS ROBERTA ANDERSON
80136696 WILLIAMS TERRY RAY
80148663 WILLIAMS VINCENT & CO
80154499 WILLIAMSON PAUL ALLEN
80143194 WILLIAMSON STEPHEN ALAN
80133506 WILLMAN MARK ALAN /
80138274 WILLMAN MARK ALAN /MD/
80146379 WILLMAX CAPITAL INC
80154451 WILLOUGHBY ANTHONY CLARK
80136300 WILLSEY ALAN DOUGLAS
80151805 WILME SCOTT STEPHAN
80139302 WILSON & ASSOCIATES INC /NY/
80151426 WILSON ANTHONY LAMONT
80129530 WILSON CHARLES DENNY
80126555 WILSON JAMES XAVIER
80113894 WILSON JOHN VICTOR JR
80133426 WILSON KATHERINE ELAINE
80152566 WILSON KEATHEN AL
80149230 WILSON PHILIP SCOTT
80130984 WILSON PHILIP SERVIS
80114324 WILSON WOODROW
80102573 WILT GLENN AUDUBON JR
80138287 WINDMERE REALTY ADVISORS INC
80112521 WINDSOR S F CO
80146264 WINDWARD ASSET MANAGEMENT INC /NJ/
80126359 WINELANDER ROGER WILLIAM
80145657 WINFIELD WILLIAM NELSON
80120245 WINFREY JOE CRAWFORD
80134146 WINGFIELD CHARLES MILTON
80153055 WINSTON LENNON HOLDINGS CORP INC
80153310 WINT GARY E LLC
80135042 WINTON JOHN R & ASSOCIATES MICHIGAN INC
80137342 WIRTH ISABELLE EILEEN
80149766 WIS INC
80125504 WISDOM JOHN CHARLES
80153691 WISE FINANCIAL SERVICES CORP
80128391 WISEMAN BRUCE DOUGLAS
80141649 WITKOWSKI MICHAEL JAMES /IN/
80142946 WJG CONSULTING INC /NY/
80123941 WOLF & ROSHER FINANCIAL SERVICES
80129397 WOLF FRANCIS JOHN JR
80129971 WOLF ROBERT HAROLD
80131034 WOLFE ISABEL JO KITAY
80133295 WOLFF MICHAEL BARRY/CA
80152403 WOLFF ROBERT LUNDY
80151279 WOLFSON NATHAN CHARLES
80136595 WOLFSON SUZANNE LEE /CA/
80121977 WOLL JAMES THOMAS
80134085 WOLLERMAN EDWARD GUSTAVE
80141630 WOLMAN JEFFREY CHARLES LLOYD
80131078 WOLTERS LEWIS EDWIN
80145448 WOMACK MARK ANDREW
80137991 WONG GARY CORBETT
80145585 WONG MATTHEW YUN
80134823 WOO WALTER WING /MD/
80135161 WOOD DAVID LYMAN JR
80134739 WOOD JOHN EDMUND FITZGERALD JR
80143901 WOODALL NICK DON /TX/
80132949 WOODBURY R F INVESTMENT CORP
80143237 WOODCOCK BRUCE FREMONT JR
80134083 WOODLAND INVESTMENT CO
80145538 WOODS GROUP INC
80122123 WOODS THEOPHILOUS HENRY
80149228 WOODSDALE CAPITAL PARTNERS INC
80140756 WOODSHIRE CAPITAL MANAGEMENT INC
80123135 WOODSIDE BETH WRIGHT /SC/
80142075 WOOSHIN INVESTMENT MANAGEMENT CO LTD
80130964 WORCESTER JOHN PHILLIP JR
80139573 WORDEN FRANK NEWELL /VA/
80122350 WORDWAY PLANNING CORP
80148469 WORLD CAPITAL ADVISORS CORP
80154427 WORLDWIDE FINANCIAL MANAGEMENT GROUP LLC
80151550 WORTH CAPITAL MANAGEMENT LLC
80143439 WOUTERS WILLY RENE ELISABETH
80138293 WP SECURITIES INC
80138356 WRIGHT CHRISTEL MESTNIK
80142143 WRIGHT CYNTHIA ROSEMAN PHD /TX/
80124495 WRIGHT DUGLAS EVANS
80151613 WRIGHT JAMES EDWARD
80137795 WRIGHT JEFFREY LEE
80142541 WRIGHT JOHN WINGO
80132275 WRITERS & RESEARCH INC
80140671 WURTZ MARK THOMAS
80140321 WYCKOFF SYSTEMS TECHNOLOGY INC /NJ/
80146282 WYCOFF CAPITAL MANAGEMENT LLC /OK/
80139697 WYMAC CAPITAL INC
80145790 XPONENT HOLDINGS LTD /MI/
80144060 YACHAN GEORGE II /NC/
80141085 YACHECHAK KENNETH /MT/
80123350 YAEGER SECURITIES INC
80147382 YAGALLA MARK
80126242 YAGLE VERA ANN
80146178 YAMAICHI INTERNATIONAL AMERICA INC/NY/
80137526 YANG YUN FANG
80142117 YANOSKY DANIEL JEROME /GA/
80138985 YARMOUTH GROUP UK LTD
80129314 YEE PHILLIPS ASSOCIATES INC
80135538 YORK INVESTMENT MANAGEMENT
80152973 YORK MITCHELL PAUL
80147029 YORKSHIRE INVESTMENT COUNSEL INC
80129814 YOUENS VANCE GEORGE
80144779 YOUNG ASSET ADVISER INC
80145439 YOUNG CHAUNCY CFP /NY/
80136124 YOUNG DEAN WILLIAM
80123681 YOUNG KENNETH WILLIAM
80121027 YOUNG STEPHEN CASSIN
80116342 YOUNG STUART WESLEY
80150741 YOUNGER PATRICK TIMOTHY
80111141 YOUNKIN WILLIAM MICHAEL
80137872 YOUSEM JOSEPH L CO INC
80135763 YUNG DAVID KWOK
80128138 YUNKER FINANCIAL MANAGEMENT
80136204 ZABETIAN MANSOUR
80105077 ZABRONSKY ALAN /NY/
80131236 ZALE JOHN HENRY
80152229 ZALL MILTON
80140529 ZAMMIELLO ROBERT CHARLES SR /PA/
80149173 ZAMPERINI MARK EDWARD
80142013 ZANETTE ANTHONY FRANCIS
80138879 ZB SECURITIES CORP
80149951 ZEBA CAPITAL INC
80152496 ZEPHYR INVESTMENT MANAGEMENT INC
80142933 ZETSCH KURT JOHANN III /CA/
80153169 ZHANG BILL
80126901 ZIEGER ALFRED RODNEY
80124490 ZIMMERMAN DRAKE H
80149466 ZIMMERMAN THOMAS EARL
80133065 ZINDEL Z CORP
80116494 ZINITI STEPHEN PAUL
80140386 ZINSSER AUGUST III
80121598 ZIOBRON EUGENE GERARD
80144879 ZITSMAN JAMES ARTHUR
80153670 ZOE FINANCIAL GROUP INC
80136985 ZOELLER & ASSOCIATES SC /WI/
80144041 ZUKERMAN GERALD JULES /AZ/
80131530 ZWOLINSKI RAYMOND JOSEPH

[FR Doc. 98–6431 Filed 3–12–98; 8:45 am]
BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [63 FR 10960, March 5, 1998]

STATUS: Closed Meeting.
PLACE: 450 Fifth Street, N.W., Washington, D.C.
DATE PREVIOUSLY ANNOUNCED: March 5, 1998.
CHANGE IN THE MEETING: Cancellation of Meeting.

The closed meeting scheduled for Tuesday, March 10, 1998, following the 10:00 a.m. open meeting, has been cancelled.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary (202) 942–7070.

Dated: March 10, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6594 Filed 3–10–98; 4:41 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39728; File No. SR–CBOE–98–02]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc. to Limit the Number of Consecutive Terms That May Be Served by the Chairman of the Executive Committee

March 6, 1998.

I. Introduction

On January 16, 1998, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] proposed rule change to amend Section 8.1(a) of the CBOE Constitution to limit the number of consecutive terms served by the Chairman of the Executive Committee. The proposed rule change was published for comment in the **Federal Register** on February 3, 1998.[3] No comments were received regarding the proposal. This order approves the proposal.

II. Description of the Proposal

Presently, the Chairman of the Executive Committee (''Chairman'') is elected to a one-year term and may serve an unlimited number of consecutive terms. Under the proposed rule change, an amendment to Section 8.1 of the CBOE Constitution, the Chairman could serve consecutively a maximum of three one-year terms. For purposes of this limit, a combination of at least six months of a one-year term plus the next two one-year terms is considered to be three consecutive one-year terms. After an individual has been out of office for at least six months, that individual again becomes eligible to serve as Chairman.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of section 6 of the Act. In particular, the Commission believes the proposal is consistent with Section 6(b)(3) of the Act.[4] Section 6(b)(3) requires, among other things, that the rules of the exchange assure a fair representation of its members in the administration of its affairs. By limiting the number of consecutive terms a person may serve as Chairman, the proposal should help to ensure that a broader range of individuals serve in that position. As a result, the proposal creates the opportunity for a broader cross section of market participants to be involved in the administration of the Exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[5] that the proposed rule change (SR–CBOE–98–02) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6526 Filed 3–12–98; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 39585 (January 27, 1998), 63 FR 5584.

[4] 15 U.S.C. 78f(b)(3). In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39731; File No. SR–NASD–98–19]

Self-Regulatory Organization; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Interim Forms and Public Disclosure Program

March 6, 1998.

On March 2, 1998, the NASD Regulation, Inc. (''NASDR'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19B–4 thereunder.[2] The proposed rule change is described in Items I, II, and III below, which Items have been prepared by NASDR. NASDR has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the enforcement of an existing rule under Section 19(b)(3)(A)(i) [3] of the Act, which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDR is proposing to postpone the effective date of recently approved amendments to NASD Interpretive Material 8310–2 and Forms U–4 and U–5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDR 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. NASDR has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

The proposed rule change postpones the effective date of the amendments set forth in SR–NASD–97–78 that was approved on January 20, 1998.[4] In that Release, the Commission approved amendments to NASDR's Public Disclosure Program (''PDP''), as set forth in Interpretive Material 8310–2, and amendments to the Forms U–4 and U–5. These amendments were to become effective on February 17, 1998.[5] Between January 20 and February 17, 1998, member firms expressed concern that they did not have sufficient time to change their operations for filing the Forms and for educating their employees as to changes in the Forms, and therefore requested that the implementation of the Forms be delayed for one month.[6] Because the Forms are designed to provide NASDR with information that will be used as the basis for the modification to the PDR, NASDR has determined that it is appropriate to delay the effective date for the amendments to Interpretive Material 8310–2 as well

2. Statutory Basis

NASDR believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)[7] of the Act. NASDR believes that delaying the effective date of the new rules to ensure that members are provided with a sufficient amount of time to change their operations so that Forms U–4 and U–5 are properly submitted will not be inconsistent with these requirements.

[4] *See* Securities Exchange Act Rel. No. 39562 (January 20, 1998), 63 FR 3942 (January 27, 1998). *See also* Securities Exchange Act Rel. No. 39442 (December 11, 1997) 62 FR 66706 (December 19, 1997), (partially approving, on an accelerated basis, that portion of the proposed rule change giving the NASD the option of responding to electronic inquiries requesting employment and disciplinary history of its members and their associated persons).

[5] *Id.* at p. 3943.

[6] On February 17, 1998, the NASDR submitted a letter informing the Division that it was changing the implementation date of the Interim Forms U–4 and U–5 from February 17, 1998 to March 16, 1998. *See* letter from Alden S. Adkins, General Counsel, NASD Regulation, Inc., to Katherine A. England, Assistant Director, Division of Market Regulation, SEC, dated February 13, 1998.

[7] Section 15A(b)(6) requires that the rules of the Association be designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDR 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.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act and subparagraph (e) of Rule 19b–4 thereunder[8] in that it constitutes a stated policy, practice, or interpretation with respect to the meaning of an existing rule.

At any time within 60 days of the filing of a rule change, the Commission may summarily abrogate the 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 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, 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. 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 April 3, 1998.

[8] 17 CFR 240.19b–4(e)(1).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39729; File No. SR–NASD–97–56]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2, 3, 4, 5, and 6 to Proposed Rule Change by the National Association of Securities Dealers, Inc., To Amend Rule 3110 and to Adopt New Rules 6950 Through 6957 Relating to the Creation of an Order Audit Rail System

March 6, 1998.

I. Introduction

On July 29, 1997, NASD Regulation, Inc. (''NASDR''), a wholly-owned subsidiary of the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), submitted to the Securities and Exchange Commission (''SEC'' or ''Commission'') on behalf of the NASD, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] a proposed rule change to adopt new rules relating to the creation of an order audit trail system (''Order Audit Trail System'' or ''OATS''). On August 25, 1997, the NASDR submitted Amendment No. 1 to the proposed rule change.[3]

The proposed rule change was published for comment in the **Federal**

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Letter from Joan C. Conley, Corporate Secretary, NASDR, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated August 25, 1997 (''Amendment No. 1''). In addition to proposing technical corrections, Amendment No. 1: (1) expands the proposal's definition of ''order,'' (2) clarified that the proposed requirements of Rule 3110(c) (regarding required books and records) would be temporary and only in effect from January 1, 1999, to January 31, 2000; (3) conforms the discussion section to the language of the proposed rule regarding effective dates for orders other than electronic orders; and (4) notices that the NASDR consulted generally with industry representatives and received a number of comment letters. The changes proposed in Amendment NO. 1 were incorporated into the Commission's notice of filing of the proposal prior to its publication in the **Federal Register.**

Register on September 5, 1997.[4] The Commission received eighteen comments on the proposal.[5] On October 9, 1997, the NASDR filed Amendment No. 2 to the proposed rule change.[6] The NASDR filed Amendment No. 3 to the proposed rule change on October 29, 1997.[7] On February 3, 1998, the NASDR filed Amendment No. 4 to the proposed rule change.[8] The NASDR filed Amendment No. 5 to the proposed rule change on February 11, 1998.[9] On March 5, 1998, the NASDR filed Amendment No. 6 to the proposed rule change.[10] This order approves the proposed rule change and Amendment No. 1. In addition, the Commission is publishing this notice to solicit comments on Amendment Nos. 2, 3, 4, 5, and 6 to the proposed rule change and is simultaneously approving those amendments on an accelerated basis.

II. Background

OATS is intended to fulfill one of the undertakings contained in the order issued by the SEC relating to the settlement of an enforcement action against the NASD for failure to adequately enforce its rules.[11] Pursuant to the SEC Order, the Association agreed to design and implement by August 8, 1998 (or as specified by further order of the Commission) an order audit trail sufficient to enable the Association to reconstruct markets promptly, conduct efficient surveillance and enforce its rules.[12] OATS is required, subject to the Commission's approval, at a minimum, to (a) provide an accurate time-sequenced record of orders and transactions, beginning with the receipt of an order at the first point of contact between the broker-dealer and the customer or counterparty and further documenting the life of the order through the process of execution, and (b) provide for market-wide synchronization of clocks used in connection with the audit trail.[13]

The SEC Order was issued in response to the filings of the Commission's 21(a) Report.[14] In the Appendix to its 21(a) Report, the Commission stated that,

> In the course of the investigation [of the NASD], the Commission staff encountered significant difficulties reconstructing activity in the Nasdaq market. Broker-dealer order tickets, among the most fundamental of records, were too often unavailable or inconvenient to retrieve. Timestamping was often unreliable for the purposes of determining compliance with applicable rules, such as the firm quote rule and limit order protection rules.
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> A further difficulty was the inadequate documentation of telephone orders received at [over-the-counter] trading desks. As noted above, order tickets if they were available at all, were not always reliably timestamped. Having reliable and accurate records of telephone orders is crucial to evaluating a market maker's compliance with the firm quote rule and trade reporting rule. Because telephone orders and transactions are a significant part of the activity in the Nasdaq market, the documentation of these orders and transactions is essential to adequate survelliance and compliance in the market.
>
> The NASD has automated surveillance capabilities with respect to its current audit trail, although it has not consistently maintained adequate routine automated surveillance capabilities over the audit trail. Its surveillance and enforcement responsibilities with respect to market conduct has increased substantially in recent years. The adoption of limit order protection rules in 1994 and 1995 and the frequency of backing away from quotations and late trade reporting revealed by this investigation, all indicate the need for an improved surveillance capability. In light of the high volume of trading on today's Nasdaq market and the dispersed nature of that market, these rules cannot be efficiently enforced through current NASD inspections and analysis of hard copies of order tickets and other records. Automated surveillance is essential if there rules are to be effectively enforced. This surveillance capability can only be implemented with an improved audit trail.

[4] *See* Securities Exchange Act Release No. 38990 (August 28, 1997) 62 FR 47096.

[5] *See* Letters to Jonathan G. Katz, Secretary, Commission from: Edward J. Johnsen, Vice President and Assistant General Counsel and Christopher R. Franke, Vice President and Compliance Manager, J.P, Morgan Securities, Inc. (''J.P. Morgan''), dated September 25, 1997; John B. Morgan, Director of Legal and Compliance, Mabon Securities Corp. (''Mabon''), dated September 24, 1997; John A. Goc, Senior Vice President, Equity Trading, Boston Institutional Services (''BIS''), dated September 19, 1997; Steven Alan Bennett, Senior Vice President and General Counsel, Banc One Corporation (''Banc One''), dated September 26, 1997; H. Michael Reese, Chief Financial Officer, HBK Finance L.P. (''HBK Finance''), dated September 23, 1997; Allen J. Thomas, Vice President, A.G. Edwards & Sons, Inc. (''A.G. Edwards''), dated September 26, 1997; Charles R. Hood, Senior Vice President and General Counsel, Instinet Corporation (''Instinet''), dated September 26, 1997; Brooke Berstein, Vice President and Counsel, Morgan Stanley & Co. Inc. (''Morgan Stanley''), dated September 29, 1997; James M. Davis, Managing Director of Compliance, The Franklin Templeton Group (''Franklin Templeton''), dated September 26, 1997; Richard O. Scribner, Director for Regulation, Salomon Brothers, Inc. (''Salomon Bros.''), dated September 30, 1997; Timothy F. McCarthy, Charles Schwab & Co., Inc. (''Schwab''), dated September 30, 1997; Bernard L. Madoff, Chair, OATS Ad Hoc Committee, Securities Industry Association (''SIA''), dated October 6, 1997; James R. Orvis, Senior Vice President and Director of Operations, Advest, Inc. (''Advest''), dated October 7m 1997; John M. Ivan, Managing Director Compliance, Wheat First Butcher Singer (''Wheat First''), dated October 10, 1997; Robert B. Sloan, Partner, Director/Information Services, J.C. Bradford & Co. (''J.C. Bradford''), dated October 8, 1997; John J. Sanders, Jr., Principal, BancAmerica Robertson Stephens (''BancAmerica''), dated October 6, 1997; Kathryn G. Casparian, Director of Regulatory Affairs, Oppenheimer & Co., Inc. (''Oppenheimer''), dated October 15, 1997; and Robert E. Maina, First Vice President, Merrill Lynch (''Merrill Lynch''), dated October 17, 1997. Two additional letters were forwarded to the Commission subsequent to the close of the comment period. These consist of a letter from Bernard L. Madoff, Chair, OATS Ad Hoc Committee, SIA, to Richard G. Ketchum, Executive Vice President and Chief Operating Officer, NASD, dated December 3, 1997 and a letter to James M. Cangiano, Senior Vice President, Market Regulation, NASDR, from Charles R. Hood, Senior Vice President and General Counsel, Instine, date November 25, 1997.

[6] *See* Letter from John M. Ramsay, Deputy General Counsel, NASDR, to Katherine A. England, Assistant Director, Division Commission, dated October 7, 1997 (''Amendment No. 2''). In Amendment No. 2, the NASDR consent to an extension of the time periods specified in Section 19(b)(2) of the Act.

[7] *See* Letter from Joan C. Conley, Corporate Secretary, NASDR, to Katherine A. England, Division, Commission, dated October 28, 1997 (''Amendment No. 3''). In Amendment No. 3, the NASDR proposes to modify the numbering of the text of the proposed rules from 6900 through 6970 to 6950 through 6957.

[8] *See* Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated February 3, 1998 (''Amendment No. 4''). In Amendment No. 4, the NASDR proposes to amend the proposal to, among other things: (1) modify the specifications for electron orders to conform to the industry standard of an eight character order identifier and to delete the requirement to pass the order origination date; (2) extend the phase-in of the OATS implementation schedule, as discussed in section III.E. below; (3) revise the definition of the term ''electronic order,'' (4) define the terms ''Electronic Communication Network'' and ''manual order,'' (5) clarify the treatment of bunched orders; (6) revise the test of proposed Rule 6954 to separately address four different order transmittal scenarios; (7) limit the reporting requirements of ECNs; and (8) make technical corrections.

[9] *See* Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated February 11, 1998 (''Amendment No. 5''). In Amendment No. 5, the NASDR proposes to amend the text of proposed Rule 6954(c) and Amendment No. 4 to delete provisions stating that the information to be recorded by a Reporting Member operating an ECN is that information provided to the ECN by the transmitting Reporting Member.

[10] *See* Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated March 5, 1998 (''Amendment No. 6''). In addition to several clarifying technical amendments, the NASDR proposes in Amendment No. 6 to: (1) reinstate and amend the books and records provisions of Rule 3110, previously deleted in Amendment No. 4, to require members to record certain information; (2) revise proposed Rule 6954(c)(1) to exempt from reporting to OATS orders routed from one department within a member to the member's trading desk; (3) revise the implementation date for electronic orders transmitted to a market maker or an ECN to March 1, 1999; and (4) clarify the proposed treatment of bunched orders.

[11] *See In the Matter of National Association of Securities Dealers, Inc.; SEC Release No. 34–37538, August 8, 1996; Administrative Proceeding File No. 3–9056 (''SEC Order'').*

[12] *Id.*

[13] *Id.*

[14] *See* Report Pursuant to Section 21(a) of the Securities Exchange Act of 1934 Regarding the NASD and the Nasdaq Market, Release No. 34–37543, Commission, August 8, 1996.

Hunderds of millions of share trade very day on Nasdaq, and effective regulation of this market requires a comprehensive centralized and computerized recordkeeping system. Surveillance methods employed in this market must keep pace with the rapidly of trading done with computer technology. A comprehensive audit trail, beginning with the time an order is placed and continuing to record the life of the order through the process of execution, is essential to maintaining the integrity of the Nasdaq market. Such an audit trail would feature the computerized recordation of the time and terms of an order, and of the sequence of steps to execute the order. By providing the details, the enhanced audit trail would allow for prompt surveillance on a scale that cannot be attained with traditional methods of examination.[15]

III. Description of the Proposal

In response to the findings in the 21(a) Report and the corresponding undertakings, the NASD proposed OATS. The proposed OATS would capture order information reported by NASD members. This information would be integrated with quote information and transaction information reported to the Automated Confirmation Transaction Service (''ACT'')[16] to provide the Association with an accurate, time-sequenced record of orders and other transactions. In general, the OATS would impose obligations on member firms to record in electronic form and to report to the NASDR certain information with respect to orders originated, received, transmitted, modified, canceled, or executed (''reportable events'') by NASD members relating to equity securities traded on The Nasdaq Stock Market, Inc. (''Nasdaq'').[17] In addition, the proposal would require member firms to synchronize their business clocks and continually to keep them synchronized with a specific time designated by the Association.

The proposed OATS would be operated by the NASDR, the operating subsidiary of the Association that is responsible for regulating member firms and conducting surveillance of Nasdaq. The NASDR would obtain ACT transaction data from Nasdaq on a daily basis for purposes of constructing an integrated audit trail of transactions and order data, and NASD members would be required to transmit ACT identifying information to the OATS.

The OATS requirements are set forth in proposed new Rules 6950 through 6957[18] of the NASD's Conduct Rules relating to an audit trail system owned and operated by the NASD. The proposed rules are summarized in subsection A below and are discussed in detail in subsection B–F.

In addition to adopting the new OATS rules, the proposal would amend NASD Rule 3110 to impose recordkeeping requirements on NASD members that are obligated to record and report information to the NASD under the OATS rules. Such members would be required to record, with respect to an order that is received or[19] executed at the members' trading department, the identification of each registered person who receives an order directly from a customer and the identification of each person who executes an order at a market maker's trading desk.[20] In addition, the revised Rule 3110 would require members to record the identification of the department of the member that originated an order that is transmitted manually to another department within a member.

a. Summary of Proposed New Rules

(1) NASD Rule 6951—Definitions

Proposed NASD Rule 6951 sets forth the definitions that apply to the new OATS rules. For example, the term ''order'' is defined as ''any oral, written, or electronic instruction to effect a transaction in a [Nasdaq] equity security that is received by a member from another person for handling or execution, or that is originated by a department of a member for execution by the same or another member.'' Proposed Rule 6951 specifies that the term ''order'' does not include a market maker's proprietary transactions originated by a trading desk in the ordinary course of an NASD member's market making activities. Proposed new Rule 6951, as amended, distinguishes between the terms ''electronic order'' and ''manual order.'' An electronic order under the rule is an order ''captured by a member in an electronic order-routing or execution system.''[21] The term *manual order* is added to the amended proposal and is defined as ''an order that is captured by a member other than in an electronic order-routing or execution system.'' The amended definition of the term *electronic order* makes clear that orders that are received manually and subsequently entered into an automated system will be considered electronic orders under the proposed OATS rules. The proposed rule defines the term *Reporting Member* as an NASD member that receives or originates an order and has an obligation to record and report information about that order to the NASDR under the applicable provisions of the OATS rules. Finally, the term ''Reporting Agent'' is defined in the proposal as ''a third party member that enters into an agreement with another member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 6955.''

(2) NASD Rule 6952—Applicability

Proposed Rule 6952 establishes the scope of the proposed OATS rules. Specifically, proposed Rule 6952 clarifies that the proposed rules would apply to all NASD member brokers and dealers and to their associated persons and to all executed and unexecuted orders for equity securities traded on Nasdaq. In addition, proposed Rule 6952 makes clear that, notwithstanding their obligations under the proposed OATS rules, NASD members would be required to continue to comply with the other requirements contained in the Association's rules and By-Laws.

(3) NASD Rule 6953—Synchronization of Member Business Clocks

Proposed Rule 6953 would require each NASD member to synchronize its business clocks used for purposes of recording the date and time of any event that must be recorded pursuant to the By-Laws or other rules of the Association, with reference to a time source designated by the Association for this purpose, and to maintain the synchronization of business clocks in

[15] *See* Appendix to Report Pursuant to Section 21(a) of the Securities Exchange Act of 1934 Regarding the NASD and the Nasdaq Market, Commission, August 8, 1996, at 100–101.

[16] ACT is an automated system owned and operated by Nasdaq that captures transaction information in real-time. *See* Amendment No. 4, *Supra* note 8.

[17] The proposed rules do not apply to orders for stocks traded on the Bulletin Board, debt, and securities listed on national securities exchanges. *See* NASD proposed Rules 6951(j) and 6952(c).

[18] The original filing proposed numbering the text of the proposed rule 6900 through 6970. Subsequently, the numbering of the proposed rule was changed to 6950 through 6957. *See* Amendment No. 3, *supra* note 7.

[19] As originally proposed, Rule 3110 would have required an NASD member to record information pertaining to orders received *and* executed at its trading department. [emphasis added]. This language has been modified to require an NASD member to record information relating to orders received or executed at its trading department. Per phone conversation between Mary Revell, Associate General Counsel, NASDR, and Deborah Flynn, Division, Commission, on March 6, 1998.

[20] In Amendment No. 4, the NASDR deleted a proposed revision to NASD Rule 3110, that was proposed in the original proposed rule change and published for comment. The proposed provision required members to record the identification of each registered person who executes an order. *See* Amendment No. 4, *supra* note 8. In Amendment No. 6, the NASDR proposes to reinstate that provision. *See* Amendment No. 6, *supra* note 10.

[21] *See* Amendment No. 4, *supra* note 8. In the original proposal, the term *electronic order* was defined as an order ''captured by members in electronic form upon or promptly after receipt.''

conformity with procedures that the Association may prescribe.

(4) NASD Rule 6954—Recording of Order Information

Proposed Rule 6954 delineates the specific information that must be recorded, in terms of hours, minutes, and seconds, by NASD members in connection with the origination, receipt, transmission, modification, cancellation, or execution of an order for a Nasdaq equity security. The proposed rule would establish varying requirements, which are discussed in detail in section III.B. below, depending on, for instance, how the order is transmitted to the Reporting Member (*i.e.*, electronically or manually) and the intended recipient of the transmission (*i.e.*, another department within the same member, an ECN, or another member).

(5) NASD Rule 6955—Order Data Transmission Requirements

Proposed rule 6955 would mandate that the data required to be recorded under proposed Rule 6954 be transmitted by each Reporting Member or its designated Reporting Agent to the OATS in electronic form. The proposed rule would require the requisite information to be transmitted on the day the reportable event occurred, or the day that such information first becomes available. In addition, proposed Rule 6955 would specifically allow members to enter into written agreements with Reporting Agents under which such agents agree to fulfill the Reporting Member's reporting obligations arising under the proposed rule. Such agreements would not, however, relieve the member that originally receives or originates the order from its regulatory responsibilities under OATS.

(6) NASD Rule 6956—Violation of Order Audit Trail System Rules

Penalties for noncompliance with the OATS requirements are set forth in proposed Rule 6956. This provision makes clear that members' or associated persons' failure to comply with the proposed OATS rules would be considered conduct in violation of NASD Rule 2110. As a result, penalties that result from violations of NASD Rule 2110 also could apply to violations of the OATS rules.

(7) NASD Rule 6957—Effective Date

Finally, proposed Rule 6957 would establish the implementation schedule for the proposed new OATS rules.

B. Information That Must Be Recorded

Proposed Rule 6954 would require certain identifying information to be recorded at various important points during the life of an order. In addition to uniquely identifying the order, this information would assist the NASDR in carrying out its regulatory responsibilities with respect to that order. The required information items relate to: (1) the origin of an order (*i.e.*, in-house, customer, or another member); (2) whether the member relies upon a Reporting Agent to fulfill its reporting obligations; (3) how the order was received (*i.e.*, manually or electronically); (4) the terms of the order; (5) whether the order was transmitted for execution to another department within the member (other than to the trading department),[22] to another member, or to an electronic communications network (''ECN'') and how it was transmitted (*i.e.*, manually or electronically); and (6) whether the order was modified, canceled or executed.

(1) Origin of the Order

At the point that an order is received or originated, the Reporting Member must record certain information items to identify where the order came from and when it was received or originated, including: an order identifier assigned by the Reporting Member for the date the order was received;[23] the market participant symbol assigned by the Association to the Reporting Member;[24] the date and time the order was originated or received;[25] an identification of any department or the identification number of any terminal where an order is received directly from a customer;[26] and where an order is originated by a Reporting Member, an identification of the department of the member where the order originated.[27]

(2) Reliance Upon a Reporting Agent

Under the terms of the proposal, a member would be required to record, at the time of origination or receipt of an order, the identification of the Reporting Agent if the member relies upon a Reporting Agent to fulfill its reporting obligations arising under the OATS rules.[28]

(3) How an Order is Received

The proposed rules would not require specific information items to be recorded to identify how the original Reporting Member received the order (*i.e.*, electronically or manually). Nonetheless, as discussed in section III.A.(1) above, proposed Rule 6951 distinguishes between electronic and manual orders. For purposes of the OATS rules, the distinction between electronic and manual orders is particularly significant as it relates to the implementation schedule set forth in proposed Rule 6957, details of which are provided in section III.E. below.

(4) Terms of the Order

Proposed Rule 6954 also would require certain information items directly related to the terms of the order itself to be recorded at the time of origination or receipt of an order. These information items include: the identification symbol assigned by the Association to the security;[29] the number of shares to which the order applies;[30] the designation as a buy or sell order;[31] the designation as a short sale order;[32] the designation as a market order, limit order, stop order or stop limit order;[33] any limit or stop price prescribed in the order;[34] the time limit during which the order is in force;[35] any special handling requests[36] contained in the order;[37] any request by a customer that an order not be displayed, or that a block size order be displayed pursuant to Rule 11Ac1–4(c);[38] the date on which the order expires, and if less than one day, the time when the order expires;[39] the type of account for which the order is placed;[40] and whether the order is related to a Program Trade or an Index Arbitrage Trade.[41]

[22] The NASDR proposes to revise proposed Rule 6954(c)(1) to require members to report to OATS only orders transmitted to departments within the firm other than to the trading department. *See* Amendment No. 6, *supra* note 10. OATS will assume that transmissions for which there is no routing report have been transmitted to the member's trading desk.

[23] *See* proposed Rule 6954(b)(1).

[24] *See* proposed Rule 6954(b)(3).

[25] *See* proposed Rule 6954(b)(16).

[26] *See* proposed Rule 6954(b)(4).

[27] *See* proposed Rule 6954(b)(5).

[28] *See* proposed Rule 6954(b)(6).

[29] *See* proposed Rule 6954(b)(2).

[30] *See* proposed Rule 6954(b)(7).

[31] *See* proposed Rule 6954(b)(8).

[32] *See* proposed Rule 6954(b)(9).

[33] *See* proposed Rule 6954(b)(10).

[34] *See* proposed Rule 6954(b)(11).

[35] *See* proposed Rule 6954(b)(13).

[36] According to the NASDR, examples of special handling requests include the following types of requests: Kill or Fill, All or None, Not Held, Immediate or Cancel, Market at Open, Market at Close, Over the Day, Scale, Work, Minimum Quantity, and Peg. *See* Amendment No. 4, *supra* note 8.

[37] *See* proposed Rule 6954(b)(15).

[38] *See* proposed Rule 6954(b)(14).

[39] *See* proposed Rule 6954(b)(12).

[40] *See* proposed Rule 6954(b)(18).

[41] *See* proposed Rule 6954(b)(17). Transaction data for trades that are part of a program trade or index arbitrage strategy is required by the New York

(5) Transmission of an Order

Proposed Rule 6954 also requires information to be recorded regarding how and to whom an order is transmitted.

Transmitted to Another Department Within the Member-Firm—Pursuant to proposed Rule 6954(c)(1), when a Reporting Member transmits an order to another department within the member other than to the trading department,[42] the member would be required to record the following information: the order identifier assigned to the order by the member; the market participant symbol assigned by the Association to the member; the date the order was first received or originated by the member; an identification of the department to which the order was transmitted; and the date and time the order was received by that department.

Electronically Transmitted to Another Member—When an order is electronically transmitted to another member, other than for execution on an ECN, proposed Rule 6954(c)(2) would require certain information to be recorded by the transmitting and receiving members. The *transmitting* Reporting Member must record the following information: the order identifier assigned to the order by that firm; the respective market participant symbols assigned by the Association to the transmitting member and to the member to which the order is transmitted; the date the order was originally received or originated by the Reporting Member; the date and time the order is transmitted; and the number of shares to which the transmission applies.

The *receiving* member would be required to capture all of the elements prescribed in proposed Rule 6954(b) that apply with respect to the order. In addition, the receiving member would be required to record: the order identifier assigned to the order by the transmitting member; and the transmitting member's market participant symbol assigned by the Association.

Electronically Transmitted to an ECN—Pursuant to proposed Rule 6954(c)(3), when a member electronically transmits an order for execution on an ECN, the *transmitting* member would be required to record: the fact that the order was transmitted to an ECN; the order identifier assigned to the order by the transmitting member; the respective market participant symbols assigned by the Association to the transmitting member and to the ECN; the date the order was first originated or received by the transmitting Reporting Member; the date and time the order is transmitted; and the number of shares to which the transmission applies.

The *receiving Reporting Member operating the ECN* would be required to record, in addition to the applicable information items specified in proposed Rule 6954(c)(3)(B)(iii), the fact that the order was received by an ECN and the market participant symbol assigned by the Association to the member transmitting the order to the ECN.

Manually Transmitted to Another Member Other Than and ECN—Proposed Rule 6954(c)(4) sets forth the recording obligations for manual transmissions of orders between members other than ECNs. Pursuant to the proposal, *transmitting* members would be required to record: the fact that the order was transmitted manually; the order identifier assigned to the order by the transmitting member; the respective market participant symbols assigned by the Association to the transmitting and receiving members; the date the order was first originated or received; the date and time the order is transmitted; the number of shares to which the transmission applies; and for each order to be included in a bunched order, the bunched order route indicator.[43]

The member *receiving* a manual transmission would be required to record, in addition to all other applicable information items set forth in proposed Rule 6954(b), the fact that the order was received manually and the market participant symbol assigned by the Association to the transmitting member.

Manually Transmitted to an ECN—Proposed Rule 6954(c)(5) specifies the obligations that would arise under the rules when a member manually transmits an order to an ECN. The *transmitting* member would be required to record: the fact that the order was transmitted manually; the order identifier assigned to the order by the transmitting member; the respective market participant symbols of the transmitting member and the ECN; the date the order was first originated or received; the date and time the order is transmitted; the number of shares to which the transmission applies; and for each order to be included in a bunched order, the bunched order route indicator.[44]

The *receiving* ECN would be required to report: the fact that the order was received manually; the market participant symbol assigned by the Association to the transmitting member; and all other applicable information with respect to the order as set forth in proposed Rule 6954(c)(5)(B)(iii).

(6) Modifications, Cancellations, and Executions

Proposed Rule 6954 also requires NASD members to record certain information to identify the disposition of the order (*i.e.*, whether it was modified, canceled, or executed).

Modifications—Pursuant to proposed Rule 6954(d), whenever an NASD member modifies the terms of an order that it has originated, or receives a modification to the terms, the OATS would treat the modification effectively as a cancellation of the original order and a replacement by the modified order. Accordingly, all information prescribed by the rule would need to be recorded pursuant to proposed Rule 6954(b) as if the order was originated or received at the time of the modification. In addition, to permit the linkage by the OATS of the modified order to the original one, the proposal would require the member to record the following information: the order identifier that was assigned to the order by the member prior to the modification; the date and time the modification was originated or received; and the date the original order was first originated or received by the member.

Cancellations—In the event of a cancellation of an existing order, whether it is a total or partial cancellation, the following elements would be required to be recorded pursuant to proposed Rule 6954(d)(2): the order identifier assigned by the member; the market participant symbol assigned to the Reporting Member by the Association; the date the order was first originated or received by the member; the date and time the cancellation was originated or received; if the open balance of an order is canceled after a partial execution, the number of shares canceled; and whether or not the order was canceled at the instruction of the member, or a customer.

Executions—For executed orders, members would be required, under proposed Rule 6954(d)(3), to record: the order identifier assigned by the member; the market participant symbol assigned

Stock Exchange to be transmitted to ACT with respect to securities listed on that exchange.

[42] *See* note 22, *supra*.

[43] *See* Amendment No. 6, *supra* note 10. In Amendment No. 6, the NASDR proposes to clarify the rule language with respect to bunched orders. Amendment No. 6 revises the rule language to make clear that a bunched order route indicator must be reported for *each* manual order included in a bunch.

[44] *Id*.

by the Association to the member; the date the order was first originated or received by the member; the member's number assigned for purposes of identifying transaction data in ACT; the designation of the order as fully or partially executed; the number of shares to which a partial execution applies and the number of unexecuted shares remaining; the identification number of the terminal where the order was executed; and the date and time of execution.

C. Information That Must Be Reported to the OATS

Proposed Rule 6955 requires that all applicable order information that must be recorded under proposed rule 6954 be reported to the OATS by either the member or by a Reporting Agent under a written agreement, as described in paragraph (c) of proposed Rule 6955.[45] The proposal would require order information to be submitted to the OATS in either single or multiple electronic file transmissions on the same day that the order was received, originated, canceled, modified, transmitted to another department within the member or to another member, or executed. Where information concerning a particular order is not complete or changes, proposed Rule 6955 would require the additional information to be reported to the OATS on the day that the information first becomes available.

D. Synchronization of Clocks

In addition to the recordkeeping and reporting requirements discussed above, proposed Rule 6953 would require that the business clocks of all member firms that are used for purposes of recording the date and time of any event that must be recorded pursuant to the By-Laws or other rules of the NASD be appropriately synchronized to one time source designated by the NASD. Market-wide synchronization of business clocks was included as a element of one of the undertakings contained in the SEC Order.[46] Proposed Rule 6953 would require members to initially synchronize their clocks and to follow procedures prescribed by the NASD to continuously maintain synchronization.

E. Effective Dates

The proposed effective dates for the requirements of the proposal are set forth in proposed Rule 6957. As amended, the proposal would require all members to synchronize their computer system clocks and all mechanical clocks that record times for regulatory purposes by August 7, 1998, and July 1, 1999, respectively.[47] In addition, the implementation schedule, as amended,[48] would require that electronic orders received at the trading department of a member that is a market maker in the subject securities and those received by ECNs be entered into the OATS[49] as of March 1, 1999 (''Phase One'').[50] Information items relating to all electronic orders would be required to be reported to the OATS by August 1, 1999 (''Phase Two'').[51] Further, the proposed OATS rules would apply to all manual orders as of July 31, 2000 (''Phase Three'').[52] With respect to manual orders and all orders received by ECNs, however, the data required to be electronically recorded and transmitted to the OATS is limited to information that is expected to be readily available at the trading desk.[53]

The proposed books and records requirements, set forth in Rule 3110(c)(1) and (2), pertaining to the identification of the registered representative who receives an order directly from a customer and the identification of each registered person who executes the order, would be effective on March 1, 1999.[54] The proposed recordkeeping requirements, set forth in Rule 3110(c)(3), applicable to orders originated by a member and manually transmitted to another department within the member firm, would be effective on July 31, 2000.[55]

F. Penalties for Noncompliance

Finally, pursuant to proposed Rule 6956, a member's failure to comply with any of the requirements set forth in the proposed rules may be considered conduct that is inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of NASD Rule 2110.

IV. Summary of Comments

The Commission received 18 comment letters on the proposed rule change, 16 of which were submitted by broker-dealers.[56] One comment letter was submitted by a trade association representing securities firms, and one was submitted by an ECN.[57] The commenters generally supported the proposal, recognizing the importance to the NASD's surveillance efforts of a

[45] As discussed above, proposed Rule 6955(c) contains a special provision that allows a member to enter into a written agreement with a Reporting Agent pursuant to which such agent agrees to report order information to OATS on its behalf. However, the member that actually receives or originates the order would remain primarily responsible for fulfilling each of its obligations under the proposal.

[46] *SEe* note 11, *supra*.

[47] As originally filed, the proposal required NASD members to synchronize their business clocks by February 2, 1998. In Amendment Nos. 4 and 6, the NASDR proposed to delay the effective date of the implementation of this requirement. *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[48] In response to concerns raised by commenters that the proposed implementation dates did not provide sufficient time for necessary systems changes, the NASDR proposes to amend the implementation schedule to allow NASD member firms additional time to develop and test their systems' capabilities to record and transmit orders to the OATS. *See* Amendment No. 4, *supra* note 8.

[49] Not all information relating to electronic orders received by market makers will be required to be reported to the OATS as of this date. Specifically, the NASDR proposes that market makers be required to report information item (18) (type of account for which the order is submitted) of Rule 6954(b) only to the extent that such information item is available. Market makers would not be required to report information items (5) (identification of the department of the member originating an order) and (18) (type of account for which the order is submitted) of proposed Rule 6954(b) and information items (2)(A) (recordkeeping requirements of the transmitting member for an order electronically transmitted to another member), (2)(B)(i) (order identifier assigned to the order by the transmitting member), (3)(A) (recordkeeping requirements of the transmitting member for an order electronically transmitted to an ECN), (4)(A) (recordkeeping requirements of the transmitting member for an order manually transmitted to another member) and (5)(A) (recordkeeping requirements of the transmitting member for an order manually transmitted to an ECN) of Rule 6954(c) until August 1, 1999. *See* Amendment No. 4, *supra* note 8.s, 4 and 6, *supra* notes 8 and 10.

[50] In Amendment No. 6, the NASDR proposes to implement Phase One by March 1, 1999, rather than February 1, 1999, as proposed in Amendment No. 4, *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[51] *See* Amendment No. 5, *supra* note 8.

[52] *Id.*

[53] Specifically, with respect to manual orders, information item (18) (type of account for which the order is submitted) of Rule 6954(b) would be required to be reported only to the extent that such information item is available. Information items (4) (identification of any department or the identification number of any terminal where an order is received) and (5) (identification of the department of the member originating an order) of proposed Rule 6954(b) and (1) (recordkeeping requirements for orders transmitted to another department within the member) specified in proposed Rule 6954(c) would not be required to be recorded and reported with respect to manual orders. In addition, information items (4) (identification of any department or identification number of any terminal where an order is received), (5) (the identification of the department of the member that originates the order), (9) (the designation of the order as a short sale), (14) (any request by a customer that an order not be displayed or that a block size order be displayed, pursuant to Rule 11Ac1–4(c)), (17) (the identification of the order as related to a Program Trade or an Index Arbitrage Trade), and (18) (the type of account for which the order is submitted) specified in proposed Rule 6954(b) would not be required to be recorded and reported by ECNs receiving orders either electronically or manually. *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[54] *See* Amendment No. 6, *supra* note 10.

[55] *Id.*

[56] *See* note 5, *supra*.

[57] *Id.*

reliable mechanism for reconstructing orders from the time of receipt through execution. As discussed below, however, the commenters expressed a number of concerns regarding the feasibility of the proposal, as originally submitted.

A. Implementation Schedule

Twelve commenters stated that the proposed implementation schedule was unrealistic and overly ambitious and should be delayed.[58] Thirteen commenters believed the industry would be unable to meet the proposed deadlines due to the existing burdens on the industry's technical resources caused by the Year 2000 conversion, the implementation of the Commission's Order Handling Rules, the move to trading in sixteenths and efforts to prepare for the move to decimal-based pricing.[59] Four commenters noted that the Association's failure to provide timely technical specifications made the proposed implementation dates unworkable.[60] Two commenters recommended that, similar to the implementation of the Order Handling Rules, the implementation of the new OATS rules should be phased-in incrementally, beginning with a small group of issues.[61] A moratorium on enforcement for some specified period of time also was suggested by one commenter.[62]

In response to the commenters, the NASDR has proposed to delay the implementation schedule for the proposed rules, as discussed above in section III.E.[63] However, the NASDR has neither proposed to modify the implementation schedule to phase-in a certain number of stocks incrementally nor proposed a moratorium on enforcement.

B. Costs of Proposal

As noted above, thirteen commenters noted the significance of the existing burdens on the industry's technical and financial resources associated with the Year 2000 conversion, the implementation of the Commission's Order Handling Rules, the move to trading in sixteenths and efforts to prepare for the move to decimal-based pricing.[64] Similarly, six commenters expressed concerns regarding the substantial initial costs to be incurred as a result of the implementation of the proposal.[65] The commenters complained that such costs were not justified by the NASD in its proposal. Several commenters also expressed concerns that OATS would reduce market liquidity, increase costs to investors and place smaller firms at a competitive disadvantage.[66] In addition, two commenters complained that the proposed OATS would slow customer executions.[67]

In response to cost concerns, the NASDR notes that while it has considered the costs to firms of implementing the system, the proposed OATS is directly responsive to a mandate issued by the Commission.[68] In addition, the NASDR notes that the proposed modifications to the recordkeeping and reporting requirements, coupled with the proposed delay in the implementation schedule and the OATS' reliance on historical, rather than real-time data, should help to reduce the cost of the proposal.[69]

C. Technological Interface Concerns

Three commenters cited potential problems created by the incompatibility of different order routing and execution systems used both within firms and between firms.[70] One of those commenters further noted potential issues arising from the fact that within certain firms, orders received electronically (which would have fit within the definition of ''electronic order'' as originally proposed) may be dealt with manually at some point and therefore, should not be considered electronic for purposes of the proposal.[71] In response to concerns regarding the distinctions between electronic and manual orders, the NASDR amended proposed Rule 6951 to revise the definition of the term ''electronic order'' and add a definition of the term ''manual order.''[72] In addition, the NASDR proposes to amend proposed Rules 6954 and 6957 to modify the recordkeeping requirements and the implementation dates, respectively, applicable to manual orders.[73]

D. Bunched Orders

Three commenters expressed concerns that the proposed prohibition on bunching of orders or aggregation of order flow would result in decreased market efficiency and increased transaction costs.[74] In response, the NASDR proposes to amend its proposal to explicitly allow for bunched orders, aggregated prior to execution.[75] As discussed above, the NASDR proposes to amend Rule 6954 to require members transmitting manual orders in a bunch to record and report for each order to be included in a bunched order, the bunched order route indicator assigned by the transmitting member.[76]

E. Preferred Stock

One commenter noted that because of its similarity to debt instruments, many member firms trade preferred stock in their fixed income departments.[77] The commenter recommended that, as a result, preferred stock should be excluded from the proposed OATS requirements.[78] The NASDR has not amended its proposal to provide a specific exemption from the requirements of the OATS rules for preferred stock.[79]

F. Unique Order Identifier and Other Order Transmission Issues

With respect to technical concerns raised by the proposal, three commenters recommended that the proposal be amended to allow the unique order identifier to consist of the eight characters currently recognized by the industry as the Common Message Switch's standard order format.[80] One commenter stated that the mandated disclosure of a unique order identifier, which may contain proprietary information relating to a trader's strategies, would compromise the trader's ability to work the market to receive the best execution for the

[58] *See* Letters from J.P. Morgan, Mabon, Banc One, A.G. Edwards, Instinet, Morgan Stanley, Salomon Bros., Schwab, SIA, Advest, BancAmerica, and Oppenheimer, *supra* note 5.

[59] *See* Letters from J.P. Morgan, Mabon, A.G. Edwards, Instinet, Morgan Stanley, Salomon Bros., Schwab, SIA, Advest, Wheat First, J.C. Bradford, BancAmerica, and Oppenheimer, *supra* note 5.

[60] *See* Letters from J.P. Morgan, HBK Finance, SIA, and J.C. Bradford, *supra* note 5.

[61] *See* Letters from SIA and Merrill Lynch, *supra* note 5.

[62] *See* SIA Letter, *supra* note 5.

[63] *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[64] *See* note 59, *supra.*

[65] *See* Letters from Mabon, Banc One, HBK Finance, Instinet, Morgan Stanley, and Franklin Templeton, *supra* note 5.

[66] *See* Letters from Mabon, BIS, Banc One, and Schwab, *supra* note 5.

[67] *See* Letters from Instinet and Morgan Stanley, *supra* note 5.

[68] *See* note 11, *supra.*

[69] *See* Amendment No. 4, *supra* note 8.

[70] *See* Letters from Morgan Stanley, Schwab, and BancAmerica, *supra* note 5.

[71] *See* Morgan Stanley Letter, *supra* note 5.

[72] *See* Amendment No. 4, *supra* note 8. These definitions are discussed above in section III.A.

[73] *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[74] *See* Letters from A.G. Edwards, Instinet, and J.C. Bradford, *supra* note 5.

[75] *See* Amendment Nos. 4 and 6, *supra* notes 8 and 10.

[76] *See* Amendment No. 6, *supra* note 10.

[77] *See* Salomon Bros. Letter, *supra* note 5.

[78] *Id.*

[79] *See* Amendment No. 4, *supra* note 8.

[80] *See* Letters from J.P. Morgan, SIA, and Merrill Lynch, *supra* note 5.

customer.[81] Two commenters suggested that the OATS include a mechanism to provide a recap or acknowledgment of the transmission to be sent to the member firm.[82] Another commenter noted that transmission of data to the OATS must occur after-hours to allow member firms adequate time to process all business transactions.[83]

In response to the expressed concerns, the NASDR proposes to provide technical specifications that permit the order identifier for orders transmitted electronically other than to ECNs to contain the industry standard of only 8 characters, rather than the 12 characters initially proposed.[84] With respect to orders transmitted manually, the NASDR proposes to amend proposed Rule 6954 to eliminate the requirement that the order identifier and the order origination date be passed when the order is transmitted.[85]

G. Synchronization of Business Clocks

Several comments were addressed to the proposed synchronization of business clocks. One commenter stated that it would be impossible for member firms both to initially synchronize their manual business clocks and to maintain synchronization of all business clocks.[86] The same commenter also cited the difficulties inherent in requiring each registered representative to time-stamp and date every order, particularly those orders received when the representative is not in the office.[87] Another commenter recommended that synchronization of business clocks should be industry-wide and should include the automatic order entry and execution systems operated by the various exchanges.[88]

Other than to delay the implementation date of mandatory synchronization to August 7, 1998, for computer system clocks and July 1, 1999, for mechanical clocks, the NASDR has not modified its proposal in response to these comments.[89]

H. ECNs

One commenter noted the special problems the proposal would create for ECNs.[90] Specifically, this commenter observed that the proposal would require ECNs to distinguish between market maker proprietary orders and other orders, which existing technology does not currently permit.[91] In addition, this commenter noted that the proposed treatment of order modifications as canceled or replaced is contrary to ECN users' practice of negotiating and trading directly with each other.[92]

In recognition of the unique characteristics of ECNs and in response to the concerns expressed in the comment letter from Instinet, an ECN, the NASDR proposes to limit ECN reporting to the OATS to the events that occur within the ECN. ECNs would be required to record and report only those information items that the member transmitting the order to the ECN has provided. The NASDR proposes that all orders transmitted to ECNs, regardless of how such orders were transmitted to the ECN, be treated like manual orders.[93]

I. Modifications to ACT and Other Alternatives to the OATS

Several alternatives to OATS were recommended by the commenters. For example, eight commenters recommended that rather than creating OATS, the Association should focus its efforts on improving the existing ACT system to incorporate the additional required information.[94] One commenter proposed that rather than requiring further development, the NASD should recognize existing electronic audit trails relied upon by member firms as appropriate vehicles for surveillance.[95] In addition, one commenter recommended that the NASD develop a uniformly available technology platform to be used by all industry participants for non-electronic orders.[96]

The NASDR has not modified the proposal in response to these comments. The NASDR stated that modifying ACT would be detrimental to the current function or capacity of the ACT system and might degrade the performance or trade reporting function of ACT.[97]

V. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[98] Specifically, the Commission believes the proposal is consistent with the requirements of Section 15A(b)(6) of the Act.[99] That section requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and in general, to protect investors and the public interest.

As discussed in section II above, pursuant to the SEC Order, the NASD agreed to design and implement by August 8, 1998 or such later time as the Commission may order,[100] an order audit trail system that would enable the NASD to reconstruct markets promptly, conduct efficient surveillance and enforce its rules. At a minimum, the audit trail is required to: (a) provide an accurate, time-sequence record of orders and transactions which documents the receipt and life of the order and (b) market-wide synchronization of member firms' business clocks. In the Appendix to its 21(a) Report, the Commission stated that ''[a] comprehensive audit trail, beginning with the time an order is placed and continuing to record the life of the order through the process of execution, is essential to maintaining the integrity of the Nasdaq market.'' [101] The Commission further noted that the implementation of an enhanced audit trail would ''allow for prompt surveillance on a scale that cannot be attained with traditional methods of examination'' and ''would greatly facilitate the ability of the NASD and the Commission to protect the interests of investors.'' [102] The Commission believes that, as proposed, the OATS will satisfy both conditions of the SEC Order and is consistent with the requirements of Section 15A(b)(6) of the

[81] *See* A.G. Edwards Letter, *supra* note 5.

[82] *See* J.P. Morgan and SIA Letters, *supra* note 5.

[83] *See* A.G. Edwards Letter, *supra* note 5.

[84] *See* Amendment No. 4, *supra* note 8. According to the NASDR, where two or more orders share the same order identifier, additional order details including information items in proposed Rule 6954(b) can be used to uniquely identify a particular order.

[85] *See* Amendment No. 4, *supra* note 8.

[86] *See* A.G. Edwards Letter, *supra* note 5.

[87] *Id.*

[88] *See* Merrill Lynch Letter, *supra* note 5.

[89] *See* Amendment No. 4, *supra* note 8.

[90] *See* Instinet Letter, *supra* note 5.

[91] *Id.*

[92] *Id.*

[93] See Amendment No. 4, *supra* note 8.

[94] *See* Letters from J.P. Morgan, BIS, HBK Finance, Morgan Stanley, SIA, BancAmerica, Oppenheimer, and Merrill Lynch, *supra* note 5.

[95] *See* Instinet Letter, *supra* note 5.

[96] *See* J.P. Morgan Letter, *supra* note 5.

[97] *See* Amendment No. 4, *supra* note 8.

[98] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[99] 15 U.S.C. 78o–3(b)(6).

[100] The Commission notes that the NASDR is prepared to meet the established August 1998 deadline. The implementation schedule was delayed not to accommodate the NASDR, but rather, at the request of the industry. The Commission finds the delayed implementation to be reasonable to enable the industry to effect the necessary systems conversions in an efficient and smooth manner.

[101] *See* note 14, *supra*.

[102] *Id.*

Act[103] in that it will greatly assist both the NASD's and the Commission's efforts to more rapidly detect and punish fraudulent and manipulative acts and practices involving Nasdaq equity securities. OATS is designed to capture the type of information that the NASDR can use to prevent the trading abuses that threatened to undermine the integrity of its market and which harmed investors. In short, OATS is an integral part of the NASD's efforts, as mandated by its settlement with the Commission, to uphold its self-regulatory responsibilities to enforce its rules.

To the extent that commenters' suggestions could lessen the costs of OATS without diminishing its effectiveness, they have been adopted by the NASD in amendments to its proposal, as described below. As discussed in section IV above, a number of commenters stated that the proposed implementation schedule was unrealistic and should be delayed to allow member firms to prepare to comply with the OATS rules. The Commission notes that the NASDR responded to such comments by delaying the effective dates of the proposal and by phasing in the requirements more gradually. For example the Commission notes that under the original proposal, all electronic orders were subject to the OATS rules as of August 8, 1998. The amendment implementation schedule would apply the OATS rules as of March 1, 1999 only to electronic orders received by ECNs and the trading departments of members that are market makers in the securities that are the subject of the orders. All electronic orders will not be subject to the OATS rules until August 1, 1999, pursuant to Amendment No. 4.

The Commission believes that the proposed changes to the implementation schedule for the Order Audit Trail System are reasonable as the additional time provided should allow member firms ample opportunity to develop and test their systems to ensure compliance with the requirements of the proposed rules. The Commission notes that delaying the final effective date of the initial phase-in of the system by six months should provide the NASDR, market-makers, and ECNs adequate time for testing of the Order Audit Trail System prior to March 1, 1999. Member firms not subject to the March 1999 deadline may be expected to benefit from observing the implementation process and thereby, to better focus their own efforts to successfully prepare prior to their scheduled implementation dates.

Further, the Commission believes that, given the critical role that market makers play in the market for Nasdaq equity securities, it is appropriate that the requirements of OATS would be effective first for the electronic orders received by market makers in those securities. In addition, the Commission notes that, although the March 1, 1999 effective date also applies to electronic orders received by ECNs, neither ECNs nor market makers will have to report any information to the OATS that is not readily available at trading desks by March 1, 1999. Therefore, the Commission believes that both the NASDR and Nasdaq market participants should have a sufficient opportunity to obtain important insight into the OATS process and to make any necessary systems changes prior to the August 1, 1999 effective date for all electronic orders.

As discussed in the Summary of Comments section above, member firms were particularly concerned about their ability to capture the required information regarding orders that are received manually. The Commission believes the proposed delay in implementing the requirements for manual orders until July 31, 2000 should provide adequate time for all member firms to either develop the necessary systems in-house or make arrangements to have their reporting obligations arising under the OATS rules fulfilled on their behalf by a Reporting Agent.

Several comment letters addressed the proposed synchronization of business clocks. The Commission notes that the requirement for synchronization of members' business clocks is a specified element of the undertakings contained in the SEC Order.[104] The Commission believes the reliability and usefulness of the OATS is contingent upon the synchronization of all applicable business clocks of all member firms. Determining whether members have complied with the OATS rules depends critically on establishing with confidence the time at which order information is received as measured by a source that is standard throughout the industry.[105] As discussed in section IV.G. above, the Commission notes that one commenter recommended that the proposed synchronization of business clocks should be truly industry-wide and should include the automatic order entry and execution systems operated by the various exchanges.[106] The Commission supports a move toward industry-wide synchronization of clocks and believes the synchronization requirement in OATS is an important first step.

The Commission notes that NASD's members' obligation to maintain the synchronization of business clocks will be ongoing. The technical specifications proposed by the NASDR will require that the accuracy of clocks be resynchronized every day before the market opens. The proposed technical specifications further contemplate that business clocks would be checked against the standard clock periodically throughout the day at pre-determined intervals and re-synchronized, if necessary. The Commission further notes that compliance examinations, conducted by both the NASDR and the Commission, will include a review of member firms' compliance with these requirements, including the adequacy of procedures and the degree of accuracy of all business clocks. The Commission believes the proposed procedures should ensure the accuracy and reliability of business clocks that are used for trading and reporting purposes. Accordingly, the Commission believes that the proposed requirements relating to the synchronization of member business clocks is consistent with the requirements of Section 15A(b)(6) of the Act[107] insofar as a reliable record of the timing of reportable events should greatly assist the NASDR's efforts to detect and to punish fraudulent and manipulative activity more quickly.

The Commission also notes that a number of commenters expressed concerns regarding the original proposal to use a non-industry standard 12 character order identifier and problems with passing the order origination date. The proposed rules, as amended, would conform the requirements of the unique order identifier to comply with the industry standard, eight-character alphanumeric field and eliminate the requirement to pass the order origination date. According to the NASDR, the eight alphanumeric character order identifier will suffice to gather the needed information required by OATS. In situations where the unique order identifier is not transmitted, other order data required to be reported should allow orders to be uniquely identified. The Commission believes the proposed modifications to

[103] 15 U.S.C. 78o–3(b)(6).

[104] *See* note 11, *supra*.

[105] Synchronization of all business clocks also is important in evaluating compliance with other rules to which member firms are subject, including, among others, best execution obligations, firm quote rules, and prohibitions on frontrunning customer orders.

[106] *See* note 88, *supra*.

[107] 15 U.S.C. 78o–3(b)(6).

the requirements relating to the unique order identifier should reduce the requisite number of program changes and the amount of testing required of member firms without jeopardizing the usefulness of the data to be received by the NASDR. In turn, this amendment should lower the cost of the proposal and thereby, address, to some extent, the concerns expressed by several commenters relating to the costs associated with implementation of the proposal.[108]

Moreover, the Commission notes that for orders transmitted manually and all orders transmitted to ECNs, neither an order identifier nor an order origination date will be passed when the order is routed. In addition, in response to concerns expressed by several commenters,[109] only certain information items would be required to be recorded and reported to OATS. As these information items generally correspond to data that is expected to be readily available at trading desks at the time that the orders are received, the Commission believes that the proposal acknowledges the unique challenges OATS presents to member firms that handle manual orders and to ECNs. The Commission believes that the proposal, as amended, appropriately addresses these concerns as delineated above, while continuing to allow NASDR to track these orders through the OATS. The Commission further believes that, so long as manual orders and orders transmitted to ECNs can be manually matched by the NASDR, the proposed elimination of these requirements is appropriate.

In addition, the Commission believes the provisions of proposed Rule 6954(c) permitting a Reporting Agent to fulfill a member's reporting obligations should provide member firms with needed flexibility. These provisions, which require a written agreement and make clear that the member firm retains primary compliance responsibility for recording and reporting order information, should benefit smaller member firms by providing them with the option to rely on third parties to comply with the reporting obligations arising under the proposed rules. The Commission believes that the provisions contained in proposed Rule 6955(c) should alleviate some of the concerns expressed by commenters that OATS would place smaller firms at a competitive disadvantage.[110]

The Commission notes that in response to concerns express by several commenters, the NASDR clarified that reporting of bunched orders would be permitted and required additional information to be recorded and reported with respect to such orders. The Commission believes the NASDR's proposed treatment is appropriate as it will allow those members that are accustomed to bunching their orders to continue to do so while permitting those manual orders that are bunched to be easily identified by the OATS.

The Commission notes that one commenter recommended that preferred stock be excluded from the proposed requirements.[111] The Commission believes that the NASDR's decision to not provide a specific exemption from the OATS, requirements for preferred stock is appropriate because the preferred stock is an equity security that poses many of the same surveillance concerns as common stock.

The Commission recognizes that there may be, particularly with respect to manual orders, information items not required to be recorded and reported by the proposal that could prove helpful to the NASD or the Commission in carrying out their regulatory responsibilities. Nonetheless, the Commission believes that the NASDR's proposal represents a significant and appropriate effort to satisfy the Commission mandate to develop and implement OATS, while attempting to minimize the costs imposed on the industry by such an undertaking. The Commission expects that during the process of implementing and reviewing OATS, the Commission and the NASDR will identify ways in which to improve OATS. The Commission fully expects the NASDR to submit proposals to modify the requirements of OATS, as needed, to enhance the effectiveness of OATS as a regulatory tool.

The Commission notes that the proposed revisions to NASD Rule 3110 would impose recordkeeping requirements on Reporting Members in addition to the recordkeeping and reporting requirements set forth in the OATS rules. Proposed Rule 3110(c) would require members to record the identification of the registered representative who receives an order directly from a customer, the identification of each registered person who executes the order, and the identification of the department that originates an order that is manually transmitted to another department within the member firm. The Commission notes that the proposal, as originally submitted, required the identification of the individual receiving and the department originating an order to be recorded and reported to OATS. Although this information may be critical to the Commission and the NASDR for surveillance and enforcement purposes, the Commission believes, as noted above, that it is reasonable to require this information to be recorded, but not reported to OATS, to allow the implementation of OATS to proceed as quickly as possible. Again, after the Commission and the NASDR have gained experience with OATS, further modification to these requirements may be deemed necessary.

The Commission finds good cause for approving proposed Amendment Nos. 2, 3, 4, 5, and 6 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that Amendment Nos. 2 and 3 involve technical and procedural matters relating to the extension of the Commission's statutory review process and the numbering of the proposed rules. Accordingly, the Commission believes that Amendments Nos. 2 and 3 raise no issues of regulatory concern.

With respect to Amendment No. 4, the Commission notes that the Amendment, among other things, clarifies the proposal and extends the implementation schedule for the proposed changes. In Amendment No. 4, the NASDR clarifies its original proposal by redefining certain terms, such as ''electronic order,'' and adding defined terms, such as ''manual order,'' to more accurately reflect current industry understanding of those terms. Amendment No. 4 also revises proposed Rule 6954 to separately address four different order transmittal scenarios. The Commission supports these clarifications and believes they should assist member firms in their efforts to comply with the new requirements. The NASDR also proposes to delay the phase-in of the OATS implementation schedule to provide member firms with additional time to develop and test their systems prior to the mandatory implementation date. The Commission notes that the proposed extension of the effective dates is directly responsive to the comment letters submitted on the proposed rule.

[108] *See* discussion in section IV.B. above. The Commission recognizes that OATS will require some degree of systems changes by NASD members that will vary depending upon the business mix of the particular firm. These changes will entail costs for all NASD firms. Nevertheless, the Commission believes any costs are far outweighed by the substantial benefit to NASDR surveillance and enforcement that will arise from OATS. Without the implementation of OATS, it would be harder to detect and deter the types of trading abuses described in the Commission's 21(a) Report.

[109] *See* discussion in section IV.H. above.

[110] *See* note 66, *supra*.

[111] *See* note 78, *supra*.

In addition, Amendment No. 4 contains several proposed modifications to the proposed rule change, the majority of which will facilitate member compliance, often at a lower cost. For example, in response to a number of commenters' concerns, Amendment No. 4 proposes to modify the specifications for electronic orders to conform the unique order identifier requirement to the industry standard of eight characters and to delete the requirement to pass the order origination date. The Commission believes that the proposed modifications relating to the technical specifications for electronic orders should substantially ease the compliance burden imposed on NASD members by the proposed rule without undermining the purpose of the OATS. Further proposed modifications contained in Amendment No. 4 would facilitate the reporting requirements relating to bunched orders. Amendment No. 4 also proposes to modify the proposal by limiting the reporting requirements applicable to ECN's to conform to those requirements applicable to manually transmitted orders.

Moreoever, Amendment No. 5 proposes to delete the provisions in the proposed rule text stating that the information required to be recorded by the Reporting Member operating an ECN is that information provided to the ECN by the transmitting Reporting Member. The Commission notes that Amendment No. 5 proposes to conform the language of the text to the technical specifications for OATS developed by the NASDR. Consequently, the receiving ECN will be required to record the applicable information items specified in Rule 6954(c) at the time the order is received from the transmitting member. As discussed above, the Commission notes that the proposed modifications to the proposed rule change contained in Amendment Nos. 4 and 5 are directly responsive to the concerns expressed in comment letters submitted to the Commission.

Finally, Amendment No. 6 provides a number of clarifying and technical amendments which raise no issues of regulatory concern. Amendment No. 6 clarifies the treatment of bunched orders, and modifies the language of the proposed rule both to eliminate inapplicable references and to make the rule text easier to understand. Amendment No. 6 also revises the implementation date of Phase One of OATS to allow market participants additional time to implement the required systems changes and to conduct necessary testing.

Further, Amendment No. 6 eliminates the requirement under proposed Rule 6954(c)(1) that an order that is transmitted from one department to the trading desk of the same firm must be reported to OATS. As OATS will assume that transmissions for which there is no routing report have been transmitted to the member's trading desk, the Commission believes that this amendment will allow OATS to obtain sufficient information while reducing unnecessary recordkeeping and reporting burdens imposed on member firms.

In addition, Amendment No. 6, by amending NASD Rule 3110, reinstates the recordkeeping requirements initially proposed by the NASDR and published for comment by the Commission. In particular, Amendment No. 6 amends Rule 3110 to require information items pertaining to the identification of persons and departments receiving or originating orders to be recorded by Reporting Members. The Commission notes that such items were initially proposed to be recorded and reported to OATS and thus, Amendment No. 6 minimizes the reporting obligations of member firms while ensuring that vital identifying information continues to be available for regulatory purposes. Accordingly, the Commission believes that it is consistent with the Act in general and with Section 15A(b)(6) of the Act [112] in particular to approve Amendment Nos. 2, 3, 4, 5, and 6 to the proposed rule change on an accelerated basis.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendments Nos. 2, 3, 4, 5, and 6, including whether the proposed Amendments are 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 Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of all such filings will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–97–56 and should be submitted by April 3, 1998.

VII. Conclusion

The Commission believes that the proposal, as amended, should significantly assist the NASDR's efforts in fulfilling its regulatory responsibilities. The Commission further believes the proposed rules meet the minimum requirements for an order audit trail system imposed by the Commission in the SEC Order, which required a time-sequenced record of orders and market-wide synchronization of all member firms' business clocks. In addition, the OATS should provide a useful surveillance tool that will allow earlier detection of fraudulent activity for the benefit of investors and the public. Therefore, the Commission believes the approval of the proposed Order Audit Trail System, as amended, is appropriate and consistent with the requirements of the Act applicable to a national securities association, and in particular, with the requirements of Section 15A(b)(6) of the Act [113] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[114] that the proposed rule change (SR–NASD–97–56), including Amendment Nos. 1, 2, 3, 4, 5, and 6, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[115]

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6528 Filed 3–12–98; 8:45 am]

BILLING CODE 8010–01–M

[112] 15 U.S.C. 78o–3(b)(6).

[113] 15 U.S.C. 78o–3.

[114] 15 U.S.C. 78s(b)(2).

[115] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39722; File No. SR–PHLX–97–46]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Proposed By-Law Amendments to Article IV, Section 4–8, Article V, Section 5–5, and Article XXII, Section 22–1

March 4, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] notice is hereby given that on February 11, 1998, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, seeks to amend By-Law Article IV, Section 4–8, the Disqualification of Governors; Article V, Section 5–5, Acting Chairman and Vacancies in the Office of Chairman or Vice Chairman; and Article XXII, Section 22–1, Amendment the By-Laws. The text of the proposed rule change is attached as Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for 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

The Phlx is proposing an amendment to Article IV, Section 4–8 of the Phlx By-Laws in order to apply the Phlx Code of Conduct to members of the Board of Governors and to members of Standing Committees, Special Committees, and Subcommittees thereof. In addition, the Exchange proposes to amend Article V, Section 5–5, to provide a mechanism to designate the Chief Operating Officer or another Senior Officer to assume the duties of Chairman on an interim basis in circumstances of an extended absence or inability of the Chairman to serve. The Exchange also proposes to amend Article XXII, Section 22–1 to clarify the procedures with respect to the submission of amendments to the By-Laws. This proposed amendment to Section 22–1 would raise from fifty to seventy-five the number of Phlx members required to offer an amendment to the By-Laws; would lengthen from two weeks to four weeks the time period in which a vote on a proposed amendment must be held; and would establish the date of the submission of the proposed amendment as the record date for determining the eligibility of members to vote on the proposed amendment. The proposal also changes the requirement that the proposed amendment be submitted to the Board. Under the proposal, the proposed amendment will be submitted to the Secretary.

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest. The proposed change to Article IV, Section 4–8 is intended to prevent potential conflicts of interest and to apply the Code of Conduct not only to members of the Board of the Exchange, but also to Standing Committees and Subcommittees thereof. In addition, the proposed amendments to Article V, Section 5–5 of the By-Laws are designed to provide a mechanism for designating the Chief Operating Office or another senior officer as the persons responsible for assuming the duties of the Chairman on an interim basis, and would define an ''extended absence'' and an ''inability to act'' of the Chairman of the Board. The proposed amendments to Section 22–1 of Article XXII of the By-Laws would clarify the procedures for offering amendments to the By-Laws, thereby fostering cooperation and coordination with respect to Exchange administration and governance.[3]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 Section, 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 Phlx. All submissions should refer to File No. SR–Phlx–97–46 and should be submitted by April 3, 1998.

[1] 15 U.S.C. 78s(b)(1).

[2] The Phlx had originally submitted the filing on December 10, 1997; however, the portion of the filing containing proposed changes to the By-Law language (currently Exhibit A) was not included in the filing. At the Commission's request, the Phlx provided the proposed By-Law language. The Phlx made a complete filing on February 11, 1998. On February 13, 1998, the Phlx submitted Amendment No. 1 to the filing, in which it made technical corrections to the language contained in Exhibit A and provided support for the proposed changes to the By-Laws. *See* Letter from Murray L. Ross, Vice President and Secretary, Phlx, to Marie Ito, Special Counsel, Division of Market Regulation, Commission, dated February 13, 1998.

[3] *See* Amendment No. 1, cited in note 2, above.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Johathan G. Katz,

Secretary.

Exhibit A

New text is in italics; deleted text is bracketed.

Article IV—Board of Governors; Disqualification of Governors

Sec. 4–8. No Governor shall be disqualified from participating in any meeting, action or proceeding of the Board of Governors by reason of being or having been a member of a Standing or Special Committee which has made prior inquiry, examination or investigation of the subject under consideration. Nor shall any member of any such Committee be disqualified by reason of such membership from acting as a Governor upon an appeal from a decision of any such Committee. [But no person shall] *Pursuant to the Exchange's Code of Conduct, no member of the Board of Governors or of any committee or subcommittee shall in any manner, directly or indirectly,* participate in the [determination of any matter in which he is personally interested.] *determination of any matter substantially affecting his or her interest or the interests of any person in whom he or she is directly or indirectly interested. In any such case, the particular member shall disqualify himself or herself, or shall be disqualified by the Chair of the Board or chair of the relevant committee or subcommittee.*

Article V—Chairman, Vice Chairman, and Officers of the Exchange; Acting Chairman and Vacancies in Office of Chairman or Vice Chairman

Sec. 5–5. During the *extended* absence or inability to act of the Chairman of the Board, the Board shall designate [either of the Vice Chairmen to assume the presiding officer of the Board functions and] *the Chief Operating Officer or another senior officer to assume the* duties of the Chairman on an ad interim basis. *An extended absence or inability to act of the Chairman of the Board will occur if the Chairman is unable to fulfill his or her duties for a period longer than four weeks.* The Board of Governors shall select a successor to the Chairman of the Board if that office becomes permanently vacant. In case a vacancy shall occur in the office of either of the Vice Chairmen, the Nominating Committee shall select a successor to serve the remainder of the unexpired term, subject to approval by the Board.

Article XXII—Amending the By-Laws; Amendments to By-Laws

Sec. 22–1. Whenever [fifty] *Seventy-five* members of the Exchange shall offer, in writing, any amendment to the By-Laws, it shall be submitted to the [Board of Governors, who shall, within two weeks after the proposed amendment is filed with the Secretary of the Exchange,] *Secretary of the Exchange, who shall* submit it to the membership for vote thereon by ballot[, under such regulations as the Chairman of the Board, with the approval of the Board of Governors, may direct]. *The vote shall be conducted within four weeks of the date of such submission. The record date for determining members entitled to vote on such amendment shall be set as the date of the submission.* Each member of the Exchange in good standing may vote in person or by proxy. If the number of members participating in the balloting exceeds one-half of the number of memberships then outstanding and the proposed amendment is approved by the affirmative vote of a majority of the votes cast, it shall thereupon become a part of the By-Laws.

[FR Doc. 98–6529 Filed 3–12–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3057; Amendment # 2]

State of California

In accordance with a notice from the Federal Emergency Management Agency dated February 26, 1998, the above-numbered Declaration is hereby amended to include Los Angeles, Orange, Stanislaus, and Trinity Counties in the State of California as a disaster area due to damages caused by severe winter storms and flooding beginning on February 2, 1998 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Riverside, San Bernardino, and San Diego in the State of California may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 10, 1998 and for economic injury the termination date is November 9, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–6484 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3045; Amendment #4

State of Florida

In accordance with notices from the Federal Emergency Management Agency dated February 26 and 27, and March 2, 1998, the above-numbered Declaration is hereby amended to include Levy and Putnam Counties in the State of Florida as a disaster area due to damages caused by severe storms, high winds, tornadoes, and flooding beginning on December 25, 1997 and continuing. This declaration is further amended to extend the deadline for filing applications for physical damage as a direct result of this disaster to April 6, 1998. The deadline for filing applications for economic injury remains October 6, 1998.

All counties contiguous to the above-name primary counties have been previously declared.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 3, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–6479 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3064]

State of New Jersey

As a result of the President's major disaster declaration on March 3, 1998, I find that Atlantic and Cape May Counties in the State of New Jersey constitute a disaster area due to damages caused by a severe winter coastal storm, high winds, and flooding that occurred February 4–9, 1998. Applications for loans for physical damages may be filed until the close of business on May 2, 1998, and for loans for economic injury until the close of business on December 3, 1998 at the address listed below or other locally announced locations: Small Business Administration, Disaster Area 1 Office, 60 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Burlington, Camden, Cumberland, Gloucester, and Ocean in the State of New Jersey may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical Damage	
Homeowners with Credit Available Elsewhere	7.250
Homeowners without Credit Available Elsewhere	3.625
Businesses with Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000

	Percent
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	7.125
For Economic Injury	
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 306411 and for economic injury the number is 975800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–6483 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3046; Amendment #2]

State of New York

In accordance with information received from the Federal Emergency Management Agency dated February 27, 1998, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage as a direct result of this disaster to April 10, 1998. The deadline for filing applications for economic injury remains October 13, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–6482 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3049; Amendment 4]

State of Tennessee

In accordance with a notice from the Federal Emergency Management Agency dated February 23, 1998, the above-numbered Declaration is hereby amended to include Washington County in the State of Tennessee as a disaster area due to damages caused by severe storms and flooding beginning on January 6, 1998 and continuing through February 12, 1998.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Hawkins, Tennessee may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is March 13, 1998 and for economic injury the termination date is October 13, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 26, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–6485 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board; Public Meeting

The U.S. Small Business Administration National Small Business Development Center Advisory Board will hold a public meeting on Monday, May 4, 1998, from 9:00 am to 5:00 pm, at the San Antonio Small Business Development Center, The University of Texas at San Antonio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, please write or call Jorge F. Cardona, U.S. Small Business Administration, 409 Third Street, SW, Fourth Floor, Washington, DC, 20416, telephone number (202) 205–7303.

Eugene Carlson,

Associate Administrator, Communications and Public Liaison.

[FR Doc. 98–6481 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Region I—Boston District Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Counsel, located in the geographical area of Boston, will hold a public meeting at 10:00 a.m., on Thursday, April 2, 1998, at the Boston District Office, Room 265, to discuss such matters as may be presented by members and staff of the U.S. Small Business Administration, or others present.

For further information, please write or call Ms. Mary E. McAleney, District Director, U.S. Small Business Administration, 10 Causeway Street, Room 265, Boston, Massachusetts 02222–1093, telephone (617) 565–5560.

Eugene Carlson,

Associate Administrator, Office of Communications & Public Liaison.

[FR Doc. 98–6478 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Region IX—Honolulu District Advisory Council; Public Meeting

The Small Business Administration Region IX Honolulu District Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 10:00 a.m. on Wednesday, March 25, 1998, at the Business Information and Counseling Center, 1111 Bishop Street, Suite 204, Training Center, Honolulu, HI 96813, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2–235 Honolulu, Hawaii 96850, telephone (808) 541–2965.

Dated: March 6, 1998.

Eugene Carlson,

Associate Administration, Office of Communications & Public Liaison.

[FR Doc. 98–6480 Filed 3–12–98; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

United States-Israel Free Trade Area Implementation Act Designation of Qualifying Industrial Zone

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Under the United States-Israel Free Trade Area Implementation Act (the ''FTA Act''), products of qualifying industrial zones encompassing portions of Israel and Jordan or Israel and Egypt are eligible to receive duty-free treatment. Effective upon publication of this notice, the United States Trade Representative, pursuant to authority delegated by the President, is designating the Israeli-Jordanian Irbid Qualifying Industrial Zone as a qualifying industrial zone under the FTA Act.

FOR FURTHER INFORMATION CONTACT:

Daniel A. Clune, Director for the Middle East and Mediterranean (202) 395–4620.

SUPPLEMENTARY INFORMATION: Pursuant to authority granted under Section 9 of the United States-Israel Free Trade Area Implementation Act of 1985, as amended (19 U.S.C. 2112 note), the President proclaimed certain tariff treatment for the West Bank, the Gaza Strip, and qualifying industrial zones (Proclamation 6955 of November 13, 1996 (61 FR 58761)). In particular, the President proclaimed modifications to general notes 3 and 8 of the Harmonized Tariff Schedule of the United States: (a) To provide duty-free treatment to qualifying articles that are the product of the West Bank or Gaza Strip or a qualifying industrial zone and are entered in accordance with the provisions of section 9 of the FTA Act; (b) to provide that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the United States-Israel Free Trade Area Agreement (the ''Agreement'') even if shipped to the United States from the West Bank, the Gaza Strip, or a qualifying industrial zone, if the articles otherwise meet the requirements of the Agreement; and (c) to provide that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement, and that the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

Section 9(e) of the FTA Act defines a ''qualifying industrial zone'' as an area that ''(1) Encompasses portions of the territory of Israel and Jordan or Israel and Egypt; (2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and (3) has been specified by the President as a qualifying industrial zone.'' In Proclamation 6955, the President delegated to the United States Trade Representative the authority to designate qualifying industrial zones.

In an agreement dated November 16, 1997, the Government of Israel and the Government of Jordan agreed to the creation of the Irbid Qualifying Industrial Zone, encompassing areas under the customs control of the respective Governments. The Government of Israel and the Government of Jordan further agreed that merchandise may enter the Irbid Qualifying Industrial Zone without payment of duty or excise taxes, and both Governments subsequently implemented this agreement pursuant to their domestic legal procedures. The Irbid Qualifying Industrial Zone accordingly meets the criteria under paragraphs 9(e) (1) and (2) of the FTA Act.

Pursuant to the authority delegated by the President in Proclamation 6955, the United States Trade Representative hereby designates the Irbid Qualifying Industrial Zone as a qualifying industrial zone under section 9 of the FTA Act, effective upon the date of publication of this notice.

Dated: March 6, 1998.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 98–6413 Filed 3–12–98; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

National ITS Architecture Consistency Meetings

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

ACTION: Supplemental notice.

SUMMARY: This is a supplemental notice to 63 FR 5,603 published on February 3, 1998, announcing a series of regional meetings at which DOT will discuss national ITS architecture consistency as it relates to federally funded highway and transit improvements that incorporate Intelligent Transportation Systems (ITS). It is anticipated that the upcoming surface transportation reauthorization bill will require federally funded projects which contain ITS elements to be consistent with the National ITS Architecture and approved standards. In anticipation, DOT is holding a series of outreach meetings to engage a broad range of stakeholders in discussions regarding consistency requirements. These meetings will be of interest to those involved in the planning, design and implementation of technology applications in transportation. Locations and dates for the regional meetings are as follows:

Boston—February 25–26
Los Angeles—March 18–19
Houston—March 25–26
Kansas City—April 1–2
Washington DC Area—April 6–7
Atlanta—April 9–10
Denver—April 14–15
Portland—April 29–30
Chicago—May 13–14
New York—May 19–20.

Specific locations for the Washington DC Area, Atlanta, Denver, Portland, Chicago and New York meetings will be published at a later date.

DATES AND TIMES: The Los Angeles meeting will be held March 18–19, 1998, from 8:00 a.m. to 5:00 p.m. on March 18th and from 8:30 a.m. to 12:00 p.m. on March 19th. The Houston area meeting will be held March 25–26, 1998, from 8:00 a.m. to 5:00 p.m. on March 25th and from 8:00 a.m. to 12:00 p.m. on March 26th. The Kansas City meeting will be held April 1–2, 1998, from 8:00 a.m. to 5:00 p.m. on April 1st and from 8:00 a.m. to 12:00 p.m. on April 2nd.

ADDRESSES: The Los Angeles meeting will be held at the Anaheim Marriott, 700 West Convention Way, Anaheim, CA 92802. The Houston meeting will be held at the Double Tree Hotel, 2001 Post Oak Boulevard, Houston, TX 77056. The Kansas City meeting will be held at The Westin Crown Center, One Pershing Road, Kansas City, MO 64108.

SUPPLEMENTARY INFORMATION: The National ITS Architecture is a master blueprint for building an integrated, multimodal, intelligent transportation system. It provides a common framework that define key elements required for ITS functions. As such, it is an invaluable resource for planners, builders, designers, and operators of highway and transit systems to use in extending and integrating their systems operations.

A general introduction to ITS will be provided, but presentations will assume a basic awareness of technology applications in transportation. The meetings will include a brief introduction to the National ITS Architecture and associated standards, current thinking by DOT on possible approaches to consistency, and breakout sessions for discussion among attendees on consistency-related issues.

FOR FURTHER INFORMATION CONTACT: Registrations; Carol-Ann Courtney, Volpe National Transportation Systems Center at (617) 494–2686, fax (617) 494-2569; Additional Inquires: Shelley Lynch, Intelligent Transportation Systems Joint Program Office (202) 366–8028; Mac Lister, Intelligent Transportation Systems Joint Program Office (202) 366–9292; Ronald Boenau, Federal Transit Administration, (202) 366–0195; Robert Rupert, Federal Highway Administration, (202) 366–2194. All are located at the United States Department of Transportation,

400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Information and updates posted at the World Wide Web site at http://www.its.dot.gov

Authority: 23 U.S.C. 315; 49 CFR 1.48

Issued on: March 9, 1998.

Dennis C. Judycki,

Associate Administrator for Safety and System Applications, Federal Highway Administration.

Edward L. Thomas,

Associate Administrator for Research, Demonstration and Innovation Federal Transit Administration.

[FR Doc. 98–6521 Filed 3–12–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33556]

Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated—Control—Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Decision No. 2; Notice of prefiling notification.

SUMMARY: Pursuant to 49 CFR 1180.4(b), Canadian National Railway Company (CNR), Grand Trunk Corporation (GTC), and Grand Trunk Western Railroad Incorporated (GTW),[1] Illinois Central Corporation (IC Corp.), Illinois Central Railroad Company (ICR), Chicago, Central and Pacific Railroad Company (CCP), and Cedar River Railroad Company (CRRC)[2] have notified the Surface Transportation Board (Board) of their intent to file an application seeking authority under 49 U.S.C. 11323–25 for the acquisition of control, by CNR, through its indirect wholly owned subsidiary Blackhawk Merger Sub, Inc. (Merger Sub), of IC Corp., and through it of ICR and its railroad affiliates, and for the resulting common control by CNR of GTW and its railroad affiliates and ICR and its railroad affiliates.

The Board finds this to be a major transaction as defined in 49 CFR part 1180.

[1] CNR, GTC, and GTW, and their affiliates, are referred to collectively as CN.

[2] IC Corp., ICR, CCP, and CRRC, and their affiliates, are referred to collectively as IC. CN and IC are referred to collectively as Applicants.

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33556 and must be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 33556, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of all documents in this proceeding must be sent to Administrative Law Judge David Harfeld, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Suite 11F, Washington, DC 20426 [(202) 219–2514; FAX: (202) 219–3289] and to each of Applicants' representatives: (1) Paul A. Cunningham, Esq., Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, DC 20036–1609; and (2) William C. Sippel, Esq., Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601–6710.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565–1613. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In the notice of intent (CN/IC–1) filed February 12, 1998, Applicants state that, on February 10, 1998, CNR, Merger Sub, and IC Corp. entered into an Agreement and Plan of Merger under which Merger Sub will acquire up to 75% of the common stock of IC Corp. in a cash tender offer, which was to begin on or about February 13, 1998. That stock, and any other IC Corp. stock acquired by CN, will be placed in a voting trust pending review of the merger by the Board. Applicants further state that, after consummation of the tender offer and requisite approval by the shareholders of IC Corp., Merger Sub will merge with and into IC Corp., with IC Corp. as the surviving corporation. As a result of that merger, all independent shareholders of IC Corp. will receive either CNR stock or a combination of CNR stock and cash in exchange for their stock in IC Corp. Upon consummation of the merger, the stock of Merger Sub held by CNR will become the sole issued and outstanding stock of IC Corp., and CNR will place that stock in the independent voting trust pending review and approval of the control transaction by the Board. If and when the Board takes final and favorable action, the voting trust will be dissolved, and CNR will assume control of IC Corp. and, through it, of CCP, CRRC, and their railroad affiliates.

Applicants state that they will use the year 1996 as the base year for purposes of their impact analysis to be filed in the application, and that they anticipate filing their application on or before June 12, 1998.

The Board finds that this is a major transaction, as defined at 49 CFR 1180.2(a), as it is a control transaction involving two or more Class I railroads. CNR, through its wholly owned subsidiary GTC, presently controls GTW, a Class I railroad, and, under the proposed transaction, CNR proposes to acquire common control of ICR, also a Class I railroad. The application must conform to the regulations set forth at 49 CFR part 1180 and must contain all information required therein for major transactions, except as modified by any advance waiver.[3] The carriers are also required to submit maps with overlays that show their existing routes and those of their competitors.

Electronic Submissions

In addition to submitting an original and 25 copies of all paper documents filed with the Board, the parties shall also submit, on diskettes or compact discs, copies of all textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence. Data must be submitted on 3.5 inch IBM-compatible floppy diskettes or compact discs. Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in, or convertible by and into, Lotus 1–2–3 97 Edition, Excel Version 7.0, or Quattro Pro Version 7.0.

The data contained on the diskettes or compact discs submitted to the Board may be submitted under seal (to the extent that the corresponding paper copies are submitted under seal), and will be for the exclusive use of Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data is necessary for efficient review of these materials by the Board and its staff.

The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. *See* 49 CFR 1104.3(a), as amended in *Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings*, STB Ex Parte No. 527, 61 FR 52710, 52711 (Oct. 8,

[3] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, requires that we consider the effect of the proposed transaction ''on competition among rail carriers in the affected region or in the national rail system.'' 49 U.S.C. 11324(b)(5). Applicants are reminded to include analysis on both elements of this criterion in their competitive analyses.

1996), 61 FR 58490, 58491 (Nov. 15, 1996).[4]

Selection of Administrative Law Judge

The Board assigns and authorizes Administrative Law Judge David Harfeld to entertain and rule upon all disputes concerning discovery in this proceeding.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The parties shall submit all pleadings both in the required paper form and also as computer data contained on diskettes or compact discs.

2. This proceeding is assigned to Administrative Law Judge David Harfeld for handling of all discovery matters and the initial resolution of all discovery disputes.

3. In addition to filing pleadings with the Board and with Applicants' representatives, parties must send a copy of all filings and documents to Administrative Law Judge David Harfeld.

4. Administrative Law Judge David Harfeld shall be added to the service list in this proceeding and a copy of this decision shall be served on Administrative Law Judge Harfeld.

5. This decision is effective on the service date.

Decided: March 6, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6555 Filed 3–12–98; 8:45 am]

BILLING CODE 4915–00–P

[4] A copy of each diskette or compact disc submitted to the Board should be provided to any other party upon request.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20917]

Coach USA, Inc.—Control—Airport Limousine Service, Inc. and Black Hawk-Central City Ace Express, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Coach USA, Inc. (Coach or applicant), a noncarrier, filed an application under 49 U.S.C. 14303 to acquire control of Airport Limousine Service, Inc. (Airport) and Black Hawk-Central City Ace Express, Inc. (Black Hawk), both motor passenger carriers. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by April 27, 1998. Applicants may file a reply by May 2, 1998. If no comments are filed by April 27, 1998, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F–20917 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N. W., Washington, D. C. 20423–0001. In addition, send one copy of comments to applicants' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N. W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Coach currently controls 35 motor passenger carriers.[1] In this transaction, it seeks to acquire direct control of Airport[2] and Black Hawk[3] through the acquisition of all of their outstanding stock.

Applicants submit that there will be no transfer of any federal or state operating authorities held by the acquiring carriers. They assert that the acquisition will not reduce competition in the bus industry or competitive options available to the traveling public. They state that the acquired carriers do not compete with one another or with any Coach-owned carrier. Applicants submit that each of the acquired carriers is relatively small and that each faces substantial competition from other bus companies and transportation modes.

Applicants also submit that granting the application will produce substantial benefits, including interest cost savings from the restructuring of debt and reduced operating costs from Coach's enhanced volume purchasing power. Specifically, applicants claim that the carriers to be acquired will benefit from the lower insurance premiums negotiated by Coach and from volume discounts for equipment and fuel. Applicants also aver that Coach will provide each of the carriers to be acquired with centralized legal and accounting functions and coordinated purchasing services. In addition, they state that vehicle sharing arrangements will be facilitated through Coach to ensure maximum use and efficient operation of equipment, and that coordinated driver training services will be provided. Applicants also state that the proposed transaction will benefit the employees of the acquired carriers and that all collective bargaining agreements will be honored by Coach.

Coach plans to acquire control of additional motor passenger carriers in the coming months. It asserts that the financial benefits and operating efficiencies will be enhanced further by these subsequent transactions. Over the long term, Coach states that it will provide centralized marketing and reservation services for the bus firms that it controls, thereby enhancing the benefits resulting from these control transactions.

Applicants certifies that: (1) Black Hawk has a satisfactory safety fitness rating from the U.S. Department of Transportation; (2) Airport has not been rated; (3) both carriers maintain sufficient liability insurance; (4) both carriers are neither domiciled in Mexico nor owned or controlled by persons of that country; and (5) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the

[1] In addition to the instant proceeding in which it seeks to acquire control of two additional motor passenger carriers, Coach has two pending proceedings: *Coach USA, Inc.—Control Exemption—Browder Tours, Inc. and El Expreso, Inc.*, STB Finance Docket No. 33506 (STB filed Oct. 31, 1997), in which it seeks to acquire control of two additional motor passenger carriers; and *Coach USA, Inc. and Coach XXIII Acquisition, Inc.—Control—Americoach Tours, Ltd.; Keeshin Charter Services, Inc.; Keeshin Transportation, L.P.; Niagara Scenic Bus Lines, Inc.; and Pawtuxet Valley Bus Lines*, STB Docket No. MC-F–20916 (STB served Feb. 27, 1998), in which it seeks to acquire control of five additional motor passenger carriers.

[2] Airport is a Delaware Corporation. It holds federally issued operating authority in MC–315702 and intrastate operating authority issued by the Pennsylvania Public Utilities Commission. In addition, Airport holds authority from the Port Authority of Allegheny County, PA, for paratransit-airport transportation. The majority of its revenues stem from its services to and from the Pittsburgh Airport, and its gross revenue for fiscal year 1996 was approximately $900,000. Prior to the transfer of its stock into a voting trust, it had been owned by Herbert Bennett Conner, Linda G. Conner, and Kelley C. Gresh.

[3] Black Hawk is a Colorado Corporation. It holds federally issued operating authority in MC–273611 and intrastate operating authority issued by the Colorado Public Utilities Commission. It operates approximately 21 buses and had gross revenues for fiscal year 1996 of approximately $5 million (derived mostly from commuter operations). Prior to the transfer of its stock into a voting trust, it had been owned by Anthony D. Sosebee, Jason D. Sosebee, Marko and Joanne Lah, William and Frances Mattedi, Nancy Searle, Jack Searle, and Linda Talley.

effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 27, 1998, unless timely opposing comments are filed.

4. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N. W., Washington, D. C. 20530.

Decided: March 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6558 Filed 3–12–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33407]

Dakota, Minnesota & Eastern Railroad Corporation—Construction and Operation—in Campbell, Converse, Niobrara, and Weston Counties, WY, Custer, Fall River, Jackson, and Pennington Counties, SD and Blue Earth, Nicollet, and Steele Counties, MN

AGENCY: Surface Transportation Board.

ACTION: Notice of construction and operation application and request for comments on procedural schedule.

SUMMARY: The Board is publishing notice of an application filed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) requesting authority to construct and operate 280.09 miles of new railroad line, which would provide for an extension of DM&E's existing rail lines into the Powder River Basin coal fields in northeastern Wyoming. Specifically, the railroad seeks authority to build: (1) a 262.03-mile rail line between DM&E's existing main line in western South Dakota and the coal producing region of the Powder River Basin (PRB) south of Gillette, WY; (2) a 13.31-mile rail bypass around a portion of the line currently used by DM&E in and near Mankato, MN; and (3) a new 2.94-mile rail connection in Owatonna, MN, between DM&E's line and the line of I&M Rail Link, LLC.[1] This notice also requests comments on a procedural schedule based on a schedule that DM&E has asked the Board to establish for this proceeding.

DATES: Written comments must be filed by April 2, 1998 and concurrently served on applicant's representatives. Each comment must be accompanied by a certificate of service. Applicant's reply must be filed by April 7, 1998.

ADDRESSES: Send an original and 10 copies of all pleadings referring to STB Finance Docket No. 33407 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. A copy of each comment shall concurrently be served upon DM&E's representative: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, DC 20036–1609 [Fax (202) 973–7610]. Comments should contain the name and address of the commenting party, any recommendations for changes to the attached proposed procedural schedule and support for any such changes.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Along with its application, DM&E has submitted a petition to establish a procedural schedule for this proceeding. DM&E's proposed schedule would establish various due dates for submissions and due dates for Board action, both in considering the merits of the application and in carrying out the environmental review process.

We believe it would be premature at this point to establish any sort of environmental review schedule for the Board to meet its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and related environmental laws. We lack substantive input from other Federal and state agencies (for example, the U.S. Forest Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Wyoming State Historic Preservation Division) that may have an interest in this proceeding. Without information from these agencies, we cannot anticipate the range of potential environmental impacts that may be involved with DM&E's proposal and how long the Environmental Impact Statement (EIS) process is likely to take.[2] We have, however, directed our Section of Environmental Analysis to begin preparation of a notice of intent to prepare an EIS and to initiate the public scoping process. This will enable us to begin to determine key environmental issues to be addressed in our NEPA analysis as expeditiously as possible.

With regard to the merits of the application, DM&E has proposed alternative schedules of 90 and 180 days in which to develop the record and issue a decision on the merits, conditioned upon completion of the environmental review process and consideration of the results of that process in a final decision.[3] The proposal by DM&E that we issue a decision in 90 days does not warrant further consideration, and we will not request comments on it. That proposal simply does not provide adequate opportunity for public participation. Nor does it provide adequate time for the necessary evaluation of the record in light of the statutory considerations we must undertake in this case. The proposed 180-day alternative, however, does appear to provide adequate opportunity for public participation and for development of a sufficient record on which to base a conditional grant of the application and make the findings required by the statute. Therefore, we are seeking comments on the proposal by DM&E that we issue a decision in 180 days approving the applicant's construction proposal under section

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[1] DM&E also plans several related projects, which it states are not subject to the Board's jurisdiction. These include the comprehensive rebuilding of approximately 597.8 miles of its existing rail lines consisting of: (1) a 467.55-mile segment of DM&E main line between Wasta, SD, and Mankato; (2) a 117.4-miles segment of DM&E main line between Mankato and Winona, MN; and (3) a 12.85-mile segment of DM&E branch line north of Oral, SD, to a point south of Smithwick, SD. DM&E plans to perform a substantial upgrading of an additional 239.3 miles of its existing rail lines, including the relocation and upgrading of an existing connection with Canadian Pacific Railroad near Winona/Minnesota City.

[2] Of course, if DM&E could work with these agencies to secure appropriate permits, identify potential environmental impacts, and minimize or avoid such effects, the time required for us to meet our NEPA obligations might be reduced.

[3] No actual construction could begin prior to issuance of that decision.

10901 of the ICC Termination Act, conditioned upon consideration of the environmental impacts of the proposed construction. Under that proposal, we would issue a subsequent decision after the completion of the EIS process, allowing construction to begin, if appropriate, based on a consideration of the potential environmental impacts of the proposed transaction.

We understand that the DM&E has caused notices to be published stating that comments on the application are due March 27, 1998. While interested parties may file comments by March 27, 1998, the Board will establish a new due date for comments on the merits of the proposed transaction in any procedural schedule it ultimately adopts. Accordingly, we will require DM&E to cause notices to be published in the same places as the prior notices advising that comments will not be due until the Board establishes a procedural schedule. And after the Board publishes such a schedule, DM&E must cause to be published new notices setting forth the schedule adopted by the Board, including the due date for comments on the merits of the proposed transaction.

The purpose of this notice is to solicit input as to the establishment of a procedural schedule that provides adequate time for the submission and consideration of comments while still enabling the proceeding to move forward as expeditiously as possible.[4] After reviewing the comments, the Board will establish an appropriate procedural schedule for consideration of the merits of the construction application.

The Board's review of construction applications is governed by both 49 U.S.C. section 10901 and the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321–4370d. The Board intends to prepare an EIS to assess the environmental impacts of DM&E's proposal. The Board's Section of Environmental Analysis will separately publish a notice of intent to prepare an EIS and request comments on its scope.

Copies of the application are available for public inspection at the offices of the Board and the offices of the applicant, 337 22nd Avenue South, Brookings, SD 57006.

Decided: March 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

Appendix—Procedural Schedule on the Merits

In the following schedule, the term ''P'' refers to the date that the Board issues a procedural schedule based on the comments received from this notice and ''P + n'' means ''n'' days following that date.

P
Procedural schedule established by the Board.

P + 7
Due date for publication by DM&E of newspaper notice announcing the procedural schedule.

P + 35
Due date for written comments on Application.

P + 40
Due date for DM&E's replies to written comments on Application.

P + 70
Board decision ordering hearing under modified procedures.

P + 115
Due date for evidence and argument in opposition to the Application.

P+ 135
Due date for DM&E's reply evidence and argument in support of the Application.

P + 180 (or earlier)
Service of decision (a) conditionally approving Application, contingent on completion of environmental review process, or (b) disapproving Application.

[FR Doc. 98–6557 Filed 3–12–98; 8:45 am]

BILLING CODE 4915–00–P

[4] DM&E's proposed 180-day schedule is set forth in the attached Appendix, but is modified to reflect the removal of the portion of the schedule pertaining to environmental review and to reflect the current status of this matter.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub-No. 561X)]

CSX Transportation, Inc.—Abandonment Exemption—in Clarke County, GA

On February 23, 1998, CSX Transportation, Inc. (CSXT) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its railroad line known as the Atlanta Service Lane, Abbeville Subdivision, between milepost YYA–37.44 at East Athens and milepost YYA–39.34 at Athens, a distance of 1.9 miles in Clarke County, GA. The line traverses U.S. Postal Service Zip Codes 30605 and 30601. The line includes the station of East Athens.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 12, 1998.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).[1]

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 2, 1998. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub-No. 561X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street N.W., Washington, DC 20423–0001, and (2) Charles M. Rosenberger, 500 Water Street-J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before April 12, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

[1] The filing fee increases from $900 to $1,000, effective March 20, 1998.

Decided: March 9, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6556 Filed 3–12–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–536–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–536–89 (TD 8300), Registration Requirements With Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984 (§ 1.163–5).

DATES: Written comments should be received on or before May 12, 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 regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Registration Requirements With Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984.

OMB Number: 1545–1132.

Regulation Project Number: INTL–536–89.

Abstract: Sections 165(j) and 1287(a) of the Internal Revenue Code provide that persons holding registration-required obligations in bearer form are subject to certain penalties. These sections also provide that certain persons may be exempted from these penalties if they comply with reporting requirements with respect to ownership, transfers, and payments on the obligations. The reporting and recordkeeping requirements in this regulation are necessary to ensure that persons holding registration-required obligations in bearer form properly report interest and gain on disposition of the obligations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 5,000.

Estimated Time Per Respondent/Recordkeeper: 10 minutes.

Estimated Total Annual Reporting/Recordkeeping Hours: 852.

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: March 6, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6414 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–362–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–362–88 (TD 8618), Definition of a Controlled Foreign Corporation Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (§§ 1.954–1 and 1.954–2).

DATES: Written comments should be received on or before May 12, 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 regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Definition of a Controlled Foreign Corporation Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

OMB Number: 1545–1068.

Regulation Project Number: INTL–362–88.

Abstract: A U.S. shareholder of a controlled foreign corporation is subject to current U.S. taxation on the subpart F income of the foreign corporation,

which consists of several categories of income. The election and recordkeeping requirements in the regulation are necessary to exclude certain high-taxed or active business income from subpart F income or to include certain income in the appropriate category of subpart F income. The recordkeeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/ Recordkeepers: 50,500.

Estimated Time Per Respondent/ Recordkeeper: 1 hour.

Estimated Total Annual Reporting/ Recordkeeping Hours: 50,417.

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: March 5, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6415 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–163–84]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–163–84 (TD 8439), Treatment of Transactions Between Partners and Partnerships (§§ 1.707–3(c)(2), 1.707–5(a)(7)(ii), 1.707–6(c) and 1.707–8).

DATES: Written comments should be received on or before May 12, 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 regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Treatment of Transactions Between Partners and Partnerships.

OMB Number: 1545–1243.

Regulation Project Number: PS–163–84.

Abstract: Internal Revenue Code section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations require that the partner or the partnership should disclose the transfer and certain attendant facts in some situations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 7,500.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 2,500.

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: March 6, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6416 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–55–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–55–89 (TD 8566), General Asset Accounts Under the Accelerated Cost Recovery System (§ 1.168(i)–1).

DATES: Written comments should be received on or before May 12, 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 regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: General Asset Accounts Under the Accelerated Cost Recovery System.

OMB Number: 1545–1331.

Regulation Project Number: PS–55–89.

Abstract: Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules in Code section 168.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and farms.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondents: 15 minutes.

Estimated Total Annual Burden Hours: 250.

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: March 6, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6417 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 6629]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 6629, Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands (§ 1.934–1).

DATES: Written comments should be received on or before May 12, 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 regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands.

OMB Number: 1545–0782.

Regulation Project Number: TD 6629.

Abstract: Internal Revenue Code section 934(a) (1954 Code) provides that the tax liability incurred to the Virgin Islands shall not be reduced except to the extent provided in Code section 934(b) and (c). Taxpayers applying for tax rebates or subsidies under section 934 of the 1954 Code must provide certain information in order to obtain these benefits.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Average Time Per Respondent/Recordkeeper: 22 minutes.

Estimated Total Annual Reporting/Recordkeeping Hours: 184.

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: March 6, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6418 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Committee for Electronic Tax Administration

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of intent to establish; request for nominations and comments.

SUMMARY: The IRS proposes to establish the advisory committee for electronic tax administration. The purpose of this committee is to provide continued input into the development and implementation of the Internal Revenue Service (IRS) strategy for electronic tax administration. The ETAAC will provide an organized public forum for discussion of electronic tax administration issues in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members will convey the public s perception of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements. This document seeks nominations of individuals to be considered for selection as Committee members. Comments are requested on categories of membership and duties of the committee.

The Assistant Commissioner (Electronic Tax Administration) will assure that the size and organizational representation of the ETAAC obtains balanced membership and includes representatives from various groups including: (1) Tax practitioners and preparers, (2) transmitters of electronic returns, (3) tax software developers, (4) large and small businesses, (5) employers and payroll service providers, (6) individual taxpayers, (7) financial industry (payers, payment options and best practices), (8) system integrators (technology providers), (9) academic (marketing, sales or technical perspectives), (10) trusts and estates, (11) tax exempt organizations, and (12) state and local governments. We are soliciting nominations from professional and public interest groups, IRS officials, the Department of Treasury, and Congress. Members will be limited to serving one two-year term on the ETAAC to ensure that new perspectives and ideas are generated by the members. All travel expenses within government guidelines will be reimbursed. Comments are requested on categories of membership and duties of the committee.

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

ADDRESSES: Nominations should be sent to Robin Marusin, T:ETA, Room 7331 IR, 1111 Constitution Ave., N.W., Washington, D.C. 20224. Application forms can be obtained from Robin Marusin, who can be reached on (202) 622–8184.

FOR FURTHER INFORMATION CONTACT: Robin Marusin, 202–622–8184.

SUPPLEMENTARY INFORMATION: The ETAAC will provide continued input into the development and implementation of the IRS s strategy for electronic tax administration. The ETAAC members will convey the public s observations about current or proposed policies, programs, and procedures, and suggest improvements.

This activity is based on the authority to administer the Internal Revenue laws conferred upon the Secretary of the Treasury by section 7802 of the Internal Revenue Code and delegated to the Commissioner of the Internal Revenue.

The ETAAC will research, analyze, consider, and make recommendations on a wide range of electronic tax administrations issues and will provide input into the development and implementation of the strategic plan for electronic tax administration.

Nominations should describe and document the proposed member's qualifications for membership to the Committee. Equal opportunity practices will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership will include, to the extent practicable, individuals, with demonstrated ability to represent minorities, women, and persons with disabilities.

Robert E. Barr,

Assistant Commissioner, Electronic Tax Administration.

[FR Doc. 98–6419 Filed 3–12–98; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Honoré Lannuier, Parisian Cabinetmaker in Federal New York'' (See list),[1] imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit objects at The Metropolitan Museum of Art from on or about March 16, 1998 to June 14, 1998, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register.**

Dated: March 10, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–6554 Filed 3–12–98; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mrs. Jacqueline H. Caldwell, Assistant General Counsel, at 202/619–6982, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547–0001.

federal register

Friday
March 13, 1998

Part II

Department of Education

Magnet Schools Assistance Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.165A]

Magnet Schools Assistance Program

AGENCY: Department of Education.

ACTION: Notice extending closing date for receipt of applications for new awards for fiscal year (FY) 1998 and for submission of approved modifications to required plans and school board approval for voluntary plans.

SUMMARY: On February 17, 1998, a notice was published in the **Federal Register** (63 FR 8021) that established the closing date for transmittal of applications for the FY 1998 Magnet Schools Assistance Program (MSAP). The purpose of this notice is to extend the closing date for the transmittal of applications until April 27, 1998 in response to requests from school districts.

This notice also changes the procedures for the submission of applications, as described under **PROCEDURES FOR SUBMISSION OF APPLICATIONS** to require that applications are received on or before the due date. In making the decision to give applicants additional time to prepare their applications, the Secretary also recognizes that this decision reduced the amount of time available for the review of applications and will delay the announcement of awards. In order to minimize the impact of these delays, while giving applicants as much time as possible for the development of their applications, this change has been made to reduce the amount of time that it takes before application review activities can begin after the deadline date.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: The new closing date is April 27, 1998.

PROCEDURES FOR SUBMISSION OF APPLICATIONS: In order to ensure timely receipt and processing of applications, an application must be received on or before the deadline date announced in this application notice. The Secretary will not consider an application for funding if it is not received by the deadline date unless the applicant can show proof that the application was: (1) Sent by registered or certified mail not later than five days before the deadline date; or (2) sent by commercial carrier not later than two days before the deadline date. An applicant must show proof of mailing in accordance with 34 CFR 75.102(d) and (e). Applications delivered by hand must be received by 4:30 p.m. (Eastern Time) on the deadline date. For the purposes of this program competition, the Secretary does not apply 34 CFR 75.102(a) and (b)(1) which require an application to be mailed, rather than received, by the deadline date.

These procedures replace the application submission procedures contained in the MSAP application package.

Note: All applications must be received on or before the deadline date unless one of the mailing conditions noted in the previous paragraph applies. This requirement takes exception to EDGAR, 34 CFR 75.102(a) and (b)(1). In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this amendment makes procedural changes only and does not establish new substantive policy. Therefore, under 5 U.S.C. 553 (b)(A), proposed rulemaking is not required.

SUPPLEMENTARY INFORMATION: Districts submitting voluntary plans also expressed concern that even with the extension of the application due date, additional time might be needed to obtain school board approval of their plans. Therefore, we are extending the date for the submission of school board approval of the plans submitted with applications until May 22,1998. All other voluntary plan information must be submitted by the closing date.

Additionally, the date by which applicants must submit any modifications to required plans (i.e., a modification to include a new magnet schools component in a previously approved plan) is also changed. All applicants must submit proof to ED of approval of all modifications by May 22, 1998.

FOR APPLICATIONS OR INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Room 4509, Washington, D.C. 20202–6140. Telephone (202) 260–2476. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request of the contact person listed in the preceding paragraph.

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

Electronic Access to This Document

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

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

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

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 3021–3032.

Dated: March 10, 1998.

Gerald N. Tirozzi,

Assistant Secretary, Elementary and Secondary Education.

[FR Doc. 98–6520 Filed 3–12–98; 8:45 am]

BILLING CODE 4000–01–U

federal register

Friday
March 13, 1998

Part III

Department of Education

Bilingual Education: Field-Initiated Research Program; Inviting Applications for New Awards for Fiscal Year 1998; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.292B]

Bilingual Education: Field-Initiated Research Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1998

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program. The statutory authorization for this program is contained in section 7132 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Pub. L. 103–382, enacted October 20, 1994 (the Act) (20 U.S.C. 7452)).

Purpose of Program: The purpose of this program is to provide grants for field-initiated research activities related to the improvement of bilingual education and special alternative instructional programs for limited English proficient children and youth.

Eligible Applicants: Institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies that are current or recent recipients of grants under subpart 1 or 2 of Part A of Title VII of the Elementary and Secondary Education Act (ESEA) or under Part A or B of Title VII of the ESEA, (P.L. 100–297), as in effect prior to October 20, 1994. In order to be eligible for a grant under this program, an applicant must have received a grant under subpart 1 or 2 of Part A of Title VII or under Part A or B of Title VII of Pub. Law 100–297 in previous years.

Deadline for Transmittal of Applications: April 29, 1998.

Deadline for Intergovernmental Review: June 28, 1998.

Available Funds: $400,000.

Estimated Range of Awards: $50,000–$60,000.

Estimated Average Size of Awards: $52,500.

Estimated Number of Awards: 7–8.

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

Project Period: 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations in 34 CFR part 299, General Provisions, Elementary and Secondary Education Act.

Description of Program: Funds under this program are available to carry out field-initiated research conducted by current or recent recipients of grants under subpart 1 or 2 who have received those grants within the previous five years. Research under this program may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of those students from entry in bilingual education through secondary school completion.

Priority

Invitational Priority

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Applications that propose to focus on research that leads to answering significant questions on the assessment of language acquisition and academic achievement for limited English proficient (LEP) students.

Note: For further information on assessment issues, see ''High Stakes Assessment: A Research Agenda for English Language Learners,'' which is available from the National Clearinghouse for Bilingual Education, telephone—1–800–321–6223 or website—http://www.ncbe.gwu.edu.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Need for project.* (15 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(2) *Significance.* (20 points) (i) The Secretary considers the significance of the proposed project.

(ii) In determining the significance of the proposed project, the Secretary considers the following factors:

(A) The significance of the problem or issue to be addressed by the proposed project.

(B) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(C) The likelihood that the proposed project will result in system change or improvement.

(D) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(3) *Quality of the project design.* (20 points) (i) The Secretary considers the quality of the design of the proposed project.

(ii) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(A) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(B) The extent to which the proposed activities constitute a coherent sustained program of research and development in the field, including, as appropriate, a substantial addition to an ongoing line of inquiry.

(C) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(D) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(4) *Quality of the management plan.* (25 points) (i) The Secretary considers the quality of the management plan for the proposed project.

(ii) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(A) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(B) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(5) *Quality of project personnel.* (15 points) (i) The Secretary considers the quality of the personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the

applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(6) *Adequacy of resources.* (5 points) (i) The Secretary considers the adequacy of resources for the proposed project.

(ii) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(A) The extent to which the budget is adequate to support the proposed project.

(B) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on October 7, 1997 (62 FR 52448 through 52450).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.292B, U.S. Department of Education, Room 6213, 600 Independence Avenue, SW., Washington, D.C. 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention (CFDA# 84.292B), Washington, D.C. 20202–4725

or

(2) Hand-deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.292B), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this notice contains the following forms and instructions, plus a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with section 427 of the General Education Provisions Act, a checklist for applicants, various assurances, certifications, and required documentation:

a. Instructions for the Application Narrative.

b. Additional Guidance.

c. Estimated Public Reporting Burden Statement.

d. Notice to All Applicants.

e. Checklist for Applicants.

f. Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

g. Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

h. Eligibility Certification

i. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

j. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013, 6/90) and instructions.

k. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

(Note: ED 80-0014 is intended for the use of grantees and should not be transmitted to the Department.)

l. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published in the **Federal Register** (61 FR 1413) by the Office of Management and Budget on January 19, 1996.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each

application as ''original'' or ''copy.'' No grant may be awarded unless a completed application has been received.

FOR FURTHER INFORMATION CONTACT: Alex Stein, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205-5713. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

Electronic Access to This Document

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

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll-free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 7452.

Dated: March 6, 1998.

Delia Pompa,

Director, Office of Bilingual Education and Minority Languages Affairs.

Estimated Public Reporting Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0528 (Exp. 4/30/98). The time required to complete this information collection is estimated to average 120 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, D.C. 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510.

Instructions for the Application Narrative

Mandatory Page Limit for the Application Narrative

The narrative portion of the application must not exceed 45 pages. These pages must be double-spaced and printed on one side only. A legible font size and adequate margins should be used. The narrative section must be paginated and should include a one-page abstract. The 45-page limit applies to the abstract, proposal narrative, charts, graphs, tables, graphics, position descriptions (and résumés, if included), and any appendices. The page limit does not apply to application forms, attachments to those forms, assurances, certifications, and the table of contents. The page limit applies only to item 14 and not to the other items in the Checklist for Applicants. *Applications with a narrative section that exceeds the page limit will not be considered for funding.*

The narrative section should begin with an abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include résumés or curriculum vitae for project personnel; provide position descriptions instead.

Additional Guidance

Table of Contents

The application should include a table of contents listing the sections in the order required.

Budget

Budget line items must support the goals and objectives of the proposed project and must be directly related to the instructional design and all other project components.

Final Application Preparation

Use the Checklist for Applicants to verify that your application is complete. Submit three copies of the application, including an original copy containing an original signature for each form requiring the signature of the authorized representative. Do not use elaborate bindings or covers. The application package must be mailed or hand-delivered to the Application Control Center (ACC) and postmarked by the deadline date.

Submission of Application to State Educational Agency

Section 7116(a)(2) of the authorizing statute (Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, Pub. L. 103–382) requires all applicants except schools funded by the Bureau of Indian Affairs to submit a copy of their application to their State educational agency (SEA) for review and comment (20 U.S.C. 7426(a)(2)). Section 75.156 of the Education Department General Administrative Regulations (EDGAR) requires these applicants to submit their application to the SEA on or before the deadline date for submitting their application to the Department of Education. This section of EDGAR also requires applicants to attach to their application a copy of their letter that requests the SEA to comment on the application (34 CFR 75.156). A copy of this letter should be attached to the Project Documentation Form contained in this application package. *Applicants that do not submit a copy of their application to their state educational agency in accordance with these statutory and regulatory requirements will not be considered for funding.*

Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department

programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103–382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. *All applicants for new awards must include information in their applications to address this new provision in order to receive funding under this Program.*

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct ''outreach'' efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1801–0004 (Exp. 8/31/98). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

Checklist for Applicants

The following forms and other items must be included in the application in the order listed below:

1. Application for Federal Assistance Form (SF 424).
2. Budget Information Form (ED Form No. 524).
3. Itemized budget for each year.
4. Assurances—Non-Construction Programs Form (SF 424B).
5. Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form (ED 80–0013).
6. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions Form (ED 80–0014) (if applicable).
7. Disclosure of Lobbying Activities Form (SF-LLL).
8. Information that addresses section 427 of the General Education Provisions Act. (See the above section entitled NOTICE TO ALL APPLICANTS (OMB No. 1801–0004)).
9. Table of Contents.
10. Application narrative, including abstract (not to exceed 45 pages).
11. One original and two copies of the application for transmittal to the Education Department's Application Control Center.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY:

U.S. DEPARTMENT OF EDUCATION

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 9 2B

TITLE: Bilingual Education: Field-Initiated Research

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/98

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILINGUAL EDUCATION: FIELD INITIATED RESEARCH PROGRAM

ELIGIBILITY CERTIFICATION

Application Information

_____
Name of Institution

_____

_____

_____
Address (give city, county, state, zip code)

_____
Type of Institution (IHE, NPO, SEA, LEA)

Grant awards received during Subpart 1 or 2 of Part A of Title VII of the Elementary and Secondary Education Act (or Parts A and B of Title VII of ESEA, as in effect prior to its amendment on October 20, 1994). Grants must have been received within the previous five years.

_____	_____
_____	_____
_____	_____
Type of Grant	Grant Number

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3600, GSA Regional Office Building No. 3), Washington, DC 20202-4130. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, Department of Education, 600 Independence Avenue, S.W. (Room 3600, GSA Regional Office Building No. 3), Washington, DC 20202-4130. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APP LICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant,' " person," "primary covered transaction," " principal," proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C 1352
(See reverse for public burden disclosure.)

1. **Type of Federal Action:** ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. **Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	3. **Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter ____ date of last report
4. **Name and Address of Reporting Entity:** ☐ Prime ☐ Subawardee Tier _____, *if known:* **Congressional District,** *if known:*	5. **If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:** **Congressional District,** *if known:*	
6. **Federal Department/Agency:**	7. **Federal Program Name/Description:** CFDA Number, *if applicable*:	
8. **Federal Action Number,** *if known:*	9. **Award Amount,** *if known:* $	
10. a. **Name and Address of Lobbying ~~Entity~~ Registrant** *(if individual, last name, first name, MI):*	b. **Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI):*	
~~11. **Amount of Payment** *(check all that apply):*~~ ~~$ _____ ☐ actual ☐ planned~~	~~13. **Type of Payment** *(Check all that apply):*~~ ~~☐ a. retainer~~ ~~☐ b. one-time fee~~ ~~☐ c. commission~~ ~~☐ d. contingent fee~~ ~~○ e. deferred~~ ~~☐ f. other; specify: _____~~	
~~12. **Form of Payment** *(check all that apply):*~~ ~~☐ a. cash~~ ~~☐ b. in-kind; specify: nature _____ value _____~~		
~~14. **Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:**~~ ~~*(attach Continuation Sheet(s) SF-LLL-A, if necessary)*~~		
~~15. **Continuation Sheet(s) SF-LLL attached:** ☐ Yes ☐ No~~		
16. **Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.**	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:**	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. ~~Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate~~. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and conract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state, and zip code of the ~~lobbying entity~~ registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

~~11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this a material change report, enter the cumulative amount of payment made or planned to be made.~~

~~12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of in-kind payment.~~

~~13. Check the appropriate box(es). Check all boxes that apply. If other specify nature.~~

~~14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.~~

~~15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.~~

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

S. 916/P.L. 105–161

To designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building". (Mar. 9, 1998; 112 Stat. 28)

S. 985/P.L. 105–162

To designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office". (Mar. 9, 1998; 112 Stat. 29)

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