

**Tuesday
October 20, 1998**

**Now Available Online via
*GPO Access***

Free online access to the official editions of the *Federal Register*, the *Code of Federal Regulations* and other Federal Register publications is available on *GPO Access*, a service of the U.S. Government Printing Office at:

<http://www.access.gpo.gov/nara/index.html>

For additional information on *GPO Access* products, services and access methods, see page II or contact the *GPO Access* User Support Team via:

- ★ Phone: toll-free: 1-888-293-6498
- ★ Email: gpoaccess@gpo.gov

Attention: Federal Agencies

Plain Language Tools Are Now Available

The Office of the Federal Register offers Plain Language Tools on its Website to help you comply with the President's Memorandum of June 1, 1998—Plain Language in Government Writing (63 FR 31883, June 10, 1998). Our address is: <http://www.nara.gov/fedreg>

For more in-depth guidance on the elements of plain language, read "Writing User-Friendly Documents" on the National Partnership for Reinventing Government (NPR) Website at: <http://www.plainlanguage.gov>



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$555, or \$607 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$8.00 for each issue, or \$8.00 for each group of pages as actually bound; or \$1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 63 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:
 Paper or fiche 202-512-1800
 Assistance with public subscriptions 512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:
 Paper or fiche 512-1800
 Assistance with public single copies 512-1803

FEDERAL AGENCIES

Subscriptions:
 Paper or fiche 523-5243
 Assistance with Federal agency subscriptions 523-5243

NOW AVAILABLE ONLINE

The October 1998 Office of the Federal Register Document Drafting Handbook

Free, easy online access to the newly revised October 1998 Office of the Federal Register Document Drafting Handbook (DDH) is now available at:

<http://www.nara.gov/fedreg/draftres.html>

This handbook helps Federal agencies to prepare documents for publication in the **Federal Register**.

For additional information on access, contact the Office of the Federal Register's Technical Support Staff.

Phone: 202-523-3447

E-mail: info@fedreg.nara.gov



Printed on recycled paper.

Contents

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 1998

Agricultural Marketing Service

PROPOSED RULES

Federal Seed Act:

Noxious-weed seeds; prohibition of shipment of agricultural and vegetable seeds containing them, 55964–55971

Agriculture Department

See Agricultural Marketing Service

See Commodity Credit Corporation

See Farm Service Agency

NOTICES

North American Free Trade Agreement (NAFTA); temporary duties imposition (snapback): Cucumbers from—Canada, 56003

Army Department

NOTICES

Environmental statements; availability, etc.: Base realignment and closure—Hingham Cohasset (Hingham Training Annex), MA, 56009

Civil Rights Commission

NOTICES

Meetings; State advisory committees: Alaska, 56003
California, 56003

Coast Guard

RULES

Drawbridge operations: Virginia, 55947–55948
Lifesaving equipment for U.S. inspected vessels: Correction, 56066–56067
Private navigation aids: Wisconsin and Alabama, 55946–55947

Commerce Department

See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles: Hungary, 56005
Korea, 56005–56007
Kuwait, 56007–56008
Thailand, 56008
Uruguay, 56008–56009

Commodity Credit Corporation

RULES

Loan and purchase programs: Price support levels—Tobacco, 55937–55940

Defense Department

See Army Department

Education Department

RULES

Postsecondary education:

Federal Perkins loan program; CFR correction, 55948

NOTICES

Agency information collection activities: Proposed collection; comment request, 56009–56010
Grants and cooperative agreements; availability, etc.: Strengthening institutions and Hispanic-serving institutions programs; preapplication technical assistance workshops, 56069–56070

Energy Department

See Energy Information Administration

See Federal Energy Regulatory Commission

Energy Information Administration

NOTICES

Agency information collection activities: Proposed collection; comment request, 56010–56011

Environmental Protection Agency

RULES

Air programs:

Accidental release prevention—Risk management programs, 55954–55956

Air quality implementation plans; approval and promulgation; various States: New Jersey, 55949–55954

PROPOSED RULES

Air programs:

Accidental release prevention—Risk management programs, 55983–55985

Air quality implementation plans; approval and promulgation; various States: New Jersey, 55983

Superfund program:

National oil and hazardous substances contingency plan—National priorities list update, 55985–55988

NOTICES

Committees; establishment, renewal, termination, etc.: Gulf of Mexico Program Policy Review Board, 56022
Grants and cooperative agreements; availability, etc.: Lead-based paint professionals; authorized Tribal training, accreditation, and certification programs, 56022–56024

Executive Office of the President

See Presidential Documents

Farm Service Agency

RULES

Farm marketing quotas, acreage allotments, and production adjustments: Tobacco, 55937–55940

Federal Aviation Administration

RULES

Airworthiness directives:

McDonnell Douglas, 55940–55942

Class D airspace, 55942

PROPOSED RULES

Class E airspace, 55971–55979

NOTICES

Advisory circulars; availability, etc.:

Emergency evacuation demonstrations, 56059

Aviation Rulemaking Advisory Committee; task assignments, 56059–56060

Environmental statements; availability, etc.:

Minneapolis-St. Paul International Airport, MN, 56060–56061

Meetings:

Global Positioning System/Wide Area and Local Area Augmentation Systems; capabilities, 56061

National Airspace System; satellite communications, surface movement surveillance systems, and data link technologies for aviation applications; forum, 56061

RTCA, Inc., 56062

Passenger facility charges; applications, etc.:

Midland International Airport, TX, 56062

Federal Communications Commission**RULES**

Radio broadcasting:

Closed captioning of video programming; reconsideration petition, 55959–55963

Radio stations; table of assignments:

Alaska et al., 55958–55959

Colorado, 55958

PROPOSED RULES

Common carrier services:

Interstate services of local exchange carriers; authorized unitary rate of return, 55988–55996

NOTICES

Agency information collection activities:

Proposed collection; comment request, 56024–56025

Meetings; Sunshine Act, 56025–56026

Federal Emergency Management Agency**RULES**

Flood insurance; communities eligible for sale:

Connecticut et al., 55956–55958

NOTICES

Disaster and emergency areas:

Alabama, 56026–56027

Florida, 56027–56028

Louisiana, 56028–56030

Mississippi, 56030–56032

North Carolina, 56032

Texas, 56032

Virginia, 56033

Virgin Islands, 56032–56033

Federal Energy Regulatory Commission**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 56011–56012

Electric rate and corporate regulation filings:

Lake Benton Power Partners II LLC et al., 56015–56018

Logan Generating Co., L.P., et al., 56018–56020

Rochester Gas & Electric Corp. et al., 56020–56022

Electric utilities (Federal Power Act):

Open access same-time information system (OASIS) and standards of conduct—

Transmission path naming standards; comment request, 56022

Applications, hearings, determinations, etc.:

Colorado Interstate Gas Co., 56012

Eastern Shore Natural Gas Co., 56012

El Paso Natural Gas Co., 56012–56013

Gas Transport, Inc., 56013

KO Transmission Co., 56013

Northwest Pipeline Corp., 56014

Pacific Gas & Electric Co.; correction, 56066

Sierra Pacific Power Co. et al., 56014

Tennessee Gas Pipeline Co., 56014

Texas-Ohio Pipeline, Inc., 56014–56015

Transcontinental Gas Pipe Line Corp., 56015

Williams Gas Pipelines Central, Inc., 56015

Federal Reserve System**NOTICES**

Banks and bank holding companies:

Formations, acquisitions, and mergers, 56033–56034

Permissible nonbanking activities, 56034

Meetings; Sunshine Act, 56035

Food and Drug Administration**RULES**

Food additives:

Adjuvants, production aids, and sanitizers—

2-9-Dimethylanthra, etc., 55945–55946

2-Methyl-4,6-bis[(octylthio)methyl]phenol, 55944–55945

Polymers—

Polyester-polyurethane resin-acid dianhydride adhesive, 55942–55944

NOTICES

Food additive petitions:

Ecolab, Inc., 56035

GRAS or prior-sanctioned ingredients:

Vulcan Chemical Technologies, Inc.; withdrawn, 56035

Human drugs:

Patent extension: regulatory review period determinations—

Aldara, 56035–56036

Health and Human Services Department

See Food and Drug Administration

See Health Resources and Services Administration

Health Resources and Services Administration**NOTICES**

Meetings:

Migrant Health National Advisory Council, 56036–56037

Housing and Urban Development Department**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 56037

Submission for OMB review; comment request, 56037–56038

Grant and cooperative agreement awards:

Community development work study program, 56038–56040

Community outreach partnership centers program, 56040–56041

Immigration and Naturalization Service**NOTICES**

Reporting and recordkeeping requirements, 56048

Interior Department

See Land Management Bureau

See National Park Service

See Reclamation Bureau

See Surface Mining Reclamation and Enforcement Office

International Trade Commission**NOTICES**

Import investigations:

- Preserved mushrooms from—
Chile et al., 56047–56048
- Roller chain from—
Japan, 56048

Justice Department

See Immigration and Naturalization Service

Land Management Bureau**NOTICES**

Agency information collection activities:

- Proposed collection; comment request, 56041–56042
- Closure of public lands:
Oregon, 56042
- Meetings:
Resource advisory councils—
Southeast Oregon, 56042–56043

National Aeronautics and Space Administration**NOTICES**

Meetings:

- Aeronautics and Space Transportation Technology
Advisory Committee, 56048–56049
- Space Science Advisory Committee, 56049
- Patent licenses; non-exclusive, exclusive, or partially
exclusive:
Weider Nutrition International, 56049

National Credit Union Administration**NOTICES**

Meetings; Sunshine Act, 56049–56050

National Highway Traffic Safety Administration**NOTICES**

Motor vehicle safety standards:

- Nonconforming vehicles—
Importation eligibility; determinations, 56063–56064

National Institute of Standards and Technology**NOTICES**

Meetings:

- Malcolm Baldrige National Quality Awards—
Panel of Judges, 56004

National Oceanic and Atmospheric Administration**PROPOSED RULES**

Fishery conservation and management:

- Atlantic swordfish, 55998–56002

NOTICES

Meetings:

- Western Pacific Fishery Management Council, 56004–
56005

National Park Service**NOTICES**

Environmental statements; availability, etc.:

- Joshua Tree National Park, CA, 56043

Meetings:

- White House Preservation Committee, 56043
- Wrangell-St. Elias National Park Subsistence Resource
Commission, 56043–56044

National Register of Historic Places:

- Pending nominations, 56044

Nuclear Regulatory Commission**NOTICES**

Meetings; Sunshine Act, 56050

Applications, hearings, determinations, etc.:

- Pennsylvania Power & Light Co., 56050

Patent and Trademark Office**NOTICES**

Meetings:

- Trademark Affairs Public Advisory Committee, 56005

Postal Rate Commission**NOTICES**

Meetings; Sunshine Act, 56050–56051

Presidential Documents**PROCLAMATIONS***Special observances:*

- Character Counts Week, National (Proc. 7141), 56071–
56074
- Forest Products Week, National (Proc. 7142), 56075–
56076
- White Cane Safety Day (Proc. 7140), 55935–55936

ADMINISTRATIVE ORDER

- Continuation of Emergency With Respect to Significant
Narcotics Traffickers Centered in Colombia, 56079

Public Health Service

See Food and Drug Administration

See Health Resources and Services Administration

Reclamation Bureau**NOTICES**

Contract negotiations:

- Tabulation of water service and repayment; quarterly
status report, 56044–56047

Environmental statements; availability, etc.:

- Arrowrock Dam outlet works rehabilitation, ID, 56047

Securities and Exchange Commission**NOTICES**

Options price reporting authority, 56051–56052

Self-regulatory organizations; proposed rule changes:

- American Stock Exchange, Inc., 56052–56055
- National Association of Securities Dealers, Inc., 56055–
56056
- Philadelphia Stock Exchange, Inc., 56056–56058

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**Permanent program and abandoned mine land reclamation
plan submissions:

- Oklahoma, 55979–55983

Surface Transportation Board**PROPOSED RULES**

Rate procedures:

- Service inadequacies; expedited relief, 55996–55997

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Transportation Department

See Coast Guard

See Federal Aviation Administration

See National Highway Traffic Safety Administration

See Surface Transportation Board

NOTICES

Aviation proceedings:

Hearings, etc.—

Air Ketchum, Idaho, Inc., 56058–56059

United States Information Agency**NOTICES**

Meetings:

Public Diplomacy, U.S. Advisory Commission, 56064–56065

Separate Parts In This Issue**Part II**

Department of Education, 56069–56070

Part III

The President, 56071–56076

Part IVThe President, 56077–56079

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.¹¹

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

7140.....55935
7141.....56073
7142.....56075

Executive Orders:

12978 (See Notice of
October 19, 1998).....56079

Administrative Orders:

Notice of October 19,
199856079

7 CFR

723 (2 documents)55937,
55939
1464 (2 documents)55937,
55939

Proposed Rules:

20155964

14 CFR

3955940
7155942

Proposed Rules:

71 (8 documents)55971,
55972, 55973, 55974, 55975,
55976, 55977, 55978

21 CFR

17755942
178 (2 documents)55944,
55945

30 CFR**Proposed Rules:**

93655979

33 CFR

6655946
11755947

34 CFR

67455948

40 CFR

5255949
6855954

Proposed Rules:

5255983
6855983
300 (2 documents)55985,
55986

44 CFR

6455956

46 CFR

19956066

47 CFR

73 (2 documents)55958
7955959

Proposed Rules:

6555988

49 CFR**Proposed Rules:**

114655996

50 CFR**Proposed Rules:**

63055998

Presidential Documents

Title 3—**Proclamation 7140 of October 15, 1998****The President****White Cane Safety Day, 1998****By the President of the United States of America****A Proclamation**

The white cane is both a simple tool and a powerful symbol. For people who are blind or visually impaired, it can be the key to greater mobility, giving them information about their surroundings and allowing them to travel safely whether crossing the street or crossing the country. For those who are sighted, the white cane shows that blind or visually impaired people have the ability, the desire, and the right to participate in every aspect of our national life. It is also a reminder that, whether as pedestrians or drivers, we should respond with care and courtesy to people using a white cane. And for all of us, the white cane symbolizes the independence every citizen needs and deserves if he or she is to contribute fully to society.

Our annual observance of White Cane Safety Day gives us the opportunity not only to celebrate the accomplishments of those who use the white cane, but also to renew our commitment to removing those barriers, both physical and attitudinal, that prevent people with disabilities from reaching their full potential. Since passage of the Rehabilitation Act, the Individuals with Disabilities Education Act, the Fair Housing Amendments Act, the Americans with Disabilities Act (ADA), and the Telecommunications Act, we have made great progress in our efforts to ensure that all people with disabilities enjoy equal access to employment opportunities, education, public accommodations, housing, transportation, telecommunications, emerging technologies, and other aspects of our society.

We still have a long way to go, however, before we achieve the full inclusion, empowerment, and independence of all Americans with disabilities. The public and private sectors must work in partnership to raise awareness of the rights protected by the ADA and other laws, as well as the responsibilities and obligations these laws mandate. It is crucial that we pursue a comprehensive strategy to enable people with all types of disabilities to obtain and sustain competitive employment in our Nation's thriving economy. Men and women with disabilities have much to offer, and their energy, creativity, and hard work can greatly strengthen our Nation and our economy. As we observe White Cane Safety Day and acknowledge the importance of the white cane as an instrument of personal freedom, let us reaffirm our determination to ensure equal opportunity for every American, including people who are blind or visually impaired.

To honor the many achievements of blind and visually impaired citizens and to recognize the white cane's significance in advancing independence, the Congress, by joint resolution approved October 6, 1964, has designated October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 15, 1998, as White Cane Safety Day. I call upon the people of the United States, government officials, educators, and business leaders to observe this day with appropriate programs, ceremonies, and activities.

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

William Clinton

[FR Doc. 98-28222

Filed 10-19-98; 8:45 am]

Billing code 3195-01-P

Rules and Regulations

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 1998

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

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

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560-AF19

1998 Marketing Quota and Price Support for Flue-Cured Tobacco

AGENCIES: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1998 crop of flue-cured tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended, (1938 Act), the Secretary determined the 1998 marketing quota for flue-cured tobacco to be 807.6 million pounds. In accordance with the Agricultural Act of 1949, as amended, (1949 Act), the Secretary determined the 1998 price support level to be 162.8 cents per pound.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, 1400 Independence Avenue, SW, Washington, DC 20250-0514, telephone 202-720-5346. Copies of the cost-benefit assessment prepared for this rule can be obtained from Mr. Tarczy.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since FSA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR parts 723 and 1464 set forth in this final rule do not contain any information collection requirements that require clearance through the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

Unfunded Federal Mandates

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandate Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Statutory Background

This rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act. Section 1108(c) of Pub. L. 99-272 provides that the determinations made in this rule are not subject to the provisions for public participation in rule making contained in 5 U.S.C. 553 or in any directive of the Secretary. Further, since this rule affirms existing determinations which are time-sensitive, the rule is made effective as of the date the underlying determinations were made.

Proclamation

On December 15, 1997, the Secretary announced the national marketing quota and the price support level for the 1998

crop of flue-cured tobacco. A number of related determinations were made at the same time, which this final rule affirms. The Secretary also announced that a referendum would be conducted by mail ballot with respect to flue-cured tobacco.

During January 12-15, 1998, eligible flue-cured tobacco producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1998, 1999, and 2000 marketing years (MY) for this kind of tobacco. Of the producers voting, 98.5 percent favored marketing quotas for flue-cured tobacco. Accordingly, quotas and price support are in effect for the 1998 MY.

Marketing Quota

Section 317(a)(1)(B) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the 3 marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

The reserve stock level is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1998 crop of flue-cured tobacco by December 1, 1997. Five such manufacturers were required to submit such a statement for the 1998 crop and the total of their intended purchases for the 1998 crop is 454.6 million pounds. The 3-year average of exports is 371.9 million pounds.

The national marketing quota for the 1997 crop year was 973.8 million pounds (62 FR 24799). Thus, in

accordance with section 301(b)(14)(C) of the 1938 Act, the reserve stock level for use in determining the 1998 marketing quota for flue-cured tobacco is 146.1 million pounds.

Due to short crops in 1995 and 1996, all pre-1997 loan stocks held by the Flue-Cured Tobacco Cooperative Stabilization Corporation have been sold. Loans from the 1997 crop total 188.5 million pounds. Accordingly, the adjustment to maintain loan stocks at the reserve supply level is a decrease of 42.4 million pounds.

The total of the three marketing quota components for the 1998–99 MY is 784.1 million pounds. In addition, the discretionary authority to increase the three-component total by 3 percent was used due to the adverse impact on small farmers of the large reduction (still 16.5 percent) in the 1998 marketing quota. Accordingly, the national marketing quota for the MY beginning July 1, 1998, for flue-cured tobacco is 807.6 million pounds.

Section 317(a)(2) of the 1938 Act provides that the national average yield goal be set at a level that the Secretary determines will improve or ensure the useability of the tobacco and increase the net return per pound to the producers. Since average yields have not changed significantly in recent years, the national average yield goal for the 1998–99 MY will be 2,088 pounds per acre, the same as last year's level.

In accordance with section 317(a)(3) of the 1938 Act, the national acreage allotment for the 1998 crop of flue-cured tobacco is determined to be 386,781.61 acres, derived from dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1998 crop of flue-cured tobacco of 1,890 acres is adequate for these purposes.

In accordance with section 317(a)(4) of the 1938 Act, the national acreage factor for the 1998 crop of flue-cured tobacco for uniformly adjusting the acreage allotment of each farm is determined to be 0.835, which is the result of dividing the 1998 national allotment (386,781.61 acres) minus the national reserve (1,890 acres) by the total of allotments established for flue-

cured tobacco farms in 1997 (460,942.49 acres).

In accordance with section 317(a)(7) of the 1938 Act, the national yield factor for the 1998 crop of flue-cured tobacco is determined to be 0.9268, which is the result of dividing the national average yield goal (2,088 pounds) by a weighted national average yield (2,253 pounds).

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1998 crop of flue-cured tobacco, the level of support is determined in accordance with sections 106(d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides that the level of support for the 1998 crop of flue-cured tobacco shall be:

(1) The level, in cents per pound, at which the 1997 crop of flue-cured tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for flue-cured tobacco on the U.S. auction markets, as determined by the Secretary, during the 5 MYs immediately preceding the MY for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for flue-cured tobacco on the U.S. auction markets, as determined by the Secretary, during the 5 MY immediately preceding the MY prior to the MY for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year for which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A) (I) and (A) (II)) is 0.0 cent per pound. The difference in the cost index from

January 1, 1997, to December 31, 1997, is 2.2 cents per pound. Applying these components to the price support formula (0.0 cent per pound, two-thirds weight; 2.2 cents per pound, one-third weight) results in a weighted total of 0.7 cent per pound. As indicated, section 106 of the 1949 Act provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. However, because the formula increase is significantly less than the increase in the cost of production, this discretion was not used for 1998. Accordingly, the 1998 crop of flue-cured tobacco will be supported at 162.8 cents per pound, 0.7 cent higher than the 1997 crop.

List of Subjects

7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

7 CFR Part 1464

Loan programs-agriculture, Price support programs, Reporting and recordkeeping requirements, Tobacco, Warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.111 is amended by adding paragraph (f) to read as follows:

§ 723.111 Flue-cured (types 11–14) tobacco.

* * * * *

(f) The 1998 crop national marketing quota is 807.6 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, and 1445–1, 15 U.S.C. 714b and 714c.

4. Section 1464.12 is amended by adding paragraph (f) to read as follows:

§ 1464.12 Flue-cured (types 11–14) tobacco.

* * * * *

(f) The 1998 crop national price support level is 162.8 cents per pound.

Signed at Washington, DC, on October 9, 1998.

Keith Kelly,

*Administrator, Farm Service Agency and
Executive Vice President, Commodity Credit
Corporation.*

[FR Doc. 98-28018 Filed 10-19-98; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560-AF18

1998 Marketing Quota and Price Support for Burley Tobacco

AGENCIES: Farm Service Agency and
Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1998 crop of burley tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended, (1938 Act), the Secretary determined the 1998 marketing quota for burley tobacco to be 637.8 million pounds. In accordance with the Agricultural Act of 1949, as amended, (1949 Act), the Secretary determined the 1998 price support level to be 177.8 cents per pound.

EFFECTIVE DATE: January 30, 1998.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, 1400 Independence Avenue, SW., Washington, DC 20250-0514, telephone 202-720-5346. Copies of the cost-benefit assessment prepared for this rule can be obtained from Mr. Tarczy.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since Farm Service Agency (FSA) nor the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of these determinations.

Paperwork Reduction Act

These final amendments do not contain information collection that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Unfunded Federal Mandates

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandate Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Statutory Background

This rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act. Section 1108(c) of Pub. L. 99-272 provides that the determinations made in this rule are not subject to the provisions for public participation in rule making contained in 5 U.S.C. 553 or in any directive of the Secretary. Further, since this rule affirms existing determinations which are time-sensitive, the rule is made effective as of the date of the underlying determinations.

Proclamation

On January 30, 1998, the Secretary announced the national marketing quota and the price support level for the 1998 crop of burley tobacco. A number of related determinations were made at the same time, which this final rule affirms. The Secretary also announced that a referendum would be conducted by mail ballot with respect to burley tobacco.

During February 23-27, 1998, eligible burley tobacco producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1998, 1999, and 2000 marketing years (MYs) for this kind of tobacco. Of the producers voting, 97.5 percent

avored marketing quotas for burley tobacco. Accordingly, quotas and price support are in effect for the 1998 MY.

Marketing Quota

Section 319(c)(3) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for burley tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of burley tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the 3 marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

The reserve stock level is defined in section 301(b)(14)(D) of the 1938 Act as the greater of 50 million pounds or 15 percent of the national marketing quota for burley tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1998 crop of burley tobacco by January 15, 1998. Five such manufacturers were required to submit such a statement for the 1998 crop and the total of their intended purchases for the 1998 crop is 421.1 million pounds. The 3-year average of exports is 188.1 million pounds.

The national marketing quota for the 1997 crop year was 704.5 million pounds (62 FR 30229). Thus, in accordance with section 301(b)(14)(D) of the 1938 Act, the reserve stock level for use in determining the 1998 marketing quota for burley tobacco is 105.7 million pounds.

As of January 24, 1998, the Burley Tobacco Growers Cooperative Association and Burley Stabilization Corporation had in their inventories 27.1 million pounds of burley tobacco (excluding pre-1994 stocks committed to be purchased by manufacturers and covered by deferred sales). The 1997-crop receipts are expected to total about 50 million pounds. Accordingly, the adjustment necessary to maintain loan stocks at the reserve supply level is an increase of 28.6 million pounds.

The total of the three marketing quota components for the 1997-98 marketing

year is 637.8 million pounds. USDA did not use its discretionary authority to increase or decrease the three-component total by up to 3 percent because the Secretary determined that the 1998/99 supply would be ample and appropriate at the formula level. Accordingly, the national marketing quota for the marketing year beginning October 1, 1998, for burley tobacco is 637.8 million pounds.

In accordance with section 319(c) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national quota in an amount equivalent to not more than 1 percent of the national quota for the purpose of making corrections in farm quotas to adjust for inequities and establish quotas for new farms. The Secretary has determined that a national reserve for the 1998 crop of burley tobacco of 738,000 pounds is adequate for these purposes.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1998 crop of burley tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides that the level of support for the 1998 crop of burley tobacco shall be:

(1) The level, in cents per pound, at which the 1997 crop of burley tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately

preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A) (I) and (II)) is 2.9 cents per pound. The difference in the cost index from January 1, 1997 to December 31, 1997, is 2.5 cents per pound. Applying these components to the price support formula (2.9 cents per pound, two-thirds weight; 2.5 cents per pound, one-third weight) results in a weighted total of 2.8 cents per pound. As indicated, section 106 of the 1949 Act provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1998 crop of burley tobacco will be supported at 177.8 cents per pound, 1.8 cents higher than in 1997.

List of Subjects

7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

7 CFR Part 1464

Loan programs—agriculture, Price support programs, Reporting and recordkeeping requirements, Tobacco, Warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.112 is amended by adding paragraph (f) to read as follows:

§ 723.112 Burley (type 31) tobacco.

* * * * *

(f) The 1998-crop national marketing quota is 637.8 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b and 714c.

4. Section 1464.19 is amended by adding paragraph (f) to read as follows:

§ 1464.19 Burley (type 31) tobacco.

* * * * *

(f) The 1998 crop national price support level is 177.8 cents per pound.

Signed at Washington, DC, on October 9, 1998.

Keith Kelly,

Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 98–28017 Filed 10–19–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–73–AD; Amendment 39–10846; AD 98–21–37]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, and –40 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, and –40 series airplanes, that requires installation of a new protector cap in all fuel tank boost/transfer pump housings. This amendment is prompted by reports of inoperative fuel boost/transfer pumps due to arcing or burning of the electrical connectors. The actions specified by this AD are intended to prevent damage to the fuel tank boost/transfer pump housings in case of an electrical connector malfunction, which could result in increased risk of a fuel tank explosion or fire.

DATES: Effective November 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 23, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California

90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roscoe Van Dyke, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5254; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, and -40 series airplanes was published in the **Federal Register** on June 12, 1998 (63 FR 32154). That action proposed to require installation of a new protector cap in all fuel tank boost/transfer pump housings.

Comments

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

Support for the Proposal

Several commenters support the intent of the proposal.

Request To Extend Compliance Time

Two commenters request that the compliance time be extended. One commenter requests an extension from 24 to 30 months to allow for parts delivery from the manufacturer. Another commenter requests an extension to 40 months to coincide with its maintenance check schedule.

The FAA does not concur that the compliance time should be extended. The FAA has been advised by the manufacturer that required parts will be available in time for installation within the proposed 24-month compliance period. Furthermore, the FAA finds that 24 months should provide ample time for the modification to be accomplished during scheduled maintenance. Therefore, in consideration of parts availability and operators' maintenance schedules, the FAA has determined that the 24-month compliance time not only

is necessary to ensure the safety of the fleet, but will provide a reasonable time period to accomplish the modification. No change to the final rule is necessary in this regard.

Request To Revise Cost Estimate

Two commenters state that the proposed cost estimate is too low. One commenter states that the parts cost is higher than the figure reported in the proposal. Another commenter suggests increased, "more realistic" work hour estimates for the three airplane groups identified in the proposal, and states that additional time would be required if fuel tank entry is needed to perform work specified in another service bulletin (Crane Service Bulletin 60-843-3-28-14).

The FAA does not concur that the cost estimate should be revised. With respect to parts cost, the cost estimate as proposed is based on information provided by the manufacturer. McDonnell Douglas DC-10 Service Bulletin 28-97 (which was cited in the proposal as the appropriate source of service information) indicated a sliding scale for parts costs relative to the quantities of parts purchased; those figures correspond to the parts cost figures reported in the AD.

With respect to the work hour estimate, the FAA infers that the commenter requests that the AD be revised to include work hours for indirect labor associated with placing the airplane into maintenance status and gaining access to accomplish the required actions. The FAA advises that the proposed estimate does not reflect work hours for such indirect labor. In addition, the FAA infers that the commenter requests that the AD be revised to include work hours necessary to accomplish the referenced Crane service bulletin. However, the Crane service bulletin is not described in the proposal, and the proposed cost estimate does not account for modifications or maintenance not required by this AD.

The FAA finds that the parts and direct labor cost estimates, as proposed, are appropriate. No change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 188 airplanes of the affected design in the worldwide fleet. The FAA estimates that

151 airplanes of U.S. registry will be affected by this AD.

For airplanes identified as Group I in McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985, it will take approximately 12 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$3,400 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group I airplanes is estimated to be \$4,120 per airplane.

For airplanes identified as Group II in the referenced service bulletin, it will take approximately 15 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$4,100 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group II airplanes is estimated to be \$5,000 per airplane.

For airplanes identified as Group III in the referenced service bulletin, it will take approximately 17 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$4,800 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group III airplanes is estimated to be \$5,820 per airplane.

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

Regulatory Impact

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

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

Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98-21-37 McDonnell Douglas: Amendment 39-10846. Docket 98-NM-73-AD.

Applicability: Model DC-10-10, -15, -30, and -40 series airplanes; as listed in McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985; 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 damage to the fuel tank boost/transfer pump housings in case of an electrical connector malfunction, which could result in increased risk of a fuel tank explosion or fire, accomplish the following:

(a) Within 24 months after the effective date of this AD, install a new protector cap in all fuel tank boost/transfer pump housings in accordance with McDonnell Douglas DC-10 Service Bulletin 28-97, dated May 10, 1982, or Revision 1, dated October 8, 1985.

(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, Los

Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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 McDonnell Douglas DC-10 Service Bulletin 28-97, dated May 10, 1982; or McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 23, 1998.

Issued in Renton, Washington, on October 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-27882 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AWP-19]

Revocation of Class D Airspace, Tustin MCAS, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revokes the Class D airspace area at Tustin Marine Corps Air Station, (MCAS), CA.

DATES: The direct final rule published in 63 FR 46165 is effective at 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT:

Debra Trindle, Air Traffic Division, Airspace Specialist, AWP-520.10, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (310) 725-6613.

SUPPLEMENTARY INFORMATION: On August 31, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments, which revoked the Class D airspace area at Tustin MCAS, CA. (FR Document 98-23368, 63 FR 46165, Airspace Docket No. 98-AWP-19). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulations would become effective on December 3, 1998. No adverse comments were received, therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California on October 7, 1998.

Dawna J. Vicars,

Assistant Manager, Air Traffic Division, Western Pacific Region.

[FR Doc. 98-28041 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 96F-0107]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a polyester-polyurethane resin-acid dianhydride adhesive in retortable pouches intended for use in contact with food.

DATES: The regulation is effective October 20, 1998. Submit written objections and requests for a hearing by November 19, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 23, 1996 (61 FR 17901), FDA announced that a food additive petition (FAP 6B4496) had been filed by Dainippon Ink and Chemicals, Inc., c/o Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091. The petition proposed to amend the food additive regulations in § 177.1390 *Laminate structures for use at temperatures of 250 °F and above* (21 CFR 177.1390) to permit the safe use of aliphatic polyester-polyurethane resin-acid dianhydride adhesive in retortable pouches intended for use in contact with food.

When the petition was filed, it contained an environmental assessment (EA). In the notice of filing (61 FR 17901), the agency announced that it was placing the EA on display at the Dockets Management Branch (address above) for public review and comment. No comments were received. In the **Federal Register** of July 29, 1997 (62 FR 40570), FDA published a document that revised regulations under part 25 (21 CFR part 25), which became effective on August 28, 1997. On March 24, 1998, the petitioner made a claim of categorical exclusion under the new paragraph in § 25.32(i), in accordance with the procedures in § 25.15(a) and (d). Because the agency had not completed its review of the earlier submitted EA, the agency reviewed the claim of categorical exclusion under § 25.32(i) for this final rule.

The additive was identified in the filing notice as an aliphatic polyester-polyurethane resin-acid dianhydride adhesive. It is unclear to which structural unit the term aliphatic applies, and moreover, such distinction is not necessary to adequately identify the chemical composition of the additive. Therefore, the additive will be listed as a polyester-polyurethane resin-acid dianhydride adhesive in this final rule.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and therefore, (3) the regulations in § 177.1390 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and

relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has determined under § 25.32(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an EA nor an environmental impact statement is required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before November 19, 1998, file with the Dockets Management Branch (address above) written objection thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

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, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.1390 is amended by adding paragraph (c)(2)(vii) and by revising paragraph (c)(3)(i)(a)(I) to read as follows:

§ 177.1390 Laminate structures for use at temperatures of 250 °F and above.

* * * * *

(c) * * *

(2) * * *

(vii) Polyester-polyurethane resin-acid dianhydride adhesives for use at temperatures not to exceed 121 °C (250 °F), in contact only with food Types I, II, VIA, VIB, VIIB, and VIII as described in Table I of § 176.170 of this chapter, and formulated from the following mixture:

(a)(I) Polyesterpolyurethanediol resins prepared by the reaction of a mixture of polybasic acids and polyhydric alcohols listed in § 175.300(b)(3)(vii) of this chapter and 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate (CAS Reg. No. 4098-71-9). Additionally, dimethylol propionic acid and 1,6-hexanediol may be used alone or in combination as reactants in lieu of a polybasic acid and a polyhydric alcohol.

(2) Acid dianhydride formulated from 3a,4,5,7a-tetrahydro-7-methyl-5-(tetrahydro-2,5-dioxo-3-furanyl)-1,3-isobenzofurandione (CAS Reg. No. 73003-90-4), comprising not more than one percent of the cured adhesive.

(b) Urethane cross-linking agent, comprising not more than twelve percent by weight of the cured adhesive, and formulated from trimethylol propane (CAS Reg. No. 77-99-6) adducts of 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate (CAS Reg. No. 4098-71-9) and/or 1,3-bis(isocyanatomethyl)benzene (CAS Reg. No. 363-48-31).

(3) * * *

(i) * * *

(a) * * *

(I) The chloroform-soluble fraction of the total nonvolatile extractives for containers using adhesives listed in paragraphs (c)(2)(i), (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), and (c)(2)(vii) of this section shall not exceed 0.0016 milligram per square centimeter (0.01 milligram per square inch) as determined by a method entitled "Determination of Non-Volatile Chloroform Soluble Residues in Retort Pouch Water Extracts," which is incorporated by reference. Copies are available from the Center for Food Safety and Applied Nutrition (HFS-

200), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 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 20408.

* * * * *

Dated: October 1, 1998.

L. Robert Lake,

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

[FR Doc. 98-27993 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 98F-0292]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the expanded safe use of 2-methyl-4,6-bis[(octylthio)methyl]phenol intended for use in food-contact applications. This action is in response to a petition filed by Ciba Specialty Chemicals Corp.

DATES: The regulation is effective October 20, 1998; submit written objections and requests for a hearing by November 19, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 11, 1998 (63 FR 25864), FDA

announced that a food additive petition (FAP 8B4594) had been filed by Ciba Specialty Chemicals Corp., 540 White Plains Rd., Tarrytown, NY 10591-9005. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the expanded safe use of 2-methyl-4,6-bis-[(octylthio)methyl]phenol as a stabilizer for rubber-modified polystyrene complying with 21 CFR 177.1640 intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing for the petition. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before November 19, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each

numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

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, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b) by revising the entry for "2-methyl-4,6-bis[(octylthio)methyl]phenol" in item "5." under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
<p>* * *</p> <p>2-Methyl-4,6-bis[(octylthio)methyl]phenol (CAS Reg. No. 110553-27-0).</p> <p>* * *</p>	<p>* * *</p> <p>For use only:</p> <p>* * *</p> <p>5. At levels not to exceed 0.1 percent by weight of petroleum alicyclic hydrocarbon resins complying with § 175.320 of this chapter; rubber-modified polystyrene complying with § 177.1640 of this chapter; and petroleum hydrocarbon resins and rosins and rosin derivatives complying with § 178.3800 of this chapter.</p> <p>* * *</p>

Dated: October 9, 1998.

L. Robert Lake,

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

[FR Doc. 98-27992 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 98F-0390]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,9-dimethylanthra(2,1,9-def:6,5,10-d'e'f)diisoquinoline-1,3,8,10-(2H,9H)-tetrone, (C.I. Pigment Red 179) as a colorant for all polymers intended for use in contact with food. This action responds to a petition filed by BASF Corp.

DATES: This regulation is effective October 20, 1998; written objections and requests for a hearing by November 19, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 15, 1998 (63 FR 32672), FDA announced that a food additive petition

(FAP 8B4596) had been filed by BASF Corp., 3000 Continental Dr. North, Mt. Olive, NJ 07828-1234. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of 2,9-dimethylanthra(2,1,9-def:6,5,10-d'e'f)diisoquinoline-1,3,8,10-(2H,9H)-tetrone, (C.I. Pigment Red 179) as a colorant for all polymers intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4596 (63 FR 32672, June 15, 1998). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any

time on or before November 19, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

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, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3297 is amended in the table in paragraph (e) by alphabetically adding an entry under the headings

“Substances” and “Limitations” to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
* * *	* * *
2,9-Dimethylantra(2,1,9-def:6,5,10-d'e'f')diisoquinoline-1,3,8,10(2H,9H)-tetrone (C.I. Pigment Red 179, CAS Reg. No. 5521-31-3).	For use at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use B through H as described in Table 2 of § 176.170(c) of this chapter.
* * *	* * *

Dated: October 9, 1998.

L. Robert Lake,

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

[FR Doc. 98-28060 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[USCG-1998-3604]

RIN 2115-AF50

Amendment of State Waters for Private Aids to Navigation in Wisconsin and Alabama

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Coast Guard is reestablishing Federal jurisdiction over certain waterways in the State of Alabama and expanding state jurisdiction of certain waterways in the State of Wisconsin for the purposes of Private Aids to Navigation. This action is being taken to implement a request from the State of Alabama and an agreement between the State of Wisconsin and the Coast Guard, and to ensure, safe navigation on the affected waterways.

DATES: This final rule is effective November 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, USCG-1998-3604, U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT:

For questions on this rule, contact Mr. Dan Andrusiak, G-OPN-2 at U.S. Coast Guard, (202) 267-0327.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 15, 1998, the Coast Guard published a notice of proposed rulemaking entitled Amendment of State Waters for private aids to navigation in Wisconsin and Alabama in the **Federal Register** (63 FR 18349). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

On March 26, 1971, the Coast Guard and the State of Alabama signed an agreement giving the State of Alabama control over certain of its waterways for the purposes of private aids to navigation. On April 1, 1981, Mr. William Garner, Director, Marine Police Division for the State of Alabama, sent a letter to the Chief of the Eighth Coast Guard District Aids to Navigation branch asking that the original agreement of March 26, 1971, be discontinued. Mr. Garner stated that no follow-up had been done on the agreement and therefore that the agreement had never been implemented. The Coast Guard is implementing this change to comply with the State of Alabama's request and to ensure that discrepancies in aids to navigation can be quickly corrected. This rule also implements an agreement between the Coast Guard and the State of Wisconsin changing the reference date for designation of State waters for private aids to navigation from November 17, 1969, to May 1, 1996.

This rule change accomplished two things for the purpose of Private Aids to Navigation. First, by removing Paragraph § 66.05-100(a) it will reestablish Federal jurisdiction over certain waterways in the State of Alabama. Second, by amending paragraph § 66.05-100(j) the State of Wisconsin will expand state jurisdiction over Lake Winnebago, the Fox River,

and various other waterways in their regulatory system.

Discussion of Comments and Changes

The Coast Guard published a Notice of Proposed Rulemaking on April 15, 1998 and allowed the public a 60 day comment period. The Coast Guard received no comments; therefore the NPRM is being adopted as final with no changes.

Regulatory Evaluation

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 606(b) that the final rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This conclusion was reached by conferring with Aids to Navigation personnel at the affected districts and having received assurance that this rule change would not cause any significant

economic impact on small business. Therefore, the Coast Guard certifies under section 605(b) of the Regulator Flexibility Act (5 U.S.C. 601-612) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard offered to assist small entities in understanding this proposed rule so that they can better evaluate its effect on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact LCDR John Fidaleo, G-OPN-2 at (202) 267-0346.

Collection of Information

This final rule does not provide for a collection-of-information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under paragraph 2.B.2.e(23) and (34)(i) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements. For the reasons set forth in the preamble, the Coast Guard amends 33 CFR part 66 as follows:

PART 66—[AMENDED]

1. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

2. In § 66.05-100, remove paragraph (a), and redesignate paragraphs (b) through (j) as paragraphs (a) through (i), and revise newly designated paragraph (i) to read as follows:

§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.

* * * * *

(i) *Wisconsin*. Navigable waters within the State not marked with Coast Guard aids to navigation as of May 1, 1996.

Dated: October 9, 1998.

Ernest R. Riutta,

Assistant Commandant for Operations.

[FR Doc. 98-28035 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-98-014]

RIN 2115-AE47

Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the Belt Line Railroad drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 2.6, at Portsmouth and Chesapeake, Virginia. This change will eliminate the need for a bridgetender by allowing the bridge to be operated by the bridge/train controller from a remote location at the Berkley Yard office. The Belt Line Bridge will be left in the open position, and will only close for the passage of trains and to perform maintenance.

This new rule will maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of rail transportation and vessel navigation.

DATES: this rule is effective on November 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (AOWB), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757)398-6222.

FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 1, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia" in the **Federal Register** (63 FR 29677). The Coast Guard received one comment from the Virginia Pilots Association stating no objection, but requesting clarity on how radio communications would be handled. No public hearing was requested and none was held.

Background and Purpose

The Belt Line Railroad Bridge across the Southern Branch of the Elizabeth River, mile 2.6, located in Portsmouth and Chesapeake, Virginia, currently is left in the open position and only closed by a bridgetender on site for the passage of trains and periodic maintenance. The Belt Line Railroad Company requested that the current regulations be changed by allowing operation of the bridge from a remote location or train crossings or maintenance. The bridge would be operated by the bridge/train controller at the Berkley Yard office.

Prior to publishing the Notice of Proposed Rulemaking, the Coast Guard met with the Belt Line Railroad Company, the Virginia Pilots Association, Hampton Roads Maritime Association, Steamship Trade Committee, and various tug and barge companies. The meeting targeted possible safety problems associated with controlling the bridge from an offsite location. The Virginia Pilots Association voiced concern for safety and wanted assurance that radio communications and visual surveillance would be maintained at all times. The Belt Line Railroad Company responded that it would do so. Based on the procedures established in this meeting, and the guidelines provided by the Belt Line Railroad Company, the Coast Guard believes that this regulations will make the closure process more efficient during train crossings and periodic maintenance and will save operational expenses by eliminating bridgetenders while still providing the same bridge operational capabilities. The Coast Guard is revising 33 CFR 117.997 by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and adding a new paragraph (a).

Discussion of Comments and Changes

The Coast Guard received 1 comment from the Virginia Pilots Association on the NPRM. This comment did not oppose or recommend a change, but merely requested additional information

as to how radio communications between the Bridge/Train Controller and the waterway users would be handled, and it requested additional radio communications during the lowering of the bridge. These concerns were a misunderstanding by the Pilots of the procedures proposed. The Pilots are now satisfied that this issue is addressed adequately in this Final Rule. Since no comments opposing the proposed change were received, the final rule is being implemented without change.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard reached this conclusion based on the fact that this change will not prevent mariners from transiting the bridge, but merely require mariners to adhere to the new operation procedures during transits of the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the U.S. Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small independently owned and operated businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation based on the fact that this is a promulgation of an operating regulation for a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.997 is amended by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and by adding a new paragraph (a) to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albermarle and Chesapeake Canal.

(a) The draw of the Belt Line Railroad Bridge, mile 2.6, in Portsmouth and Chesapeake will operate as follows:

(1) The bridge will be left in the open position at all times and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(2) The bridge will be operated by the controller at the Berkley Yard office.

(3) The controller will monitor waterway traffic in the area of the bridge and directly beneath the bridge with closed circuit cameras mounted on top of the bridge and with surface navigational radar.

(4) When the bridge closes for any reason, the controller will announce 30 minutes in advance, 15 minutes in advance, and immediately proceeding the actual lowering, over marine channel 13, that the Belt Line Railroad Bridge is closing for river traffic. In each of these three announcements, the bridge/train controller will request all concerned river traffic to please acknowledge on marine channel 13.

(5) The bridge shall only be operated from the remote site if closed circuit

visual and radar information shows there are no vessels in the area and no opposing radio communications have been received.

(6) While the Belt Line Bridge is moving from the full open position to the full closed position, the bridge/train controller will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure of a camera or the radar system, or loss of marine-radio communications, the bridge shall not be operated by the off-site bridge/train controller from the remote location.

(7) If the off-site bridge/train controller's visibility of the navigational channel is less than $\frac{3}{4}$ of a mile, the bridge shall not be operated from the remote location.

(8) When the draw cannot be operated from the remote site, a bridgetender must be called to operate the bridge in the traditional on-site manner.

(9) The Belt Line mid-channel lights will change from green to red anytime the bridge is not in the full open position.

(10) During the downward and upward span movement, a warning alarm will sound until the bridge is seated and locked down or in the full open position.

(11) When the bridge has returned to its full up position, the mid-channel light will turn from red to green, and the controller will announce over marine radio channel 13, "Security, security, security, the Belt Line bridge is open for river traffic." Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 543-1996 or (757) 545-2941.

* * * * *

Dated: October 7, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 98-28036 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 674

Federal Perkins Loan Program

CFR Correction

In Title 34 of the Code of Federal Regulations, parts 400 to end, revised as of July 1, 1998, on page 541, in § 674.19, paragraph (b)(5) is removed.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[Region 2 Docket No. NJ32-183a, FRL-6174-5]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is announcing approval of four (4) revisions to the State Implementation Plan (SIP) for ozone submitted by the State of New Jersey. These revisions consist of fifteen (15) source-specific reasonably available control technology (RACT) determinations for controlling oxides of nitrogen (NO_x) from various sources in New Jersey. This direct final rule approves the source-specific RACT determinations that were made by New Jersey in accordance with provisions of its regulation. This action is being taken in accordance with section 110 of the Clean Air Act (the Act).

DATES: This direct final rule is effective on December 21, 1998 without further notice, unless EPA receives adverse comment by November 19, 1998. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All written comments should be addressed to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866.

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007-1866

New Jersey Department of
Environmental Protection, Office of
Air Quality Management, Bureau of
Air Pollution Control, 401 East State
Street, CN027, Trenton, New Jersey
08625

Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ted Gardella or Richard Ruvo, Air Programs

Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION:**A. Background**

The air quality planning requirements for the reduction of NO_x emissions through RACT are set out in section 182(f) of the Act. The EPA described section 182(f) requirements in a Notice entitled "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (NO_x Supplement) which was published on November 25, 1992 (57 FR 55620). For detailed information on the NO_x requirements, refer to the NO_x Supplement and to additional NO_x guidance memoranda released subsequent to the NO_x Supplement.

The EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979).

Section 182 of the Act provides requirements for nonattainment areas classified as marginal and above. Within ozone nonattainment areas classified moderate or above and areas within an ozone transport region, section 182(f) of the Act requires that states apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and section 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs). For more information on what constitutes a major source, see section 2 of the NO_x Supplement to the General Preamble.

Section 182(b)(2) of the Act requires submissions, by November 15, 1992, of SIP revisions which provide for implementation of RACT as expeditiously as practicable but no later than May 31, 1995, where for a source category EPA has issued a control technique document (CTG) before November 15, 1990, or for all major stationary sources that the Agency has not issued a CTG. For sources covered by a CTG between November 15, 1990 and the date of attainment, section 182(b)(2) requires SIP revisions within the period set forth by the Administrator in issuing the CTG document.

EPA did not issue any CTGs for major stationary sources of NO_x either before or after November 15, 1990. Therefore, section 182(b)(2) of the Act requires submission, by November 15, 1992, of all SIP revisions which provide for

implementation of RACT on major stationary sources of NO_x for all ozone nonattainment areas classified moderate or above and for all ozone transport regions. New Jersey, which is within the Northeast ozone transport region established by section 184(a) of the Act, is required to adopt and implement RACT on major stationary sources. Sections 182(f) and 184(b) of the Act require the application of NO_x RACT requirements Statewide.

B. New Jersey's NO_x RACT Regulation

On November 15, 1993, New Jersey submitted to EPA, as a revision to the SIP, subchapter 19 of Chapter 27, Title 7 of the New Jersey Administrative Code. Subchapter 19 is entitled "Control and Prohibition of Air Pollution From Oxides of Nitrogen." This subchapter provides the NO_x RACT requirements for New Jersey and was effective on December 20, 1993. New Jersey submitted subchapter 19 to EPA, as a revision to the SIP, on November 15, 1993 and on October 2, 1995, the EPA proposed full approval (60 FR 51379). On January 27, 1997, the EPA final action on subchapter 19 was published in the **Federal Register** (62 FR 3804).

On March 24, 1995, New Jersey adopted amendments to Subchapter 19 and submitted them to EPA for approval as a SIP revision on June 21, 1996. On September 26, 1996, the EPA found these amendments administratively and technically complete. EPA expects to publish, in the near future, a proposed action on the June 1996 submittal.

C. Section 19.13—Facility Specific NO_x Emission Limits

Section 19.3 of New Jersey's regulation establishes a procedure for a case-by-case determination of what represents RACT for a particular facility item, equipment or source operation. This procedure is applicable in two situations: (1) Except for non-utility boilers, if the major NO_x facility contains any source operation or item of equipment of a category not listed in section 19.2 which has the potential to emit more than 10 tons of NO_x per year, or (2) if the owner or operator of a source operation or item of equipment of a category listed in section 19.2 seeks approval of an alternative maximum allowable emission rate.

New Jersey's procedure requires either submission of a NO_x control plan if specific emission limitations do not apply to the specific source, or submission of a request for an alternative maximum allowable emission rate if specific emission limitations do apply to the specific source. In either case, the owners/

operators must include a technical and economic feasibility analysis of the possible alternative control measures. RACT determinations for an alternative maximum allowable emission rate must consider control technologies (e.g., low NO_x burners) and alternative control strategies (e.g., emissions averaging, seasonal fuel switching to natural gas, and repowering). Also, in either case, subchapter 19 requires that New Jersey establish emission limits which rely on a RACT determination specific to the facility. The resulting NO_x control plan or alternate maximum allowable emission rate must be submitted to EPA for approval as a SIP revision.

D. Section 19.21—Phased Compliance Through Repowering

Section 19.21 of New Jersey's regulation allows attainment of compliance through repowering. Under subchapter 19, repowering is defined as the permanent cessation of steam generator operations replaced by either the installation of a new combustion source or the purchase of heat or power from a new combustion source located in New Jersey.

Section 19.21 requires that a source owner who requests compliance through repowering: (1) Enter into an enforceable commitment with the State to repower, (2) submit an analysis that defines RACT for the interim period between May 31, 1995 and the date the unit will be repowered, (3) specify a date, which can be no later than May 31, 1999, by which the unit will be repowered, (4) include appropriate milestones for the repowering project, (5) meet applicable SIP and Federal requirements upon the repower date, and (6) ensure that the repowering commitment is federally enforceable.

Section 19.21 also requires that a source establish emission limits using advanced control techniques and commit to meet these limits once the source is repowered. The maximum allowable NO_x emissions rate, expressed in pounds per million BTUs (lbs/MM BTU), for repowered utility boilers ranges from 0.1 to 0.2 depending upon the type of boiler and the type of fuel. Section 19.21 allows repowering of all combustion sources and replaces section 19.14(c) which allowed repowering only for utility boilers.

E. Procedural History of Submittals

Prior to adoption of the fifteen source-specific RACT revisions discussed in this Notice, New Jersey published proposed limitations for each source specific RACT determination in local newspapers and provided thirty (30) days for public comment and an

opportunity to request a public hearing. New Jersey reviewed and responded to all comments. The State then determined that the proposed NO_x control plans, alternative maximum allowable emission rates and repowering plan conform with the provisions of sections 19.13 or 19.21 of New Jersey's regulation. These RACT determinations were made during 1994, 1995, 1996 and 1997.

After New Jersey made each determination it issued letters of approval to each owner. These letters included and incorporated either an attached conditions of approval document (COAD) or, in one case, an attached facility wide permit (FWP). Each COAD or FWP contains conditions consistent with subchapter 19. These conditions are considered approved permit conditions which are fully enforceable by the State. Each COAD and FWP is identified in the "Incorporation by reference" section at the end of this document.

New Jersey submitted the fifteen source-specific SIP revisions to EPA on June 18, 1996, July 10, 1996, December 17, 1996, and May 2, 1997.

F. EPA Analysis of State Submittals

After reviewing the submittals, EPA found them all administratively and technically complete. For each source discussed in this document, EPA determined that the New Jersey letter of approval identifies NO_x requirements which represent RACT for the source. The conditions contained in the COADs and FWP include, for example, emission limits, work practice standards, and testing, monitoring, and record keeping/reporting requirements. These conditions are consistent with the NO_x RACT requirements specified in subchapter 19 and conform to EPA NO_x RACT guidance. Please note there may be other requirements, such as adequate monitoring, which States and sources will need to provide for, through the Title V permitting process. Therefore, EPA is approving New Jersey's fifteen source-specific SIP revision submittals dated June 18, 1996, July 10, 1996, December 17, 1996 and May 2, 1997.

EPA's evaluation of each RACT submittal is detailed in a document dated June 8, 1998, entitled "Technical Support Document—NO_x RACT Source-Specific SIP Revisions-State of New Jersey." A copy of that document is available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

This document includes a summary of each RACT submittal. These summaries are organized into three groups as follows: I. "Facility-Specific NO_x

Emission Limits"—nine major NO_x facilities that contain a source operation or item of equipment for which New Jersey has not established an emission limit pursuant to subchapter 19; II.

"Alternative NO_x Emission Limits"—five major NO_x facilities that contain a source operation or item of equipment of a category listed in section 19.2 for which an owner or operator seeks approval of a RACT emission limit that is different from the one established in subchapter 19; III. "Phased Compliance Through Repowering"—one major NO_x facility where an owner or operator seeks approval of a plan pursuant to section 19.21 for phased compliance through repowering of a specific source.

This document takes action only on the permitted emission rates and conditions of approval related to emissions of NO_x; action is not being taken on any other pollutants which may be permitted by New Jersey with regard to these sources.

I. Facility-Specific NO_x Emission Limits

A summary of EPA's analysis of each source granted a facility specific NO_x emission limit by New Jersey is as follows.

1. The Geon Company

The Geon Company manufactures polyvinyl chloride resin and operates two direct-fired dryers at its facility in Pedricktown, Salem County. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the facility's dryers are as follows: (1) Combust only natural gas from May 1 through September 30 unless natural gas becomes unavailable, (2) combust only natural gas as the primary fuel and propane as the emergency back up fuel, (3) limit annual propane fuel combustion to ninety days, and (4) a NO_x emission limit of 11.95 tons per year (TPY) for dryer DR-1H and 13.94 TPY for dryer DR-2P.

2. The PQ Corporation/Industrial Chemicals

The PQ Corporation/Industrial Chemicals operates a Sodium Silicate Furnace at its facility located in Avenel, Middlesex County. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the facility's furnace are as follows: (1) Weekly burner tuneups, (2) control daily excess oxygen level to no more than 3%, (3) when burning oil, a NO_x emission limit of 13.3 pounds per hour (lbs/hr) or the highest value obtained from a stack test, whichever is lower, (4) when burning natural gas, a NO_x emission limit of 29.3 lbs/hr or the highest value obtained from a stack test,

whichever is lower, and (5) daily maximum capacity of 128 tons of molten sodium silicate.

3. *Air Products and Chemicals, Inc.*

Air Products and Chemicals, Inc., owns and operates a hazardous waste incinerator at its facility in Paulsboro, Gloucester County. The incinerator processes liquid wastes generated on-site and also serves as an afterburner for 46 on-site sources. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the incinerator are as follows: (1) Implementation of good combustion technology consisting of high intensity burners, steam injection, and modern instrumentation to control excess air, and (2) a NO_x emission limit of 15.7 lbs/hr (68.8 TPY).

4. *Stony Brook Regional Sewerage Authority*

The Stony Brook Regional Sewerage Authority owns and operates two multiple hearth type incinerators to burn sewage sludge from its wastewater treatment plant located in Princeton, Mercer County. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for each incinerator are as follows: (1) Combust natural gas as auxiliary fuel during the ozone season (May 1–September 15) unless natural gas is unavailable, (2) combust No 2 oil when natural gas is unavailable during the ozone season for a period not to exceed 48 hours during any calendar month, and (3) a NO_x emission limit of 22 lbs/hr for each incinerator.

After switching to natural gas, the facility was to conduct stack tests and submit the results of those tests by a date no later than May 31, 1996. New Jersey may establish a lower facility NO_x emission limit after review of the stack test results.

5. *Township of Wayne, Mountain View Water Pollution Control Facility*

The Township of Wayne, Mountain View Water Pollution Control Facility owns and operates two multiple hearth type sewage sludge incinerators to burn sewage sludge from its wastewater treatment plant located in Wayne, Passaic County. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the incinerators are as follows: (1) Combust natural gas during the ozone season, and (2) a NO_x emission limit of 12.0 lbs/hr for each incinerator. New Jersey may establish a lower facility NO_x emission limit after review of stack test results conducted after the planned fuel switch to natural gas.

6. *Atlantic States Cast Iron Pipe Company*

The Atlantic States Cast Iron Pipe Company produces iron pipe from scrap steel and operates an iron melting cupola and an annealing oven in Phillipsburg, Warren County. The facility's NO_x emissions result from the combustion of coke in the iron melting cupola and the combustion of natural gas in the annealing oven. For the cupola, the facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements are as follows: (1) Continued use of low excess air and oxygen enrichment technologies, (2) a NO_x emission limit of 0.188 lbs/MM BTU, and (3) an annual operations limit of 3600 hours. For the annealing oven, the facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements are as follows: (1) An annual adjustment to the oven combustion process, (2) a NO_x emission limit of 0.15 lbs/MM BTU, and (3) an annual fuel consumption limit of 271 million standard cubic feet (SCF) of natural gas.

7. *Warren Energy Resource Company, L.P.*

The Warren County Resource Recovery Facility is a municipal waste-to-energy facility operated by Warren Energy in Oxford Township, Warren County. The facility includes two independent combustion/steam generation units nominally rated at 200 tons per day of solid waste each. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements are as follows: (1) Use of staged combustion and good combustion practices which are already standard operating practices at the facility as a result of 1986 Best Available Control Technology determination, (2) a NO_x emission limit of 45 lbs/hr/unit, and (3) a concentration limit of 300 parts per million, for any 3-hour block period.

8. *Hercules Incorporated*

Aqualon, a division of Hercules Incorporated, owns and operates a nitrocellulose manufacturing facility in Parlin, Middlesex County. NO_x emissions originate from Nitric Acid Concentrators, a Nitration System, and an Open Pit Burner. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements are as follows: (1) Continued use of wet scrubbing control systems for the Acid Concentrators and Nitration System and continued operational procedures for the Open Pit Burner, and (2) NO_x emission limits for the Acid

Concentrators, Nitration System and Open Pit Burner of 23.48 TPY, 242 TPY and 76.5 TPY, respectively.

9. *U.S. Department of Navy, Naval Air Warfare Center Aircraft Division*

The United States Department of Navy operates the Naval Air Warfare Center, Aircraft Division, in Trenton, Mercer County. The jet engine test facility is a test, evaluation and research center for aircraft propulsion systems and accessories. Ten test cells are at the facility for evaluating engines of various size. The facility's RACT analysis concluded, and New Jersey agreed, that there are no NO_x control technologies that are technically feasible for the aircraft test engines and that the RACT requirement for each test cell is a NO_x emission limit between 2 and 300 TPY depending on the size and type of engine tested. The facility was scheduled for operational closure in September 1997.

II. **Alternative NO_x Emission Limits**

A summary of EPA's analysis of each source granted an alternative NO_x emission limit by New Jersey is as follows.

10. *Atlantic Electric Company—Deepwater Generating Company*

Atlantic Electric Company operates Boiler No. 8, which is a coal-fired, dry-bottom, face-fired utility boiler, at the Deepwater Generating Station in Pennsville, Salem County. Subchapter 19 does not address required limits during abnormal circumstances when this boiler needs to cofire coal with either fuel oil or natural gas. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for Boiler No. 8 are as follows: (1) continued use of Low NO_x Burners (LNB) and Overfire Air to control NO_x emissions, (2) a NO_x emission limit of 0.45 lbs/MM BTU during cofiring of coal with either fuel oil or natural gas, and (3) an annual operating limit of 1500 hours when cofiring.

11. *U.S. Generating Company—Carney's Point Generating Plant*

The U.S. Generating Company operates a cogeneration facility in Carney's Point, Salem County. Included at the facility is a fuel oil fired Auxiliary Boiler (package type water-tube boiler with economizer) which is used to produce process steam when the main coal fired boilers are out of service. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the Auxiliary Boiler are as follows: (1) An annual adjustment

to the combustion process, (2) continued use of LNB in combination with Flue Gas Recirculation (FGR), (3) an alternative NO_x emission limit of 0.17 lbs/MM BTU firing No.2 fuel oil, and (4) an annual operating limit of 77,000 MM BTU total heat input which is equivalent to annual operation of 1000 hours at design rate.

12. U.S. Generating Company—Logan Generating Plant

The U.S. Generating Company operates a cogeneration facility in Swedesboro, Gloucester County. Included at the facility is a fuel oil fired Auxiliary Boiler (package type water-tube boiler with economizer), which is used to produce process steam when the main coal fired boiler is out of service. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for the Auxiliary Boiler are as follows: (1) an annual adjustment to the combustion process, (2) continued use of LNB/FGR, (3) an alternative NO_x emission limit of 0.17 lbs/MM BTU firing No.2 fuel oil, and (4) annual operating limit of 77,000 MM BTU total heat input which is equivalent to an annual operation of 1000 hours at design rate.

13. Schering Corporation

The Schering Corporation owns and operates a heat recovery steam generator (HRSG), equipped with a duct burner that fires natural gas, at their U-7 cogeneration facility in Union, Union County. When operating under emergency circumstances in a fresh air firing (FAF) mode, the HRSG/duct burner cannot meet Subchapter 19's presumptive NO_x RACT limit. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements for this generator during the FAF mode are as follows: (1) Annual combustion process adjustments, (2) continued use of the LNB, and (3) an alternative NO_x emission limit of 0.183 lbs/MM BTU during natural gas combustion. The State may establish a lower NO_x emission limit after review of the stack test results which are to be submitted to New Jersey by May 31, 1996.

14. Jersey Central Power & Light Company (JCP&L)

JCP&L operates four (Units 4,5,6,7) combined cycle combustion turbines (firing natural gas and No.2 fuel oil) with No.2 fuel oil fired HRSG/duct burners at its Gilbert Generating Station in Holland Township, Hunterdon County. The facility's RACT analysis concluded, and New Jersey agreed, that RACT requirements are as follows: (1)

Water injection to each turbine, (2) annual adjustments to the combustion process, (3) alternative NO_x emission limits for each gas or No. 2 oil fired turbine of 0.17 lbs/MM BTU and 0.26 lbs/MM BTU respectively, (4) an annual maximum use of natural gas for each turbine of 3.2×10⁹ SCF; (5) an annual maximum use of No. 2 fuel oil for each turbine of 2,867×10³ gallons, (6) for each gallon of No. 2 fuel oil used, a reduction in the annual natural gas consumption of 217 scf is required, and (7) no fuel combustion in the HRSG.

III. Phased Compliance Through Repowering

A summary of EPA's analysis of each source granted phased compliance through repowering by New Jersey is as follows.

15. Elizabethtown Water Company (EWC)

EWC owns and operates two identical lean burn internal combustion diesel engines, 1133 horsepower each, at its water treatment and distribution facility, Raritan-Millstone plant, in Bridgewater, Somerset County. The two engines are 30 years old and their remaining useful life is limited, therefore EWC proposed to repower the engines to comply with NO_x RACT. The State's approved repowering plan requires the following: (1) Replacing the engines with ones which incorporate advances in the art of air pollution control, (2) installing the replacement engines in accordance with the milestones specified in a federally enforceable agreement, (3) completing the repowering by June 1, 1998, and (4) after repowering, replacement units are to meet all Federal, State, SIP, and New Source Review requirements. The new engines will emit about 90% less NO_x than the engines they will replace.

The repowering plan further requires that, during the interim period of May 1, 1995 and June 1, 1998, NO_x RACT requirements for each of the two existing diesel engines are as follows: (1) Switch from diesel oil to No. 2 oil, (2) annually perform combustion process adjustments, (3) operate the engines under retarded timings, (4) limit emissions to 8.6 grams of NO_x per horsepower-hour, and (5) install continuous emission monitors and recorders in accordance with section 19.18.

G. Final Action

The EPA is approving the permitted conditions described above as RACT for the control of NO_x emissions from the sources identified in the fifteen source-specific SIP revisions.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve these same fifteen source-specific SIP revisions. This final rule will be effective December 21, 1998 without further notice unless the Agency receive relevant adverse comments by November 19, 1998.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 21, 1998 and no further action will be taken on the proposed rule.

Administrative Requirements

Executive Order 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order (E.O.) 12866 entitled, "Regulatory Planning and Review." The final rule is not subject to E.O. 13045 entitled, "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this

action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

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

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

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is

not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability.

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 21, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is

unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 30, 1998.

William J. Muszynski,

Acting Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(64) to read as follows:

52.1570 Identification of plan.

* * * * *

(c) * * *

(64) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on June 18, 1996, July 10, 1996, December 17, 1996 and May 2, 1997.

(i) Incorporation by reference.

(A) *Conditions of Approval Documents (COAD) or Facility Wide Permit.* The following facilities have been issued COADs or facility wide permits by New Jersey:

(1) Geon Company's direct-fired dryers, Salem County, NJ facility wide permit dated January 30, 1997. Incorporation by reference includes only the pages with permit limits related to the dryers.

(2) PQ Corporation/Industrial Chemicals' Sodium Silicate Furnace,

Middlesex County, NJ COAD approval dated December 2, 1994.

(3) Air Products and Chemicals' Hazardous Waste Incinerator, Gloucester County, NJ COAD approval dated January 25, 1996.

(4) Stony Brook Regional Sewerage Authority's sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1995 and modified on May 16, 1996.

(5) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ COAD approval dated September 20, 1996.

(6) Atlantic States Cast Iron Pipe Company's cupola and annealing oven, Warren County, NJ COAD approval dated November 22, 1994.

(7) Warren County Resource Recovery Facility's Municipal Waste Incinerators, Warren County, NJ COAD dated August 1, 1996.

(8) Hercules Incorporated's Nitration System, Acid Concentrators, and Open Pit Burner, Union County, NJ COAD dated May 1, 1996.

(9) US Department of Navy, Naval Air Warfare Center Aircraft Division's jet engine test cells, Mercer County, NJ COAD approval dated October 31, 1995.

(10) Atlantic Electric Company's Utility Boiler #8, Salem County, NJ COAD approval dated February 25, 1997.

(11) U.S. Generating Company—Carneys Point Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(12) U.S. Generating Company—Logan Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(13) Schering Corporation's heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

(14) Jersey Central Power & Light Company's combined cycle combustion turbines, Hunterdon County, NJ COAD approval dated April 10, 1996.

(15) Elizabethtown Water Company's internal combustion engines, Somerset County, NJ COAD approval dated May 8, 1996.

(ii) Additional information—Documentation and information to support NO_x RACT facility-specific emission limits, alternative emission limits, or repowering plan in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) June 18, 1996 for four SIP revisions,
(B) July 10, 1996 for three SIP revisions,
(C) December 17, 1996 for five SIP revisions,

(D) May 2, 1997 for three SIP revisions.

[FR Doc. 98-27924 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL-6166-9]

Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The purpose of this direct final rule is to announce that on June 19, 1998, the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. If no adverse comments are received, EPA is approving this delegation request and this direct final rule will serve as formal delegation of the section 112(r) program for all applicable sources except those with propane as their only regulated substance. EPA is publishing a parallel proposed rule contained in the Proposed Rules section of this **Federal Register**.

DATES: This direct final rule will become effective on December 21, 1998. The direct final rule will become effective without further notice unless EPA receives no adverse written comments on or before November 19, 1998. Should the EPA receive such comments, it will publish a timely document withdrawing this rule.

ADDRESSES: Comments on this action should be addressed concurrently to: Michelle P. Thornton, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104, patmon.michelle@epamail.epa.gov

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, eve.rainey@dca.state.fl.us

Copies of Florida's section 112(r) delegation request letter and accompanying documentation are available for public review during the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the addresses listed above. If you would like

to review these documents, please make an appointment with the appropriate office at least 24 hours before visiting day.

FOR FURTHER INFORMATION CONTACT:

Michelle P. Thornton, U.S. Environmental Protection Agency, Region 4, Air, Pesticides and Toxics Management Division, Air and Radiation Technology Branch, 30303-3104 (telephone 404 562-9121), patmon.michelle@epamail.epa.gov or Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, (telephone 850 413-9914) eve.rainey@dca.state.fl.us

SUPPLEMENTARY INFORMATION: If no adverse comments are received by November 19, 1998, this direct final rule will automatically go into effect on December 21, 1998. Should the Agency receive such comments, it will publish a timely document withdrawing this direct final rule and will review and publish the comments in a subsequent document. If no relevant adverse comments on any provision of this direct final rule are timely filed, then it will become effective on December 21, 1998 and the State of Florida DCA/DEM will receive full delegation of authority to implement and enforce the requirements of the section 112(r) program for all applicable sources in its jurisdiction, except sources with propane as their only regulated substance.

On June 20, 1996, EPA published risk management program regulations, mandated under the accidental release prevention provisions of the Clean Air Act (CAA). These regulations require owners and operators of stationary sources subject to the regulations to submit risk management plans (RMPs) by June 21, 1999, to a central location specified by EPA. The plans will be available to State and local governments and the public. These regulations will encourage sources to reduce the probability of accidentally releasing substances that have the potential to cause harm to public health and the environment and will stimulate dialogue between industry and the public to improve accident prevention and emergency response practices.

Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorize EPA, in part, to delegate authority to any state or local agency which submits an approvable program for implementation and enforcement of requirements for the prevention and mitigation of accidental releases of hazardous air pollutants. The State's program must contain adequate authorities, adequate resources for

implementation, and an expeditious compliance schedule for enforcing standards as detailed in 40 CFR sections 63.91 and 63.95.

On May 24, 1998, Chapter 22, Part IV, Florida Statutes, the Florida Accidental Release Prevention and Risk Management Planning Act (Chapter 98-193, Laws of Florida) became effective. This law adopts the federal requirements found in section 112(r) of the CAA of 1990 for specified sources and the corresponding Risk Management Program regulations for use with the Florida program.

On June 19, 1998, the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. The State acknowledges and accepts that propane sources will not be under the jurisdiction of the Florida DCA/DEM and will default to EPA Region 4 for implementation and enforcement.

Through the State's legislative budget process, the Florida Accidental Releases Prevention/Risk Management Planning program received two full time equivalent (FTE) professional positions and more than \$140,000 for initial program year activities. The state law also includes a fee system with amounts ranging from approximately \$100 to \$1,000 per process. Section 112(r) activities will also be integrated into an existing Hazardous Materials Planning Program which supports 13 FTEs and has contractual relationships with the State's eleven Local Emergency Planning Committees (LEPCs) and sixty-seven emergency management program offices.

Upon delegation, the State's program will be administered by the DCA/DEM, which is also responsible for implementation of the Federal Emergency Planning and Community Right-To-Know Act (EPCRA) program in the state. The DEM serves as staff to the State Emergency Response Commission (SERC) and has an established relationship with Florida's eleven LEPCs. Representatives on the SERC include delegates from the departments of Environmental Protection (DEP) and Labor and Employment Security (DLES). Florida's section 112(r) program will have technical assistance, outreach and education as its cornerstone with an emphasis on assisting sources with compliance and facilitating prevention discussions with the public.

After a thorough review of Florida's delegation request and its pertinent laws, rules, and regulations, the Region

has determined that such a delegation is appropriate in that Florida has satisfied the criteria of 40 CFR sections 63.91 and 63.95, and has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of non-major and major sources subject to the section 112(r) RMP Federal standards. The State has the primary authority and responsibility to carry out all elements of the section 112(r) program for all sources, except propane, covered in the State, including on-site inspections, record keeping reviews, audits and enforcement.

Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The State of Florida has voluntarily requested delegation of this program. The state will be implementing its own pre-existing Accidental Releases Prevention/Risk Management Planning program as described in the Supplemental Information Section of this notice. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or

uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Instead, the state of Florida will be implementing and enforcing this program. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, Public Law 96-354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have significant impact on a substantial number of small entities. This direct final rule will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

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

G. Submission to Congress and the Comptroller General

The Congressional Review Act 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective December 21, 1998, unless EPA receives adverse written comments on or before November 19, 1998.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Instead, it merely approves the Florida's pre-existing Accidental Release Prevention Program. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria,

the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

Dated: September 9, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98-27926 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7699]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT:

Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return,

communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer

that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement

measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Connecticut: Fairfield, town of, Fairfield County.	090007	April 7, 1972, Emerg.; August 15, 1978, Reg.; October 6, 1998, Susp.	Oct. 6, 1998	Oct. 6, 1998
Region V				
Illinois: Glenview, village of, Cook County	170096	January 26, 1973, Emerg.; June 15, 1979, Reg.; October 6, 1998, Susp.	.....do	do
Indiana: Huntingburg, city of, Dubois County	180362	April 1, 1976, Emerg.; September 16, 1988, Reg.; October 6, 1998, Susp.	.....do	do.
Ohio:				
Springboro, city of, Warren County	390564	May 5, 1975, Emerg.; February 4, 1981, Reg.; October 6, 1998, Susp.	.....do	do.
Warren County, unincorporated areas ..	390757	January 3, 1975, Emerg.; April 15, 1981, Reg.; October 6, 1998, Susp.	.....do	do.
Wisconsin: Boscobel, city of, Grant County.	550148	November 27, 1981, Reg.; October 6, 1998, Susp.	.....do	do.
Region VI				
Louisiana: Robeline, village of, Natchitoches Parish.	220133	August 11, 1975, Emerg.; August 5, 1985, Reg.; October 6, 1998, Susp.	.....do	do.
Region IX				
California:				
Tulare County, unincorporated areas	065066	January 29, 1971, Emerg.; September 29, 1986, Reg.; October 6, 1998, Susp.	.....do	do.
Visalia, city of, Tulare County	060409	August 23, 1974, Emerg.; July 5, 1984, Reg.; October 6, 1998, Susp.	.....do	do.
Region V				
Illinois: Northbrook, village of, Cook County	170132	December 12, 1973, Emerg.; January 17, 1979, Reg.; October 20, 1998, Susp.	Oct. 20, 1998 ...	Oct. 20, 1998.
Ohio: Clark County, unincorporated areas ...	390732	May 14, 1976, Emerg.; July 2, 1987, Reg.; October 20, 1998, Susp.	.....do	do.
Region VI				
Louisiana:				
Evangeline Parish, unincorporated areas.	220064	January 12, 1976, Emerg.; August 1, 1988, Reg.; October 20, 1998, Susp.	.....do	do.
Ville Platte, town of, Evangeline County	220070	April 13, 1976, Emerg.; October 15, 1985, Reg.; October 20, 1998, Susp.	.....do	do.
Texas:				

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Ector County, unincorporated areas	480796	September 11, 1981, Emerg.; March 4, 1991, Reg.; October 20, 1998, Susp.	.....do	do.
Greenville, city of, Hunt County	485473	December 31, 1970, Emerg.; August 13, 1971, Reg.; October 20, 1998, Susp.	.....do	do.
Hunt County, unincorporated areas	480363	June 15, 1990, Emerg.; September 4, 1991, Reg.; October 20, 1998, Susp.	.....do	do.
Odessa, city of, Ector County	480206	March 27, 1980, Emerg.; March 4, 1991, Reg.; October 20, 1998, Susp.	.....do	do.
Region VIII				
Colorado: Wellington, town of, Larimer County.	080104	January 17, 1975, Emerg.; February 15, 1979, Reg.; October 20, 1998, Susp.	.....do	do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: October 9, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98-28082 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-05-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-101; RM-9289]

Radio Broadcasting Services; Yuma, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 233A at Yuma, Colorado, as that community's second local FM transmission service, in response to a petition for rule making filed on behalf of Ronald L. Zahller and Kent Sager. See 63 FR 36199, July 2, 1998. Coordinates used for Channel 233A at Yuma, Colorado, are the city reference location at 40-07-30 NL and 102-43-24 WL. With this action, the proceeding is terminated.

DATES: Effective November 23, 1998. A filing window for Channel 233A at Yuma, Colorado, 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: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-101, adopted September 30, 1998, and released October 9, 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.

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 reads 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 Colorado, is amended by adding Channel 233A at Yuma.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-27986 Filed 10-19-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment, 4 FCC Rcd 2413 (1989), and the Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: October 20, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted September 30, 1998, and released October 9, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 contractors, International Transcription Service, Inc., 1231 20th Street, NW, Washington,

DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 293C and adding Channel 293C1 at Anchorage, and by removing Channel 280A and adding Channel 280C3 at College.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 295C2 and adding Channel 295A at Buckeye.

4. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 278A and adding Channel 278C3 at Lake Village.

5. Section 73.202(b), the Table of FM Allotments under California is amended by removing Grover City and Channel 297B and adding Grover Beach and Channel 297B.

6. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by removing Channel 240A and adding Channel 240C1 at Poipu.

7. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 244A and adding Channel 244C3 at Morgan City.

8. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 268C3 and adding Channel 268A at Clarksdale.

9. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Channel 292A and adding Channel 290A at New Lexington.

10. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 231A and adding Channel 231C3 at Tillamook.

11. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 221A and adding Channel 223C2 at Devine and by removing Channel 295A and adding Channel 295C2 at Stamford.¹

12. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 230A and adding Channel 232C1 at Roosevelt.

13. Section 73.202(b), the Table of FM Allotments under the Virgin Islands, is amended by removing Channel 297B1 and adding Channel 297A at Charlotte Amalie.

14. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 273A and adding Channel 273C at Casper.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-27987 Filed 10-19-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MM Docket No. 95-176; FCC 98-236]

Closed Captioning of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition on reconsideration.

SUMMARY: The Commission amends its closed captioning rules in response to nine petitions for reconsideration of the rules adopted in August 1997. Generally the rules require the closed captioning of video programming and is intended to ensure the accessibility of video programming to persons with hearing disabilities. On reconsideration, the Commission amends its closed captioning rules in order to better comply with the statutory mandate to provide accessibility to persons with hearing disabilities.

EFFECTIVE DATE: November 19, 1998.

FOR FURTHER INFORMATION, CONTACT:

John Adams or Marcia Glauber, Cable Services Bureau, (202) 418-7200, TTY (202) 418-7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Order on Reconsideration* in MM Docket No. 95-176, FCC 98-236, adopted September 17, 1998 and released October 2, 1998. The complete text of this *Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc. ("ITS") at (202) 857-3800, TTY (202) 293-8810, 1919 M Street, NW, Suite 246, Washington, DC 20554. For copies in alternative formats, such

as braille, audio cassette or large print, please contact Sheila Ray at ITS.

Paperwork Reduction Act

This *Order on Reconsideration* has been analyzed with respect to the Paperwork Reduction Act of 1995 and has been found to contain no new or modified information collection requirements on the public.

Synopsis of Order on Reconsideration

1. On August 7, 1997, the Commission adopted a Report and Order ("R&O"), summarized at 62 FR 48487 (September 16, 1997), implementing section 713 of the Communications Act of 1934, as amended, 47 U.S.C. 613. Section 713 required the Commission to prescribe rules and implementation schedules for the closed captioning of video programming and to establish appropriate exemptions. The *Order on Reconsideration* ("Order") addresses nine petitions for reconsideration of the *Report and Order*. By this *Order*, the Commission amends its closed captioning rules, in part, in response to the petitions for reconsideration in order to better ensure the accessibility of video programming to persons with hearing disabilities.

2. Section 713 generally required the Commission to ensure that "video programming first published or exhibited after the effective date of such rules is fully accessible through the provision of closed caption * * *". In the *R&O*, the Commission adopted an eight year transition period for the captioning of new nonexempt programming (i.e., that first published or exhibited on or after January 1, 1998, the effective date of the rules). The Commission established interim benchmarks for required amounts of closed captioning during the transition period. Effective January 1, 2006, the end of the transition period, 95% of all new nonexempt video programming provided on each channel during each calendar quarter was required to be captioned.

3. On reconsideration, we conclude that our decision to consider the captioning of 95% of each channel's new nonexempt video programming to be fully accessible is not consistent with Congress' objective when it enacted Section 713. Therefore, we define full accessibility to be the captioning of 100% of all new nonexempt video programming and will require all such programming to be captioned at the end of the eight year transition period. Accordingly, after January 1, 2006, 100% of the programming of each channel's new nonexempt video

¹ The Report and Order in MM docket 97-145 substituted Channel 295A for Channel 221C2 at Stamford, Texas. See 62 FR 66826, December 22, 1997.

programming must be provided with captions.

4. Section 713 required the Commission to maximize the accessibility of video programming first published or exhibited prior to the effective date of our rules the provision of closed captioning. Programming published or exhibited prior to January 1, 1998, is defined as pre-rule. In the *R&O*, the Commission adopted a ten year transition period with no interim benchmarks. Under the rules, effective January 1, 2008, the end of the transition period, 75% of all pre-rule nonexempt programming on each channel during each calendar must include closed captioning.

5. On reconsideration, the Commission clarifies that for purposes of defining pre-rule programming, the relevant date of first exhibition or publication is its first exhibition or publication by any distribution method, including theatrical and home video release as well as television distribution.

6. The Commission also clarifies the application of the rules to digital television ("DTV") programming. In the *R&O*, we defined certain types of digital programming as "pre-rule programming" until standards relating to the preparation of digital programming for display on digital receivers are complete. We clarify that this determination is narrow in scope and does not apply to programming that is transmitted in a digital format for display on conventional analog television receivers. This narrow exemption means only that the version of the program prepared or formatted "for display on television receivers equipped for display of digital transmission" prior to the applicable date will fall within the pre-rule category and be subject to captioning in accordance with the pre-rule schedule. With this clarification, we believe the existing rule properly accounts for the brief period of time during which the standards process can be completed.

7. In the *R&O*, the Commission did not establish interim benchmarks for the captioning of pre-rule programming. However, we stated that we would monitor the implementation of closed captioning for pre-rule programming and conduct a review of the industry's progress in four years. On reconsideration, we reiterate our intent to conduct such a review. We also conclude that, in order to comply with the statutory mandate to ensure that video programming providers or owners maximize the accessibility of pre-rule programming it is necessary to establish at least one benchmark for pre-rule programming. Thus, we amend the rules

to require at least 30% of a channel's pre-rule programming be provided with captions beginning on January 1, 2003. To the extent that the amount of pre-rule programming captioned to comply with the requirement that a video programming distributor provide captions at substantially the same level as the average level of captioning that it provided during the first six months of 1997 exceeds this 30% benchmark, a distributor must continue to caption such programming at the existing level consistent with our prior decision.

8. In the *R&O*, we determined that we would allow video programmers to count, as part of compliance with the closed captioning rules, any captions using the electronic newsroom ("ENR") methodology. ENR captioning can only be used to convert the dialogue included on a teleprompter script into captions and does not caption live interviews, field reports or late-breaking weather and sports that are not scripted. As a result, persons with hearing disabilities do not have full access when ENR is used. After review of the record, on reconsideration, we are persuaded that we should limit the circumstances where we will count ENR captioning as a substitute for real-time captioning. We recognize that, without findings on an individual basis, it is difficult to determine precisely which video programming providers have sufficient resources such that real-time captioning would not be an economic burden. Nonetheless, in order to ensure full accessibility, we have made our best effort to identify a class of video programmers for whom a real-time captioning requirement would not be economically burdensome. Accordingly, beginning January 1, 2000, at the first benchmark, the four major national broadcast networks (i.e., ABC, CBS, Fox and NBC), broadcast stations affiliated with these networks in the top 25 television markets as defined by Nielsen's Designated Market Areas ("DMAs"), and nonbroadcast networks serving 50% or more of the total number of multichannel video programming distributor ("MVPD") households will not be allowed to count ENR captioned programming toward compliance with captioning requirements. Whenever a broadcast television station, a broadcast television network or a nonbroadcast network satisfies one of these criteria, it becomes subject to the limitations we are placing on the use of ENR for compliance with the rules.

9. Section 713 authorized the Commission to adopt exemptions for programs, classes of programs, or services for which we determine that the provision of closed captioning

would be economically burdensome. In the Order, we adopt several amendments to the exemptions established in the *R&O*.

10. In the *R&O*, we exempted new networks from our captioning obligations during their first four years of operations. On reconsideration, we will allow new networks launched prior to the effective date of the rules that have not yet reached their fourth anniversary by that date to be exempt for a four year period beginning on January 1, 1998. This limited expansion of the new network exemption will assist numerous nascent networks that continue to experience growing difficulties.

11. In the *R&O*, we exempted programming produced and distributed by ITFS licensees. We conclude that the current rules unintentionally limit the scope of the ITFS exemption. Therefore, we amend § 79.1(d)(7) to exempt video programming transmitted by ITFS licensee pursuant to its permitted educational operations.

12. We amend the rules to exempt instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools. In adopting this exemption we remain confident that other Federal requirements will ensure that adequate efforts will be taken to make this programming accessible on a case by case basis.

13. In the *R&O*, we exempted non-English language programming other than that which can be captioned using ENR. We generally reaffirm this decision. However, on reconsideration, we find it appropriate to narrow this exemption and distinguish Spanish language programming from other non-English language programming. Accordingly, we will adopt a 12 year transition for new nonexempt Spanish language programming and a 14 year transition period for pre-rule nonexempt Spanish language programming. We will establish three benchmarks for new programming and one benchmark for pre-rule programming similar to those adopted for nonexempt English programming.

14. We reassert our previous conclusion that short-form advertising is not covered by Section 713. As we stated in the *R&O*, while programming and advertising may be treated the same in some contexts, here we conclude that it is reasonable to define short-form advertising as separate from programming and thus not subject it to the captioning obligations.

15. In the *R&O*, we decided to adopt an enforcement mechanism based on consumer complaints initially directed

to the video programming distributors (e.g., the broadcast station, cable operator). We generally retain the enforcement procedures adopted in the *R&O* and will continue to rely primarily on the complaint process to enforce our captioning requirements. We will not adopt recordkeeping or reporting requirements as they would impose unnecessary administrative burdens on video programming distributors and the Commission. On reconsideration, however, we believe it is important to establish a means to further ensure compliance with our rules and we plan to conduct random audits of captioning. In conducting such audits, we may request the records of broadcasters or MVPDs or monitor the captioning provided by individual networks. We believe that the information gathered through these audits will be an important factor in monitoring the implementation of the captioning requirements, assist consumers should they find it necessary to file a complaint, and assist video programming providers to comply with our rules.

16. We also clarify several rules in the *Order* in response to issues raised in the petitions for reconsideration. We reiterated the requirement that, during the transition period, video programming providers must, at least, maintain substantially the same level of captioning that they provided during the first six months of 1997. We noted that this requirement was tempered by the word "substantially" to ensure flexibility in its enforcement. We explain that locally produced non-news programming is exempt only if it has no repeat value. We also clarify that network compensation and value of barter transactions should be included in revenue calculations for exemptions based on revenue.

Regulatory Flexibility Act Certification

17. As required by the Regulatory Flexibility Act ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated into the *Notice of Proposed Rulemaking* ("NPRM") in this proceeding. The Commission sought written public comment on the expected impact of the proposed policies and rules on small entities in the *NPRM*, including comments on the IRFA. Based on the comments in response to the *NPRM*, the Commission included a Final Regulatory Flexibility Analysis ("FRFA") into the *R&O*. While no petitioners seeking reconsideration of the *R&O* raised issues directly related to the FRFA, the Commission is amending the rules in a manner that may affect

small entities. Accordingly, this Supplemental Final Regulatory Flexibility Analysis ("Supplemental FRFA") addresses those amendments and conforms to the RFA.

18. *Need for Action and Objectives of the Rule*: The 1996 Act added a new Section 713 to the Communications Act of 1934 that *inter alia* requires the Commission to develop rules to increase the availability of video programming with closed captioning. The statutory objective of the closed captioning provisions is to promote the increased accessibility of video programming for persons with hearing disabilities. The Commission adopted the *R&O* in this proceeding on August 7, 1997, promulgating rules to implement this mandate. The *Order* clarifies and refines these rules in conformance with Section 713.

19. *Summary of Significant Issues Raised by the Public Comments in Response to the FRFA*: No parties address the FRFA in their petitions for reconsideration, or any subsequent filings. We have, however, addressed, on our own motion, steps taken to further minimize the effect of these requirements on small entities.

20. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply*: The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules. The RFA defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small business concern" under Section 3 of the Small Business Act. Under the Small Business Act, a small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA").

21. As noted, an FRFA was incorporated into the *R&O*. In that analysis, the Commission described in detail the various kinds of small business entities that may be affected by these rules. Those entities consist of program producers and distributors, broadcast stations and small multichannel video programming distributors including cable system operators, multipoint distribution systems, direct broadcast satellite services and home satellite dishes, open video systems and satellite master antenna systems. In the *Order*, we address petitions for reconsideration filed in response to the *R&O*. In this Supplemental FRFA, we incorporate by reference the description and estimate

of the number of small entities from the previous FRFA in this proceeding, subject to the following amendments.

22. *Open Video Systems ("OVS")*: As noted in the *R&O* the definition of a small entity in the context of cable or other pay television service includes all such companies generating \$ 11 million or less in annual receipts. As of this date, the Commission has approved five additional applications for OVS operators, bringing the total number of certified operators to 14. Two more applications are pending. Of the entities authorized to provide OVS service, several are only recently approved and are not actually providing service and generating revenue. Little financial information is available for the many of entities authorized to provide OVS that are not yet operational. Given that some of these entities have not yet begun to generate revenues, we believe that our original conclusion that at least some OVS operators qualify as small entities remains sound.

23. *Local Multipoint Distribution Service ("LMDS")*: As noted in the *R&O*, the SBA has developed a definition of small entity for cable and other pay television services which includes all such companies generating \$11 million or less in annual receipts. The Commission concluded its LMDS spectrum auction on March 25, 1998. Of the 139 successful bidders, 93 qualified as small businesses. We are unable to determine how many of these small businesses will use the available spectrum to provide video programming services. We believe, however, that our original determination that at least some of these licensees will provide video programming services and will thus qualify as small entities affected by our closed captioning requirements is correct.

24. *Description of Reporting, Recordkeeping and Other Compliance Requirements*: We did not prescribe reporting requirements in the *R&O* and have declined to do so in the *Order*. While parties representing persons with hearing disabilities petitioned for the adoption of such requirements on reconsideration, we believe that our enforcement process alleviates the need for reporting and its associated burdens. Thus, we will not impose recordkeeping requirements for video programming distributors. Rather, we shall allow video programming distributors to exercise their own discretion and only require that they retain records sufficient to demonstrate compliance with our rules. In order to further relieve small video programming distributors of any unnecessary recordkeeping burden, we also permit

video programming distributors to rely on certifications from the producers or owners of the programming to demonstrate compliance with our closed captioning rules. At the same time we recognize the concerns that the hearing disabled community has raised regarding the need to monitor and ensure compliance with our closed captioning requirements. Accordingly, on reconsideration we stated that the Commission intends to conduct random audits of video programming as needed to ensure compliance with the captioning requirements.

25. Steps Taken to Minimize Significant Economic Impact On Small Entities and Significant Alternatives Considered: In R&O, we sought to minimize the effect on small entities while making video programming more accessible to persons with hearing disabilities. These efforts are consistent with the Congressional goal of increasing the availability of closed captioned programming while preserving the diversity of available programming. The actions we are taking on reconsideration further refine the closed captioning rules so as to advance the Congressional goal and further minimize unnecessary burdens on small entities. For example, we clarify the rules to exempt all programming distributed by ITFS licensees pursuant to its permitted educational operations regardless of whether the programming is produced by the ITFS licensee or a third party. We establish an exemption for instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools. We also expand the existing new network exemption to provide the full four year exemption to networks that commenced operations within four years of the effective date of the closed captioning rules. This expansion of the new network exemption provides relief to recently launched emerging networks without profoundly affecting the overall availability of captioned programming.

Ordering Clauses

26. Accordingly, it is ordered that the Petitions for Reconsideration in MM Docket No. 95-176 which pertain to the closed captioning of video programming are granted in part and denied in part, as provided herein.

27. It is further ordered that, pursuant to authority found in sections 4(i), 303(r), and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 613, Part 79 of the Commission's rules is hereby amended. The amendments to 47 CFR 79.1 shall be effective November 19, 1998.

28. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this *Order on Reconsideration*, including the Supplemental Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 79

Cable television, Closed captioning, Television.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

Part 79 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 79—CLOSED CAPTIONING OF VIDEO PROGRAMMING

1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 613.

2. Section 79.1 is amended by revising paragraphs (b), (d)(3), (d)(7), (d)(8) and (d)(9), adding a new paragraph (d)(13), revising (e)(3) and adding a new paragraph (e)(10) to read as follows:

§ 79.1 Closed captioning of video programming.

* * * * *

(b) *Requirements for closed captioning of video programming.*—(1) *Requirements for new English language programming.* Video programming distributors must provide closed captioning for nonexempt video programming that is being distributed and exhibited on each channel during each calendar quarter in accordance with the following requirements:

(i) Between January 1, 2000, and December 31, 2001, a video programming distributor shall provide at least 450 hours of captioned video programming or all of its new nonexempt video programming must be provided with captions, whichever is less;

(ii) Between January 1, 2002, and December 31, 2003, a video programming distributor shall provide at least 900 hours of captioned video programming or all of its new nonexempt video programming must be provided with captions, whichever is less;

(iii) Between January 1, 2004, and December 31, 2005, a video programming distributor shall provide

at least an average of 1350 hours of captioned video programming or all of its new nonexempt video programming must be provided with captions, whichever is less; and

(iv) As of January 1, 2006, and thereafter, 100% of the programming distributor's new nonexempt video programming must be provided with captions.

(2) *Requirements for pre-rule English language programming.* (i) After January 1, 2003, 30% of the programming distributor's pre-rule nonexempt video programming being distributed and exhibited on each channel during each calendar quarter must be provided with closed captioning.

(ii) As of January 1, 2008, and thereafter, 75% of the programming distributor's pre-rule nonexempt video programming being distributed and exhibited on each channel during each calendar quarter must be provided with closed captioning.

(3) *Requirements for new Spanish language programming.* Video programming distributors must provide closed captioning for nonexempt Spanish language video programming that is being distributed and exhibited on each channel during each calendar quarter in accordance with the following requirements:

(i) Between January 1, 2001, and December 31, 2003, a video programming distributor shall provide at least 450 hours of captioned Spanish language video programming or all of its new nonexempt Spanish language video programming must be provided with captions, whichever is less;

(ii) Between January 1, 2004, and December 31, 2006, a video programming distributor shall provide at least 900 hours of captioned Spanish language video programming or all of its new nonexempt Spanish language video programming must be provided with captions, whichever is less;

(iii) Between January 1, 2007, and December 31, 2009, a video programming distributor shall provide at least an average of 1350 hours of captioned Spanish language video programming or all of its new nonexempt Spanish language video programming must be provided with captions, whichever is less; and

(iv) As of January 1, 2010, and thereafter, 100% of the programming distributor's new nonexempt Spanish language video programming must be provided with captions.

(4) *Requirements for Spanish language pre-rule programming.* (i) After January 1, 2005, 30% of the programming distributor's pre-rule nonexempt Spanish language video

programming being distributed and exhibited on each channel during each calendar quarter must be provided with closed captioning.

(ii) As of January 1, 2012, and thereafter, 75% of the programming distributor's pre-rule nonexempt Spanish language video programming being distributed and exhibited on each channel during each calendar quarter must be provided with closed captioning.

(5) Video programming distributors shall continue to provide captioned video programming at substantially the same level as the average level of captioning that they provided during the first six (6) months of 1997 even if that amount of captioning exceeds the requirements otherwise set forth in this section.

* * * * *

(d) * * *

(3) *Programming other than English or Spanish language.* All programming for which the audio is in a language other than English or Spanish, except that scripted programming that can be captioned using the "electronic news room" technique is not exempt.

* * * * *

(7) *ITFS programming.* Video programming transmitted by an

Instructional Television Fixed Service licensee pursuant to §§ 74.931 (a), (b) or (c) of the rules.

(8) *Locally produced and distributed non-news programming with no repeat value.* Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable.

(9) *Programming on new networks.* Programming on a video programming network for the first four years after it begins operation, except that programming on a video programming network that was in operation less than four (4) years on January 1, 1998 is exempt until January 1, 2002.

* * * * *

(13) *Locally produced educational programming.* Instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools.

(e) * * *

(3) Live programming or repeats of programming originally transmitted live that are captioned using the so-called "electronic news room" or ENR technique will be considered captioned,

except that effective January 1, 2000, and thereafter, the major national broadcast television networks (i.e., ABC, CBS, Fox and NBC), affiliates of these networks in the top 25 television markets as defined by Nielsen's Designated Market Areas (DMAs) and national nonbroadcast networks serving at least 50% of all homes subscribing to multichannel video programming services shall not count ENR captioned programming towards compliance with these rules. The live portions of noncommercial broadcasters' fundraising activities that use automated software to create a continuous captioned message will be considered captioned;

* * * * *

(10) In evaluating whether a video programming provider has complied with the requirement that all new nonexempt video programming must include closed captioning, the Commission will consider showings that any lack of captioning was de minimis and reasonable under the circumstances.

* * * * *

[FR Doc. 98-27989 Filed 10-19-98; 8:45 am]

BILLING CODE 6712-01-U

Proposed Rules

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 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 Part 201

[No. LS-94-012]

RIN 0581-AB55

Amendments to Regulations Under the Federal Seed Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice of hearing.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to revise the Federal Seed Act (FSA) regulations. The changes would designate seeds of species listed in the Federal Noxious Weed Act (FNWA) as noxious and prohibit the shipment of agricultural and vegetable seeds containing them, add two kinds to the list of those subject to the FSA, update the seed testing regulations, update the seed certification regulations, and correct several minor errors. The noxious-weed seeds are being added to help prevent the spread of these highly destructive weeds. Adding two kinds, creeping foxtail and flatpea, make them subject to the same truthful labeling requirements as other seeds moving in interstate commerce. Updating the seed testing and seed certification regulations would incorporate the latest in seed testing and seed certification knowledge and prevent potential conflicts with State regulations.

DATES: Comments must be received by December 21, 1998 to be assured of consideration. Public Hearing December 2, 1998, 10:00 a.m., Room 2096 South Agriculture Building, 14th and Independence, Washington, D.C.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Send comments to James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Program, AMS, USDA, Room 209, Building 306, BARC-

E., Beltsville, Maryland 20705-2325. Comments will be available for public inspection during regular business hours in Room 209, Building 306, BARC-E., Beltsville, Maryland. The public hearing will be held on December 2, 1998, at 10:00 a.m. in Room 2096, South Building, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Program, AMS, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325 Telephone (301) 504-9430, FAX (301) 504-5454.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12988

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

There are no administrative procedures that must be exhausted prior to judicial challenge to the provision of this rule.

Regulatory Flexibility Act

The Administrator, AMS, has certified that this action would not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. Many small entities ship seed in interstate commerce. There are about 3,000 interstate shippers. We estimate that about ninety percent of the interstate shippers are small entities. However, all shippers including small entities, usually package and label seed to comply with both the FSA and State seed laws. The testing requirements of the State laws are similar to those of the FSA. Therefore, a single test can give information to comply with both State seed laws and the FSA. Changes to the seed testing and seed certification regulations would reconcile State and

Federal seed testing and seed certification procedures. Using similar testing procedures reduces the burden on small entities shipping seed in interstate commerce because a test used for interstate commerce could also be used in intrastate commerce. Adding a list of seeds that are noxious in seed shipped in interstate commerce would add some costs for seed testing. We estimate that the total cost to the industry for testing and labeling would be approximately \$12,000. ((Assuming a \$40.40 service testing fee (7 CFR part 75) and 285 hours in connection with testing and labeling.)) The added cost will be small because all seed must be examined for noxious-weed seed to comply with other sections of the FSA as well as state laws. The FSA requires that seed shipped in interstate commerce comply with the noxious-weed seed requirements of that State into which the seed is shipped. Therefore, any examination for the species being added will be done when the seed is examined for State noxious-weed seeds.

Also, much of the seed handled by small entities is already tested by their suppliers. There would be no effect on the competitive position of small entities in relation to larger entities since both would have to comply with the same regulations.

Paperwork Reduction Act

We estimate a small increase to the previously approved information collection requirements of the FSA regulations. Some seed will be tested to determine the presence or absence of the FNWA species designated as noxious. Not all shipments will be examined specifically for these added noxious-weed seeds because they are so rarely present in seed. Also, many interstate shipments will not be tested because they involve seed that has already been tested and shipped in interstate or intrastate commerce and is subsequently reshipped to another interstate location without being retested. When seed is tested, the test made for the added noxious-weed seeds will be made concurrently with the test to determine compliance with the FSA requirement that seed is labeled to comply with the noxious-weed seed laws and regulations of the state into which the seed is being shipped. We estimate that the additional time

required for testing will average no more than five minutes per test and that about one fourth of all shipments will be tested. Therefore, the time for testing and labeling seed previously estimated at 2.5 hours per response will be 2.52 hours per response increasing the total burden by 285 hours.

Title: Federal Seed Act Program.

OMB Number: 0581-0026.

Expiration Date of Approval: July 30, 2001.

Type of Request: Revision of currently approved information collection.

Abstract: This information collection is necessary for the conduct of the FSA program with respect to certain testing, labeling, and recordkeeping requirements of agricultural and vegetable seeds.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.08 hours per response.

Respondents: Interstate shippers of seed.

Estimated Number of Respondents: 3,208.

Estimated Number of Responses per Respondent: 5.56.

Estimated Total Annual Burden on Respondents: 37,078.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to James P. Triplitt, Chief, Seed Regulatory and Testing Branch, LS, AMS, USDA, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this proposed rule will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Background

The FSA, Title II (7 U.S.C. 1571-1575) regulates agricultural and vegetable planting seed in interstate commerce.

Agricultural and vegetable seeds shipped in interstate commerce must be labeled with certain quality information. The labeling information and any advertisements pertaining to the seed must be truthful. Also, the FSA prohibits the shipment of agricultural seeds containing noxious-weed seeds that are not labeled according to, or exceed the allowable rate established by state law.

Noxious-Weed Seeds

Under the Federal Noxious Weed Act (FNWA) of 1974 (7 U.S.C. 2801 *et. seq*) the Secretary has identified certain noxious weeds that are prohibited movement into or through the United States. We are proposing to amend the FSA regulations to designate seeds of noxious weeds listed under the FNWA as noxious in agricultural and vegetable seed shipped in interstate commerce under the FSA. The Animal and Plant Health Inspection Service (APHIS) enforces both the FNWA and Title III, the Foreign Commerce provisions of the FSA. However, APHIS may not restrict the movement of the noxious weeds listed under the FNWA if found in seed subject to the provisions of the FSA.

Each State has a list of weed seeds that are noxious in planting seed. Weed seeds that are designated noxious by each State are also noxious under the FSA when present in seed shipped into that State. Currently, neither AMS nor a State can take regulatory action when seeds classified as noxious under the FNWA are found in planting seed unless the seeds are recognized by the State law, rules, and regulations. Not all Federally identified noxious weeds have been recognized as noxious by states because the noxious weeds are not present in the contiguous United States. Therefore, we are proposing to recognize for purposes of FSA, Title II, that seeds of Federally listed noxious weeds under the FNWA are noxious weeds for the purpose of interstate shipments of seed under the FSA. By recognizing the Federally listed noxious weeds under the FNWA as noxious under the FSA, both the States and AMS can take action to prevent their spread on those rare occasions that they are found in planting seeds. Costly control and eradication of noxious weeds would not be required if infestations could be prevented.

When an interstate seed shipment is inspected for regulatory purposes and found by official test to deviate from the labeled claim, the FSA regulations provide that a tolerance is applied to compensate for random error in sampling and testing seed. The tolerance is applicable to noxious-weed

seeds, including those prohibited by states. Noxious-weed seed tolerances are given in § 201.65 of the FSA regulations. The tolerance allows shipment of seed found by an official inspection to contain up to two prohibited noxious-weed seeds. The seed industry is accustomed to tolerances being applied to seed that is shipped interstate and inspected by regulatory officials.

Because these noxious-weeds are highly destructive and the objective is to prevent their introduction and spread, we believe that except for *Cuscuta* spp. (dodders), the tolerance should not be applied to seeds of noxious weeds listed under the FNWA. Many species of dodder are contained in this proposal. Many other dodder species are already established in the United States. Seeds of most of the *Cuscuta* species are indistinguishable. Therefore, we believe the tolerance as given in § 201.65 is appropriate for *Cuscuta* spp. This proposal would also update the scientific names for noxious-weed seeds for the District of Columbia to those names currently recognized by the scientific community.

Additional Kinds, Names

Creeping foxtail and flatpea are added to the list of agricultural seeds subject to the FSA in § 201.2(h). These kinds are being marketed in interstate commerce and testing procedures have been established and validated for them. Adding creeping foxtail and flatpea will require that changes be made in § 201.46 and § 201.58 to incorporate testing procedures for each kind. Also "southernpea" is added as an acceptable synonym for "cowpea" when cowpea is sold as a vegetable seed. "Southernpea" is already an acceptable synonym for the agricultural seed "cowpea." "Cowpea" is a kind that is sold both as an agricultural seed and a vegetable seed.

Additional changes to § 201.2(h) define "Canola" and allow the use of "Canola" as a synonym for kinds of seed, primarily rape seeds, when the seed is low in erucic acid and glucosinolates. We are proposing the change because kinds of rape seed low in erucic acid and glucosinolates are commonly referred to in the trade and by farmers as "Canola."

Seed Testing

We are also updating the FSA seed testing regulations to include testing procedure for creeping foxtail and flatpea and to reflect improvements in seed testing technology and the current standards of usage within the industry. The Association of Official Seed Analysts (AOSA) has already adopted

most of these changes in their "Rules for Testing Seed," the testing rules used by most State and commercial seed analysts. Including these changes will eliminate potential conflicts between the testing rules used in interstate commerce and those used by the states. This would eliminate the need to do separate tests to assure that seed labeling complies with both Federal and State laws. It would also facilitate seed trade and reduce cost to the seed industry and to seed buyers.

Changes to § 201.46 clarify how to calculate the weight of the purity working sample for mixtures of coated seed and to add testing procedures for creeping foxtail and flatpea. Procedures for rounding purity percentages are described in § 201.47(c). These procedures specify the mathematical conventions to be followed for rounding figures to two decimal places and provide for adjustment of the percentage for the largest component in cases where the total percentage would not otherwise add up to 100.00. Amending § 201.50 and § 201.51 make the purity separation of capsules of *Juncus* spp. consistent with other weed species requiring that all seeds in a capsule be weighed separately from the capsule. Currently the capsule of *Juncus* spp. is weighed as a unit. Changes to § 201.55 eliminate germination results based on three replicates of 100 seeds each. The table column with the heading "3 replicates" is removed and the Explanatory Note revised to omit the reference to results based on three replicates. These changes would result in a test being invalid and require a retest if the variation between four replicates of a test exceeds the allowable variation. Germination tests are normally conducted on four replicates of 100 seeds each. Under the existing regulation a test can be based on three replicates when variation between the four replicates exceeds permitted variation. Comparative tests show that retest results based on four replicates are more accurate than results based on three replicates.

Additional instructions for germinating flatpea are given in Section 201.57.

Amendments to § 201.58 define soil as an artificial planting mix of shredded peat moss, vermiculite, and perlite. Defining soil as artificial planting mix will standardize the media used for soil germination tests conducted in the enforcement of the FSA. In Table 1, germination test procedures are added for creeping foxtail and flat pea. Also, the germination final count for buffalograss (*Buchloe dactyloides*) is reduced to 14 days (from 28 days) and

the prechill time reduced to 14 days (from six weeks). Crambe (*Crambe abyssinica*) will have "B" (between blotters) added as a substrate, 20°C added as a temperature, and KNO₃ added for testing fresh and dormant seed. "TB" (top of blotters) is added as a choice of substrata for Crownvetch (*Coronilla varia*). For Sunflower (*Helianthus annuus*) the germination temperature is changed to 20°C (from 20–30°C) and the first count changed to four days (from three days).

Changing "meadow foxtail" to "foxtails" in § 201.60 makes chaffy seed tolerances applicable to both "foxtails," (meadow foxtail and creeping foxtail).

Amending § 201.65 will clarify that "X" is the number of seeds found as represented by the label and not the number per unit weight labeled. This change is in response to the confusing wording of this section.

Seed Certification

The proposed rule will also update the Certified Seed regulations. Sections 201.74 and 201.75 provide that the name of each kind and variety would not have to be shown on the certification label of mixtures and seeds in small containers provided the information is given elsewhere on the container. This change is necessary because of limited space on the certification label and the limited space on small packages of vegetable seed. Mixtures often contain several kinds and varieties making it difficult to show all kinds and varieties in the limited space available. This information would be given in the analysis information. Also, the label must comply with the requirements of § 201 of the FSA that requires the detailed labeling.

Also, § 201.76, Table 5 will be amended to include genetic standards for chemically assisted hybrid cotton. These standards were established based on the best scientific information available and have been used successfully.

These changes are consistent with the standards and procedures recently adopted by an association made up primarily of State certifying agencies, the Association of Official Seed Certifying Agencies (AOSCA). These changes will remove potential conflicts between the FSA regulations and States' standards and procedures.

Corrections

Also, this proposal would correct several punctuation and other errors in the regulations such as correcting punctuation of several scientific names in § 201.2. The spelling of "hypogaeal" is corrected in § 201.56–5, punctuation is

corrected in § 201.56–6, and in § 201.76 "contamination" is changed to "contaminating" and "of" changed to "or".

List of Subjects in 7 CFR Part 201

Advertising, Agricultural commodities, Imports, Labeling, Reporting and recordkeeping requirements, Seeds, Vegetables.

For reason set forth in the preamble, it is proposed that 7 CFR Part 201 be amended as follows:

PART 201—REGULATIONS UNDER THE FEDERAL SEED ACT

1. The authority citation for part 201 would continue to read as follows:

Authority: 7 U.S.C. 1592.

2. In § 201.2, paragraph (i) is amended by adding the new terms "Southernpea (see cowpea)" and "Favabean (see Broadbean)" and paragraph (h) is amended by:

(A) Removing the period (.) at the end of the term "Bluestem, yellow—*Bothriolchloa ischaemum* (L.) Keng",

(B) Removing the term "Meadow foxtail—*Alopecurus pratensis* L.",

(C) By adding a period (.) at the end of the term "Smilo—*Piptatherum miliaceum* (L.) Coss", and

(D) Adding new terms in alphabetical order as follows:

§ 201.2 Terms defined.

* * * * *

(h) * * *

Canola—varieties of *Brassica* spp. that produce oil with less than 2 percent erucic acid and meal with less than 30 micro moles per gram of glucosinolates. (See annual rape, bird rape, turnip rape, and winter rape);

* * * * *

Flatpea—*Lathyrus sylvestris* L.

* * * * *

Foxtail, creeping—*Alopecurus arundinaceus* Poir.

Foxtail, meadow—*Alopecurus pratensis* L.

* * * * *

3. Section 201.16 is revised to read as follows:

§ 201.16 Noxious-weed seeds.

(a) Except for those kinds of noxious-weed seeds shown in paragraph (b) of this section, the names of the kinds of noxious-weed seeds and the rate of occurrence of each shall be expressed in the label in accordance with, and the rate of occurrence shall not exceed the rate permitted by, the law and regulations of the state into which the

seed is offered for transportation or is transported. If in the course of such transportation, or thereafter, the seed is diverted to another State of destination, the person or persons responsible for such diversion shall cause the seed to be relabeled with respect to the noxious-weed seed content, if necessary to conform to the laws and regulations of the State into which the seed is diverted.

(b) Seeds or bulblets of the following plants in paragraph (b)(1) shall be considered noxious-weed seeds in agricultural and vegetable seeds transported or delivered for transportation in interstate commerce (including Puerto Rico, Guam, and the District of Columbia). Agricultural or vegetable seed containing seeds or bulblets of these kinds shall not be transported or delivered for transportation in interstate commerce.

(1) Noxious-weed seeds include the following species on which no tolerance will be applied:

Aeginetia spp.
Ageratina adenophora (Spreng.) King and H.E. Robins.
Alectra spp.
Alternanthera sessilis (L.) DC.
Asphodelus fistulosus L.
Avena sterilis L. (including *Avena ludoviciana* Dur.)
Azolla pinnata R. Br.
Borreria alata (Aubl.) DC.
Carthamus oxyacantha M. Bieb.
Chrysopogon aciculatus (Retz.) Trin.
Commelina benghalensis L.
Crupina vulgaris Cass.
Digitaria abyssinica Stapf. (= *D. scalarum* (Schweinf.) Chiov.)
Digitaria velutina (Forsk.) Beauv.
Drymaria arenarioides Roem. and Schult.
Eichornia azurea (Sw.) Kunth
Emex australis Steinh.
Emex spinosa (L.) Campd.
Galega officinalis L.
Heracleum mantegazzianum Sommier & Levier
Hydrilla verticillata (L. f.) Royle
Hygrophila polysperma T. Anders.
Imperata brasiliensis Trin.
Imperata cylindrica (L.) Raeusch.
Ipomoea aquatica Forsk.
Ipomoea triloba L.
Ischaemum rugosum Salisb.
Lagarosiphon major (Ridley) Moss
Leptochloa chinensis (L.) Nees
Linnophila sessiliflora (Vahl) Blume
Lycium ferocissimum Miers
Melaleuca quinquenervia (Cav.) Blake
Melastoma malabathricum L.
Mikania cordata (Burm. f.) B.L. Robins.
Mikania micrantha H.B.K.
Mimosa invisa Mart.
Mimosa pigra L. var. *pigra*
Monochoria hastata (L.) Sloms-Laub.

Monochoria vaginalis (Burm. f.) K.B. Presl
Nassella trichotoma (Nees) Arechavaleta
Opuntia aurantiaca Lindl.
Orobancha spp.
Oryza longistaminata A. Cheval. and Roehr.
Oryza punctata Steud.
Oryza rufipogon Griff.
Ottelia alismoides (L.) Pers.
Paspalum scrobiculatum L.
Pennisetum clandestinum Chiov.
Pennisetum macrourum Trin.
Pennisetum pedicellatum Trin.
Pennisetum polystachion (L.) Schult.
Prosopis alapataco R.A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Munoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Griseb.
Prosopis castellanensis Burkart
Prosopis denudans Benth.
Prosopis elata (Burkart) Burkart
Prosopis farcta (Russell) Macbride
Prosopis ferox Griseb.
Prosopis fiebrigii Harms
Prosopis hassleri Harms
Prosopis humilis Hook. and Arn.
Prosopis kuntzei Harms
Prosopis pallida (Willd.) H.B.K.
Prosopis palmeri S. Watson
Prosopis reptans Benth. var. *reptans*
Prosopis rojasiana Burkart
Prosopis ruizlealii Burkart
Prosopis ruscifolia Griseb.
Prosopis sericantha Hook. and Arn.
Prosopis strombulifera (Lam.) Benth.
Prosopis torquata (Lagasca) DC.
Rottboellia cochinchinensis (Lour.) Clayton (= *R. exaltata* (L.) L.f.)
Rubus fruticosus L. (complex)
Rubus moluccanus L.
Saccharum spontaneum L.
Sagittaria sagittifolia L.
Salsola vermiculata L.
Salvinia auriculata Aubl.
Salvinia biloba Raddi
Salvinia herzogii de la Sota
Salvinia molesta D.S. Mitchell
Setaria pallide-fusca (Schumach.) Stapf and Hubb.
Solanum torvum Sw.
Solanum viarum Dunal
Sparaganium erectum L.
Striga spp.
Tridax procumbens L.
Urochloa panicoides Beauv.

(2) Noxious-weed seeds include the following species on which the tolerance in paragraph (c) of this section will be applied:

Cuscuta americana L.
Cuscuta applanata Engelm.
Cuscuta approximata Bab.
Cuscuta attenuata Waterfall
Cuscuta boldinghii Urban

Cuscuta brachycalyx (Yuncker) Yuncker
Cuscuta californica Hook. and Arn.
Cuscuta campestris Yuncker
Cuscuta cassytoides Engelm.
Cuscuta ceanothii Behr
Cuscuta cephalanthii Engelm.
Cuscuta compacta Juss.
Cuscuta corylii Engelm.
Cuscuta cuspidata Engelm.
Cuscuta decipiens Yuncker
Cuscuta dentatasquamata Yuncker
Cuscuta denticulata Engelm.
Cuscuta epilinum Weihe
Cuscuta epithymum (L.) L.
Cuscuta erosa Yuncker
Cuscuta europaea L.
Cuscuta exaltata Engelm.
Cuscuta fasciculata Yuncker
Cuscuta glabrior (Engelm.) Yuncker
Cuscuta globulosa Benth.
Cuscuta glomerata Choisy
Cuscuta gronovii Willd.
Cuscuta harperi Small
Cuscuta howelliana Rubtsoff
Cuscuta indecora Choisy
Cuscuta jepsonii Yuncker
Cuscuta leptantha Engelm.
Cuscuta mitriformis Engelm.
Cuscuta nevadensis I.M. Johnston
Cuscuta obtusiflora H.B.K.
Cuscuta occidentalis Mill. and Nutt.
Cuscuta odontolepis Engelm.
Cuscuta pentagona Engelm.
Cuscuta planiflora Ten.
Cuscuta plattensis A. Nels.
Cuscuta polygonorum Engelm.
Cuscuta rostrata Engelm.
Cuscuta runyonii Yuncker
Cuscuta salina Engelm.
Cuscuta sandwichiana Choisy
Cuscuta squamata Engelm.
Cuscuta suaveolens Ser.
Cuscuta suksdorfii Yuncker
Cuscuta tuberculata Brandeg.
Cuscuta umbellata H.B.K.
Cuscuta umbrosa Hook.
Cuscuta vetchii Brandeg.
Cuscuta warneri Yuncker

(c) The tolerance applicable to the prohibition of the noxious-weed seeds in paragraph (b)(1) of this section shall be zero (0.) For those kinds listed in paragraph (b)(2) of this section the tolerance shall be two seeds in the minimum amount required to be examined as shown in § 201.46, Table 1.

4. Section 201.17 is revised to read as follows:

§ 201.17 Noxious-weed seeds in the District of Columbia.

(a) Noxious-weed seeds in the District of Columbia are: Quackgrass (*Elytrigia repens*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), bermudagrass (*Cynodon dactylon*), giant bermudagrass (*Cynodon dactylon* var. *aridus*), annual bluegrass (*Poa annua*), and wild garlic or wild

onion (*Allium canadense* or *Allium vineale*). The name and number per pound of each kind of such noxious-weed seeds present shall be stated on the label.

(b) [Reserved]

5. In § 201.46, paragraph (d)(2)(iii) is revised and Table 1 is amended by removing the term "Meadow foxtail"

and all that follows on that line, and adding new terms "Flatpea", "Foxtail, creeping", and "Foxtail, meadow" to read as follows:

§ 201.46 Weight of working sample.

* * * * *

(d) * * *

(2) * * *

(iii) The weight of the working sample shall be the product of the weight calculated in paragraph (d)(2)(i) of this section multiplied by 100 percent, divided by 100 percent minus the percentage of coating material calculated in paragraph (d)(2)(ii) of this section.

TABLE 1.—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis (grams)	Minimum weight for noxious-weed seed examination (grams)	Approximate number of seeds per gram
Agricultural Seed:			
* * * * *			
Flatpea	100	500	25
* * * * *			
Foxtail, creeping	1.5	15	1,736
Foxtail, meadow	3	30	893
* * * * *			

6. In § 201.47, paragraphs (c)(3) and (c)(4) are added to read as follows:

§ 201.47 Separation.

* * * * *

(c) * * *

(3) When rounding off the calculated percentages of each component to the second decimal place, round down if the third decimal place is 4 or less and round up if the third decimal place is 5 or more, except that if any component is determined to be present in any amount calculated to be less than 0.015 percent, then that component shall be reported as 0.01 percent. If any component is not found in the purity analysis, then that component shall be reported as 0.00 percent.

(4) The total percentage of all components shall be 100.00 percent. If the total does not equal 100.00 percent (e.g. 99.99 percent or 100.01 percent), then add to or subtract from the component with the largest value (usually the pure seed component).

§ 201.47a [Amended]

7. Section 201.47a, paragraph (b)(4)(ii) is amended by adding the word "in" following the word "internodes".

8. In § 201.50, paragraph (b) is removed and paragraph (c) is redesignated as paragraph (b) and paragraph (a) is revised to read as follows:

§ 201.50 Weed seed.

* * * * *

(a) The individual seeds are to be removed from fruiting structures such as pods and heads. The seeds are classified as weed seed and the remaining fruiting structures classified as inert matter.

* * * * *

§ 201.51 [Amended]

9. In § 201.51, paragraph (b)(9) is removed.

10. In § 201.55, the table in paragraph (a) and the Explanatory Note immediately following paragraph (e) are revised to read as follows:

§ 201.55 Retests.

* * * * *

(a) * * *

TABLE OF MAXIMUM TOLERATED RANGES BETWEEN 100-SEED REPLICATES FOR USE IN CONNECTION WITH § 201.55(A)
Average percent germinations

Maximum allowed between replicates			
		4 replicates	2 replicates
99	2	5	.....
98	3	6	.....
97	4	7	6
96	5	8	6
95	6	9	7
94	7	10	8
93	8	10	8
92	9	11	9
91	10	11	9
90	11	12	9
89	12	12	10
88	13	13	10
87	14	13	11
86	15	14	11

TABLE OF MAXIMUM TOLERATED RANGES BETWEEN 100-SEED REPLICATES FOR USE IN CONNECTION WITH § 201.55(A)—
Continued

Average percent germinations

Maximum allowed between replicates		4 replicates	2 replicates
85	16	14	11
84	17	14	11
83	18	15	12
82	19	15	12
81	20	15	12
80	21	16	13
79	22	16	13
78	23	16	13
77	24	17	13
76	25	17	13
75	26	17	14
74	27	17	14
73	28	17	14
72	29	18	14
71	30	18	14
70	31	18	14
69	32	18	14
68	33	18	15
67	34	18	15
66	35	19	15
65	36	19	15
64	37	19	15
63	38	19	15
62	38	19	15
61	40	19	15
60	41	19	15
59	42	19	15
58	43	19	15
57	44	19	15
56	45	19	15
55	46	20	15
54	47	20	16
53	48	20	16
52	48	20	16
51	50	20	16

* * * * *

(e) * * *

Note to § 201.55. To find the maximum tolerated range, compute the average percentage of all 100 seed replicates of a given test, rounding off the result to the nearest whole number. The germination is found in the first two columns of the table. When the differences between highest and lowest replicates do not exceed the corresponding values found in the "4 replicates" column, no additional testing is required. However, if the differences exceed the values in the "4 replicates" column, retesting is necessary.

§ 201.56–5 [Amended]

11. In § 201.56–5, paragraph (e)(1)(i) is revised by removing "hypegeal" and adding "hypogeal" in its place.

§ 201.56–6 [Amended]

12. In § 201.56–6, paragraph (c)(2)(i) the period following the word "Cotyledons" is removed and a colon is added in its place, paragraph (c)(2)(ii) is amended by removing the period following "Epicotyl" and adding a colon in its place, and paragraph (d)(2)(iii)(B) is amended by adding a closing parenthesis at the end of the last sentence.

13. In § 201.57, a sentence is added at the end of the section to read as follows:

§ 201.57 Hard seeds.

* * * For flatpea, continue the swollen seed in test for 14 days when germinating at 15–25°C or for 10 days when germinating at 20°C.

14. Section 201.58 is amended as follows:

A. In paragraph (a)(7), immediately following the words "S= sand or soil" the words "where soil is an antificial planting mix of shredded peat moss, vermiculite, and perlite" are added; and

B. In Table 2, the entry "Meadow foxtail" and all that follows on that line are removed, and the entries for "Buffalograss", "Crambe", "Crownvetch", and "Sunflower" and adding "Flatpea", "Foxtail, creeping", and "Foxtail, meadow" are revised to read as follows:

§ 201.58 Substrata, temperature, duration of test, and certain other specific directions for testing for germination and hard seed.

* * * * *

Table 2.—Germination Requirements for Indicated Kinds

* * * * *

Name of seed	Substrata	Temp. °C	First count days	Final count days	Additional directions	
					Specific requirements	Fresh and dormant seed
AGRICULTURAL SEED						
*	*	*	*			
Buffalograss (Burs)	P,TB,TS	20–35	7	14	Light; KNO ₃	*
(Caryopses)	P	20–35	5	14	Light; KNO ₃ .	Prechill at 5 °C for 2 weeks; see § 201.57a.
*	*	*	*			
Crambe	T,B	20; 25	4	7	.....	* .....
Crownvetch	B,T,TB,S	20	7	¹ 14		KNO ₃
Flatpea	T	15–25; 20	14	¹ 28		
Foxtail, creeping	P	15–30	7	21	Light; KNO ₃ .	
Foxtail, meadow	P	20–30	7	14	Light.	
Sunflower	T, B	20	4	7		

¹ Hard seeds may be present. (See § 201.57)

§ 201.60 [Amended]

15. Section 201.60 is amended by removing the words “meadow foxtail” and adding in their place the word “foxtails”.

16. Section 201.65 is amended by:

A. Revising the heading in the first column of the table to read “Number represented by the label or test ¹”,

B. Adding a footnote immediately following the table to read:

¹ Rates per pound or ounce must be converted to the equivalent number of seeds found in § 201.46, Table 1, Minimum weight for noxious-weed seed examination (grams).'', and

C. Revising the introductory text to read as follows:

§ 201.65 Noxious-weed seeds in interstate commerce.

Tolerances for rates of occurrence of noxious-weed seeds shall be recognized and shall be applied to number of noxious-weed seeds found by analysis in the quantity of seed specified for noxious-weed seed determination in § 201.46, except as provided in § 201.16(c). Applicable tolerances are calculated by the formula, $Y = X + 1 + 1.96\sqrt{X}$, where X is the number of seeds represented by the label or test and Y is the maximum number within tolerance. Some tolerances are listed

below. The number found as represented by the label or test (Column X) will be considered within tolerance if not more than the corresponding number in Column Y are found by analysis in the administration of the Act. For numbers of seeds greater than those in the table and in case of additional or more extensive analyses, a tolerance based on a degree of certainty of 5 percent ($P=0.05$) will be recognized.

* * * * *

17. In § 201.74, paragraph (a) is revised to read as follows:

§ 201.74 Labeling all classes of seed.

(a) All classes of certified seed when offered for sale shall have an official certification label affixed to each container clearly identifying the certifying agency, the lot number or other identification, the variety name (if certified as to variety), and the kind and class of seed. Except that for seed mixtures and seed in containers of 5 pounds or less, the certification labels need not bear the name of the kind or kind and variety of each component, provided the name of each kind or kind and variety is shown on the analysis label.

* * * * *

18. In § 201.75, paragraph (c) is revised to read as follows:

§ 201.75 Interagency certification.

* * * * *

(c) Each label used in interagency certification shall be serially numbered or carry the certification identity number and clearly identify the certifying agencies involved, the variety (if certified as to variety), and the kind and class of seed. Except that for seed mixtures and seed in containers of 5 pounds or less, the certification labels need not bear the name of the kind or kind and variety of each component, provided the name of each kind or kind and variety is shown on the analysis label.

19. In §201.76, the introductory text is amended by removing the word “contamination” and adding in its place the word “contaminating”, removing the word “of” immediately following the word “varieties” and adding in its place the word “or”, and amending Table 5 under the entry “corn” by adding the word “Foundation” before the words “Back cross” and adding the entry “Hybrid—chemically assisted” following the entry “Cotton”, to read as follows:

§ 201.76 Minimum Land, Isolation, Field, and Seed Standards.

* * * * *

TABLE 5

		Foundation				Registered				Certified			
		Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
Cotton	***	*	*			*	*			*		*	
Hybrid—Chemically Assisted	.....	0	190	10,000	0.03	.....	.....	.....	.....	0	2,640 (59 804.66m) ...	1,320	0.1
	*	*	*			*	*			*		*	

Dated: October 6, 1998.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 98-27590 Filed 10-19-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ANM-20]

Proposed Revision of Class E Airspace; Buena Vista, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposal would amend the Class E airspace at Buena Vista, CO, to provide additional controlled airspace to accommodate the development of a new Standard Instrument Approach Procedure (SIAP) utilizing the Global Positioning System (GPS) at the Buena Vista Municipal Airport. This new SIAP requires modification of airspace in order to contain Instrument Flight Rules (IFR) procedures.

DATES: Comments must be received on or before December 4, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM-520, Federal Aviation Administration, Docket No. 98-ANM-20, 1601 Lind Avenue SW, Renton, Washington 98055-4056.

The official docket may be examined in the office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM-520.6, Federal Aviation Administration, Docket No. 98-ANM-20, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone number: (425) 227-2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-ANM-20." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposal rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM-520, 1601 Lind Avenue SW, Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) to revise Class E airspace at Buena Vista, CO. This amendment would provide additional airspace necessary to fully encompass the GPS Runway 33 SIAP to the Buena Vista Municipal Airport, Buena Vista, CO. This amendment proposes to add Class E airspace additions in order to accommodate the holding pattern and missed approach area for the SIAP. The FAA establishes Class E airspace extending upward from 700 feet AGL where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide safe and efficient use of the navigable airspace and to

promote safe flight operations under IFR at the Buena Vista Municipal Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective

September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM CO E5 Buena Vista, CO [Revised]

Buena Vista, Buena Vista Municipal Airport, CO

(Lat. 38°48'51"N, long. 106°07'14"W)

That airspace extending upward from 700 feet above the surface within a 4.7-mile radius of the Buena Vista Municipal Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 39°01'35"N, long. 105°53'15"W; to lat. 38°59'40"N, long. 105°45'45"W; to lat. 38°52'40"N, long. 105°38'40"W; to lat. 38°33'50"N, long. 105°36'50"W; to lat. 38°26'30"N, long. 105°42'30"W; to lat. 38°25'20"N, long. 106°18'45"W; to lat. 38°33'20"N, long. 106°22'20"W; to lat. 38°36'10"N, long. 106°12'50"W; to lat. 38°51'25"N, long. 106°13'25"W; thence to point of beginning; excluding that airspace within Federal Airways, and the Leadville, CO, Class E airspace area.

* * * * *

Issued in Seattle, Washington, on October 5, 1993.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98-28043 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AEA-38]

Proposed Establishment of Class E Airspace; Fishers Island, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Fishers Island, NY. The amendment of a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) at Elizabeth Field, Fishers Island, NY, has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA-520, Docket No. 98-AEA-38, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA-520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 98-AEA-38." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Fishers Island, NY. The GPS or VOR-A SIAP has been amended for Elizabeth Field. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA NY E5 Fishers Island, NY [New]

Elizabeth Field, NY

(Lat. 41°15'08" N., long. 72°01'54" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Elizabeth Field, excluding the portion that coincides with the Montauk, NY, Westerly, RI, and Groton, CT, Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28044 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 98–AEA–25]

Proposed Amendment to Class E Airspace; Hagerstown, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Hagerstown, MD. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point in Space Approach, based on the Global Positioning System (GPS), and serving the Waynesboro Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the heliport.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–25, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

“Comments to Airspace Docket No. 98–AEA–25.” The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Hagerstown, MD. A GPS Point in Space Approach has been developed for the Waynesboro Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA MD E5 Hagerstown, MD [Revised]

Washington County Regional Airport, PA

(Lat 39°42'28" N., long 77°43'46" W.)

Hagerstown VOR

(Lat 39°41'52" N., long 77°51'21" W.)

Washington County Regional Airport ILS

Runway 27 Localizer

(Lat 39°42'22" N., long 77°44'41" W.)

Waynesboro Hospital Heliport, PA

Point In Space Coordinates

(Lat 39°45'52" N., long 77°34'15" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Washington County Regional Airport and within 3.1 miles each side of the Hagerstown VOR 246° radial extending from the 6.6-mile radius to 9.6 miles southwest of the VOR and within 4.4 miles each side of the Washington County Regional Airport ILS Runway Localizer extending from the localizer to 12.6 miles east of the localizer and within a 6-mile radius of the Point In Space serving Waynesboro Hospital Heliport, excluding the portion within Prohibited Area P-40.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98-28045 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 98-AEA-29]

Proposed Establishment of Class E Airspace; Huntington, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Huntington, PA. The development of a new Standard

Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), and serving the J.C. Blair Memorial Hospital Heliport, has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) helicopter operations to the airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Airspace Branch, 98-AEA-520, Docket No. 98-AEA-29, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430. The official docket may be examined in the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA-520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-AEA-29". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace extending upward from 700 feet above the surface (AGL) at Huntington, PA. A GPS Point In Space Approach has been developed to serve helicopter operations to J.C. Blair Memorial Hospital Heliport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this approach and for IFR helicopter operations to the airport. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace extending upward from 700 feet above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, dated September 4, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Huntington, PA [New]

J.C. Blair Memorial Hospital Heliport, PA Point in Space Coordinates

(Lat. 40°29'05"N., long. 78°01'37"W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving the J.C. Blair Memorial Hospital Heliport, excluding that portion that coincides with the Altoona, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28046 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–24]

Proposed Amendment to Class E Airspace; York PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at York, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS), and serving the York Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the heliport.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–24, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–

AEA–24." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at York, PA. A GPS Point In Space Approach has been developed for the York Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air

traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 York, PA [Revised]

York Airport, PA

(Lat. 39°55'05"N., long. 76°52'26"W.)

York NDB

(Lat. 39°55'12"N., long. 76°52'39"W.)

York Hospital Heliport, PA

Point In Space Coordinates

(Lat. 39°55'54"N., long. 76°42'56"W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of York Airport and within 3.1 miles each side of the 340° bearing from York NDB extending from the 6.5-mile radius to 10 miles northwest of the NDB and within a 6-mile radius of the Point In Space serving York Hospital Heliport, excluding the portion that coincides with the Marietta, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28047 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–26]

Proposed Amendment to Class E Airspace; Mount Oliver, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Mount Oliver, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS), and serving the Allegheny General Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the heliport.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–26, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AEA–26." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Mount Oliver, PA. A GPS Point In Space Approach has been developed for the Allegheny General Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an

established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Mount Oliver, PA [Revised]

Pittsburgh City Center Hospital heliport
Point In Space Coordinates

(Lat 40°25'09" N., long. 79°57'31" W.)
Allegheny General Hospital Heliport

Point In Space Coordinates

(Lat 40°26'19" N., long. 79°59'30" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Pittsburgh City Center Hospital Heliport and within a 6-mile radius of the Point In Space serving Allegheny General Hospital Heliport, excluding the portion that coincides with the Pittsburgh, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region

[FR Doc. 98–28048 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–27]

Proposed Amendment to Class E Airspace; Lancaster, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Lancaster, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS), and serving the Lancaster Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the heliport.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–27, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int's Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Airspace Docket No. 98–AEA–27.” The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Lancaster, PA. A GPS Point In Space Approach has been developed for the Lancaster Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas

extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40104; 40113; 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Lancaster, PA [Revised]

Lancaster Airport, PA
(lat. 40°07'18"N., long. 76°17'46"W.)

MANOR OM
(lat. 40°04'53"N., long. 77°25'47"W.)

Lancaster VORTAC
(lat. 40°07'12"N., long. 76°17'29"W.)

Lancaster Hospital Heliport, PA

Point In Space Coordinates

(lat. 40°03'44"N., long. 76°18'27"W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Lancaster Airport and within 2.7 miles each side of the Lancaster VORTAC 260° radial extending from the 6.6-mile radius to 7.4 miles west of the VORTAC and within 4.4 miles each side of the Lancaster VORTAC 055° radial extending from the 6.6-mile radius to 14.4 miles northeast of the VORTAC and within 3.1 miles each side of the Lancaster Airport ILS southwest localizer course extending from the 6.6-mile radius to 9.2 miles southwest of the MANOR OM and within a 6-mile radius of the Point In Space serving Lancaster Hospital Heliport, excluding the portion that coincides with the Marietta, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28049 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–28]

Proposed Amendment to Class E Airspace; Pottsville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Pottsville, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS), and serving the Ashland Hospital heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations to the heliport.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–28, FAA Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, FAA Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, FAA Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, FAA Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Airspace Docket No. 98–AEA–28.” The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, FAA Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Pottsville, PA. A GPS Point In Space Approach has been developed for the Ashland Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective

September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Pottsville, PA [Revised]

Schuykill County (Joe Zerby) Airport,
Pottsville, PA
(Lat. 40°42'23" N., long. 76°22'24" W.)
Ashland Hospital Heliport
Point In Space Coordinates

(Lat. 40°03'44" N., long. 76°18'27" W.)
That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Schuykill County (Joe Zerby) Airport and within a 6-mile radius of the Point In Space serving Ashland Hospital Heliport, excluding the portion that coincides with the Shamokin, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28050 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–020–FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposes revisions to and additions of rules concerning burden of proof in civil penalty proceedings, petitions for review of proposed individual civil penalty assessment, permit conditions, verification of ownership or control application information, review of ownership or control and violation information, procedures for challenging ownership or control links shown in AVS, and standards for challenging ownership or control links and the status of violation. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Oklahoma program and the amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.s.t., November 19, 1998. If requested, we will hold a public hearing on the amendment on November 16, 1998. We will accept requests to speak at the hearing until 4:00 p.m., c.s.t. on November 4, 1998.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

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

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

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521–3859.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581–6430. Internet: mwolfrom@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Description of the Proposed Amendment

By letter dated September 28, 1998 (Administrative Record No. OK–982), Oklahoma sent us an amendment to its

program under SMCRA. Oklahoma sent the amendment in response to our letter dated January 6, 1994 (Administrative Record No. OK-977), that we sent to Oklahoma under 30 CFR 732.17(c). The amendment also includes changes made at Oklahoma's own initiative. Oklahoma proposes to amend the Oklahoma Administrative Code. Below is a summary of the changes proposed by Oklahoma. The full text of the program amendment is available for your inspection at the locations listed above under ADDRESSES.

1. 460:2-7-6, Burden of Proof in Civil Penalty Proceedings

Oklahoma proposes to remove the burden of persuasion as to the fact of violation from the Department of Mines and place it on the applicant.

2. 460:2-8, Petitions for Review of Proposed Individual Civil Penalty Assessment

Oklahoma proposes to add a new Subchapter 8 to Chapter 2 of the Oklahoma Administrative Code. Section 1 of Subchapter 8 states that this Subchapter governs administrative review of proposed individual civil penalty assessments under Chapter 20, against a director, officer, or agent of a corporation. Section 2 clarifies that any individual served with a notice of proposed individual civil penalty assessment may file a petition for review, and provides an address where the individual may file the petition. Section 3 provides that an individual must file a petition within 30 days of notice. It also states that the Department of Mines will not grant any extensions to this time period. The Department considers failure to file as an admission of liability. Section 4 requires that an individual filing a petition provide a statement of the facts entitling him or her to relief, a copy of the notice of proposed assessment, a copy of the notice(s) of violation, order(s) or final decision(s) the individual has been served with, and a statement whether the individual requests or waives the opportunity for an evidentiary hearing. This section also requires that copies of the petition be served to all affected persons. Section 5 states that within 30 days of receipt of a petition, the Department must file an answer or motion, or provide a statement that it will not file an answer or motion, to the Hearing Officer. Section 6 reads as follows:

(a) An individual filing a petition may amend it once as a matter of right before receipt by the individual of an answer, motion, or statement of the Department made in accordance with 460:2-8-5 of this

subchapter. Thereafter, a motion to leave to amend the petition shall be filed with the Hearing Officer.

(b) The Department shall have 30 days from receipt of a petition amended as a matter of right to file an answer, motion, or statement in accordance with Section 460:2-8-5 of this Subchapter. If the Hearing Officer grants a motion to amend a petition, the time for the Department to file an answer, motion, or statements shall be set forth in the order granting the motion to amend.

Section 7 requires the Hearing Officer to give notice of the time and place of the hearing to all interested parties. It further requires that the hearing be of record and governed by O.S. Title 75, the Administrative Procedures Act. Section 8 reads as follows:

(a) The Department shall have the burden of going forward with evidence to establish a prima facie case that:

(1) A corporate permittee either violated a condition of a permit or failed or refused to comply with an order issued under 45 O. S. 1981, Section 724. et seq., or an order incorporated in the final decision of the Director, (except an order incorporated in a decision issued under sections 45 O. S. Subsection 769 (b) of the Act or implementing regulations), unless the fact of violation or failure or refusal to comply with an order has been upheld in a final decision in a proceeding under Sections 2-7-1 through 2-7-9, 2-9-2 through 2-9-12, or Sections 2-11-1 through 2-11-8, and Sections 2-19-1 or 2-39-2 of this Chapter, and the individual is one against whom the doctrine of collateral estoppel may be applied to preclude relitigation of fact issues;

(2) The individual, at the time of the violation, failure or refusal, was a director, officer, or agent of the corporation; and

(3) The individual willfully and knowingly authorized, ordered, or carried out the corporate permittee's violation or failure or refusal to comply.

(b) The individual shall have the ultimate burden of persuasion by a preponderance of the evidence as to the elements set forth in (a) (1) of this section and as to whether he was a director or officer of the corporation at the time of the violation or refusal.

(c) The Department shall have the ultimate burden of persuasion by a preponderance of the evidence as to whether the individual was an agent of the corporation, as to (a) (3) of this section, and as to the amount of the individual civil penalty.

Section 9 requires that the Hearing Officer issue a written decision on those elements required by Section 8 of this Subchapter. If the Hearing Officer concludes that the individual is liable for an individual civil penalty, he shall order the individual to pay the penalty required under 460:20-63-6, as long as no affected party petitions the Department Director to review the Officer's decision. Finally, section 10 provides that any affected party may petition the Department Director to review an order or decision by the

Hearing Officer. The petition must be filed on or before 30 days from the date of receipt of the order or decision sought to be reviewed, and the time for filing will not be extended. A petition must list the alleged errors of the Hearing Officer and have a copy of the order or decision sought to be reviewed attached to it. Any affected party may file with the Director a response to the petition for review within 10 days of receipt of a copy of such petition. The Director must grant or deny the petition in whole or in part within 30 days of the filing of the petition. If the petition for review is granted, the rules in 460:2-19-4 through 460:2-19-7 apply. If the petition is denied, the decision of the Hearing Officer is final subject to 460:2-1-3 and payment of a penalty is due.

3. 460:20-15-7, Permit Conditions

Oklahoma proposes to remove paragraph 5 of this section which prohibits the discharge or discrimination of any employee or authorized representative of employees that files for or institutes any proceedings under the Act, testifies at any proceeding or investigation, or exercises any rights granted by the Act.

4. 460:20-15-11, Verification of Ownership or Control Application Information

Oklahoma proposes to add a new section 11 to Subchapter 15 to read as follows:

(a) Prior review. In accordance with Section 460:20-15-6(c)(1) of this Subchapter, prior to the issuance of a permit, the Department shall review the information in the application provided pursuant to Section 460:20-23-2 of this Chapter to determine that such information, including the identification of the operator and all owners and controllers of the operator, is complete and accurate. In making such determination, the Department shall compare the information provided in the application with information from other reasonable available sources, including:

(1) Manual data sources within Oklahoma including: (A) The Department's inspection and enforcement records; and (B) The state incorporating records or tax records, to the extent they contain information concerning ownership or control links; and

(2) Automated data sources, including: (A) The Department's own computer systems; and (B) The Applicant Violator System (AVS).

(b) Application inquiry. If it appears from the information provided in the application pursuant to Section 460:20-23-3(c) through (d) of this Chapter that none of the persons identified in the application has had any previous mining experience, the Department shall inquire of the applicant and investigate whether any person other than those identified in the application will own or

control the operation (as either an operator or other owner or controller).

(c) Review results. If, as a result of the review conducted under paragraphs (a) and (b) of this section, the Department identifies any potential omission, inaccuracy, or inconsistency in the ownership or control information provided in the application, it shall, prior to making a final determination with regard to the application, contact the applicant and require that the matter be resolved through submission of: (1) An amendment to the application or (2) A satisfactory explanation which includes credible information sufficient to demonstrate that no actual omission, inaccuracy, or inconsistency exists. (3) The Department shall also take action in accordance with the provisions of Subchapter 59 of this Chapter where appropriate.

(d) Review completion. Upon completion of the review conducted under this section, the Department shall promptly enter into or update all ownership or control information on AVS.

4. 460:20-15-12, Review of Ownership or Control and Violation Information.

Oklahoma proposes to add a new section 12 to Subchapter 15. Paragraph (a) requires the Department to review all available information concerning violation notices and ownership or control links involving the application to determine whether the application can be approved. The reviewed information with respect to ownership and control links involving the applicant must include all information obtained under Section 460:20-15-11 and 460:20-23-3. The reviewed information with respect to violation notices must include all information obtained under section 460:20-23-3, information obtained from the OSM, and information obtained from the Department's records. Paragraph (b) requires that the Department notify the applicant if it finds any ownership or control links between the applicant and any person cited in a violation notice and refer him or her to the authority with jurisdiction over said violation. The Department can not approve the application unless and until it determines that all ownership or control links between the applicant and any person cited in a violation notice are erroneous or have been rebutted, or that the violation has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. Paragraph (c) of this section requires the Department to enter into the AVS all relevant information related to its decision or withdrawal of the application.

5. 460:20-15-13, Procedures for Challenging Ownership or Control Links Shown in AVS

Oklahoma proposes to add a new section 13 in Subchapter 15. Paragraph (a) provides that any applicant or other person shown in the AVS in an ownership or control link to any person can challenge the link under paragraphs (b) through (d) and Section 460:20-15-14, unless they are bound by a prior administrative or judicial determination concerning the link. Paragraph (a) also provides that any applicant or other person shown in the AVS in an ownership or control link to any person cited in a State violation notice can challenge the status of the violation under paragraphs (b) through (d) and Section 460:20-15-14, unless they are bound by a prior administrative or judicial determination concerning the status of the violation. Paragraph (b) provides that an ownership or control link or the status of a State violation can be challenged by submitting a written explanation of the basis for the challenge, along with any relevant evidentiary materials and supporting documents to the Department. Paragraph (c) requires the Department to review any submitted information and decide in writing whether the ownership or control link is erroneous, has been rebutted, and/or remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. Paragraph (d) requires the Department to update the AVS and notify the applicant or other person and, if the application is pending, the reviewing authority, if the Department determines that the ownership or control link has been shown to be erroneous, rebutted and/or that the violation covered by the notice has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. The Department must serve a copy of the decision on the applicant or other person by certified mail, or by any means consistent with the rules governing service of a summons and complaint under Chapter 2, Rules of Practice and Procedure. Service will be complete upon tender of the notice or of the mail and will not be deemed incomplete because of a refusal to accept. The applicant or other person may appeal a decision of the Department to formal review to the Department's Legal Division for hearing and appeal within 30 days of service of the decision in accordance with Chapter 20, The Permanent Program Regulations Governing the Coal Reclamation Act of 1979 and Chapter 2, Rules of Practice and Procedure for the Coal Reclamation

Act of 1979. The Department's decision will remain in effect during the pendency of the appeal, unless temporary relief is granted in accordance with Chapter 20, Chapter 2, and the Oklahoma Statutes Title 45.

6. 460:20-15-14, Standards for Challenging Ownership or Control Links and the Status of Violations

Oklahoma proposes to add a new section 14 to Subchapter 15 to read as follows:

(a) Application. The provisions of this section shall apply whenever a person has and exercises a right, under the provisions of Sections 460:20-15-9, 460:20-15-10, 460:20-15-12, or 460:20-15-13 of this Subchapter or under the provision of Subchapter 19 of this Chapter, to challenge:

(1) An ownership or control link to any person; and/or

(2) The status of any violation covered by a notice.

(b) Responsibility. It is the responsibility of the Department of Mines to undertake the following duties pursuant to ownership and/or control relationships:

(1) Except as provided in paragraph (b) (3) of this Section, the Department is responsible for: (A) The Department has the responsibility for making decisions with respect to ownership or control relationship of all pending applications. (B) Upon permit issuance, the Department is responsible for making all decisions with respect to the ownership or control relationships of that permit. (C) The Department shall have the responsibility for making decisions with respect to the ownership or control relationships of all violations contained in notice of violations issued by the Department. (D) The Department upon issuance of a notice of violation shall have the responsibility for making decision concerning the status of the violation covered by the notice of violation. (i.e., whether the violation remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal, within the meaning of Section 460:20-15-6 (b) (1) of this Subchapter.)

(2) The Office of Surface Mining shall have responsibility for making decisions with respect to ownership of control relationships of a federal notice of violation.

(c) Evidentiary standards. The Department shall conduct formal and informal reviews in the following manner:

(1) In any formal or informal review of an ownership or control link or of the status of a violation covered by a violation notice, the Department shall make a prima facie determination or showing that such link exists, existed during the relevant period, and/or that the violation covered by such notice remains outstanding. Once such a prima facie determination or showing has been made, the person challenging such link or the status of the violation shall have the burden of proving by a preponderance of the evidence, with respect to any relevant time period the following: (A) That the facts relied upon by the Department to establish

ownership or control under the definition of "owned and controlled" or owns and controls in Section 460:20-15-2 of this Subchapter do not or did not exist; or (B) That a person subject to a presumption of ownership or control under the definition of "owned or controlled" or "owns or controls" in Section 460:20-15-2 of this Subchapter, do not or did not exist; (C) That a person subject to a presumption of ownership or control under the definition of "owned or controlled" or "owns or controls" in Section 460:20-15-2 of this Subchapter, does not or did not in fact have the authority directly or indirectly to determine the manner in which surface coal mining operations are or were conducted; or (D) That the violation covered by the violation notice did not exist, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal within the meaning of Section 460:20-15-6 (b) (1) of this Subchapter; provided that the existence of the violation at the time it was cited may not be challenged under provisions of Section 460:20-15-13 of this Subchapter: (i) By a permittee, unless such challenge is made by the permittee within the context of Sections 460:20-15-9 through 460:20-15-10 of this Subchapter; (ii) By any person who had a prior opportunity to challenge the violation notice and who failed to do so in a timely manner; or (iii) By any person who is bound by a prior administrative or judicial determination concerning the existence of the violation.

(2) In meeting the burden of proof set forth in paragraph (c) (1) of this section, the person challenging the ownership or control link or the status of the violation shall present probative, reliable, and substantial evidence and any supporting explanatory materials, which may include: (A) Before the Department: (i) Affidavits setting forth specific facts concerning the scope of responsibility of the various owners or controllers of an applicant, permittee, or any other person cited in a violation notice; and the nature and details of any transactions creating or severing an ownership or control link; or specific facts concerning the status of the violation; (ii) If certified, copies of corporate minutes, stock ledgers, contracts, purchase and sale agreement, leases, correspondence, or other relevant company records; (iii) If certified, copies of documents filed with or issued by any State, Municipal, or Federal governmental agency. (iv) An opinion of counsel, when supported by: (I) evidentiary materials; (II) a statement by counsel that he or she is qualified to render the opinion; and (III) a statement that counsel has personally and diligently investigated the facts of the matter; or, (IV) where counsel has not investigated the facts, a statement that such opinion is based upon information which has been supplied to counsel and which is assumed to be true. (B) Before any administrative or judicial tribunal reviewing the decision of the Department, any evidence admissible under the rules of such tribunal.

(d) After departmental determination. Following any determination by the Department or other state agency, or any decision by an administrative or judicial tribunal reviewing such determination, the

Department shall review the information in AVS to determine if it is consistent with the determination or decision, if it is not, the Department shall promptly inform the Office of Surface Mining and request that the AVS information be revised to reflect the determination or decision.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Oklahoma program.

Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on November 4, 1998. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings

are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that

such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

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

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 9, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-28123 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ32-183b; FRL-6174-6]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve four (4) State Implementation Plan (SIP) revisions submitted by the State of New Jersey related to development of reasonably available control technologies for oxides of nitrogen from fifteen (15) sources in the State. In the Rules section of this **Federal Register**, EPA is approving the State's SIP revisions, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA

receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this rulemaking. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before November 19, 1998.

ADDRESSES: All comments should be addressed to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Ted Gardella or Richard Ruvo, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: September 30, 1998.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 98-27925 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL-6177-5]

Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this proposal is to announce that on June 19, 1998,

the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. Because no adverse comments are expected, EPA is concurrently issuing a direct final rule in the rules section of this **Federal Register**. If no adverse comments are received by November 19, 1998, the direct final rule will serve as formal delegation of the section 112(r) program for all applicable sources, except those with propane as their only regulated substance.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Comments on this action should be addressed concurrently to: Michelle P. Thornton, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104, patmon.michelle@epamail.epa.gov

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, eve.rainey@dca.state.fl.us

Copies of Florida's section 112(r) delegation request letter and accompanying documentation are available for public review during the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the addresses listed above. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before visiting day.

FOR FURTHER INFORMATION CONTACT: Michelle P. Thornton, U.S.

Environmental Protection Agency, Region 4, Air, Pesticides and Toxics Management Division, Air and Radiation Technology Branch, 30303-3104 (telephone 404 562-9121), patmon.michelle@epamail.epa.gov or Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, (telephone 850 413-9914) eve.rainey@dca.state.fl.us

SUPPLEMENTARY INFORMATION: If no adverse comments are received by November 19, 1998, no further activity in relation to this proposed rule is necessary and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on December 21, 1998. Should the Agency receive such comments, it will review and publish the comments in a subsequent document. If no relevant adverse comments on any provision of this rule are timely filed, then the entire direct final rule will become effective on

December 21, 1998, and the State of Florida DCA/DEM will receive full delegation of authority to implement and enforce the requirements of the section 112(r) program for all applicable sources in its jurisdiction, except sources with propane as their only regulated substance.

On June 20, 1996, EPA published risk management program regulations, mandated under the accidental release prevention provisions of the Clean Air Act (CAA). These regulations require owners and operators of stationary sources subject to the regulations to submit risk management plans (RMPs) by June 21, 1999, to a central location specified by EPA. The plans will be available to State and local governments and the public. These regulations will encourage sources to reduce the probability of accidentally releasing substances that have the potential to cause harm to public health and the environment and will stimulate dialogue between industry and the public to improve accident prevention and emergency response practices.

After a thorough review of Florida's delegation request and its pertinent laws, rules, and regulations, the Region proposes to find that such a delegation is appropriate in that Florida has satisfied the criteria of 40 CFR sections 63.91 and 63.95, and has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of non-major and major sources subject to the section 112(r) RMP Federal standards. If, approved, the State has the primary authority and responsibility to carry out all elements of the section 112(r) program for all sources, except propane, covered in the State, including on-site inspections, recordkeeping reviews, audits and enforcement. For a detailed explanation of the delegation authority as well as Florida's implementation plan, see the information provided in the direct final rule in the rules section of this **Federal Register**.

Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct

compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. The State of Florida has voluntarily requested delegation of this program. The state will be relying on its own resources to implement the Florida Accidental Prevention and Risk Management Planning Act as described in the summary section of this notice. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The State of Florida has voluntarily requested delegation of this program. The state will be implementing and enforcing its own requirements, which have been reviewed and approved by EPA.

Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, Public Law 96-354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have significant impact on a substantial number of small entities. This rule will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in estimated costs of \$100 million or more in one year to either State, local, or tribal governments in the aggregate, or to the private sector.

Under section 205, EPA must select the most cost effective and least burdensome alternative that achieves the objective of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing, educating and advising any small governments that may be significantly impacted by the rule. EPA has estimated that this rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical

standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

H. Executive Order 13045

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

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

Dated: September 9, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98-27927 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6177-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent for deletion of the Lodi Municipal Well Superfund site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Lodi Municipal Well Site (Site) from the National Priorities List and requests public comment on this action. The National Priorities List

constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the Site to protect human health and the environment.

DATES: The EPA will accept comments concerning its proposal for deletion on or before November 19, 1998.

ADDRESSES: Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 am to 5:00 pm—Monday through Friday, Contact: Superfund Records Center, (212) 637-4308.

Information on the site is also available for viewing at the Information Repository which is located at: Lodi Memorial Library, One Memorial Drive, Lodi, New Jersey 07644, (973) 365-4044.

FOR FURTHER INFORMATION CONTACT: Jeff Catanzarita, Remedial Project Manager, (212) 637-4409.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. National Priorities List Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region II announces its intent to delete the Lodi Municipal Well Site (Site) located in Lodi, Bergen County, New Jersey from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended.

The Lodi Municipal Well, also known as the Home Place Well, is located in

the Borough of Lodi, Bergen County, New Jersey. The Borough which is approximately 3.5 square miles in size, is located east of the Passaic River, west of the Hackensack River, and south of New Jersey State Route 4. Interstate 80 forms the northeast boundary of the Borough.

The Site was placed on the National Priorities List primarily due to radiological contamination. To find the source of the radiation EPA conducted an extensive field investigation, which indicated the radiological contamination is naturally occurring at the Site. Based upon these results, on September 27, 1993, EPA selected no further action for the groundwater in a Record of Decision.

EPA is not authorized under CERCLA to respond to such naturally occurring conditions. Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release of a naturally occurring substance in its unaltered form from a location where it is naturally occurring.

EPA and New Jersey Department of Environmental Protection (NJDEP) propose to delete the Site because all appropriate CERCLA response activities have been implemented.

The National Priorities List is a list maintained by EPA of sites that EPA has determined present a significant risk to human health or the environment. Sites on the National Priorities List may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the National Priorities List remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for deletion for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

II. National Priorities List Deletion Criteria

Section 300.425(e)(1)(i)-(iii) of the NCP provides that sites may be deleted from the National Priorities List where no further response is appropriate. In making this determination, EPA in consultation with the State of New Jersey shall consider whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release of hazardous substances poses no significant threat to human health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a site from the National Priorities List does not preclude eligibility for subsequent Fund-financed actions at the Site if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the National Priorities List. Further, deletion of a site from the National Priorities List does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site :

(1) EPA Region II issued a Record of Decision on September 27, 1993 describing the selected remedy for the Site, which was a no action response;

(2) The State of New Jersey has concurred with the deletion by a letter dated June 30, 1997;

(3) A notice has been published in a local newspaper and has been distributed to appropriate federal, state and local officials, and other interested parties announcing a thirty-day public comment period on the proposed deletion; and

(4) EPA has made all relevant documents available in the information repositories listed previously.

Deletion of a site from the National Priorities List does not itself create, alter, or revoke any person's rights or obligations. The National Priorities List is designed primarily for informational purposes and to assist Agency management.

For deletion of a Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, Region II will prepare a Responsiveness Summary to address any significant public comments received. A deletion occurs when the Regional Administrator places a final Notice of Deletion in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following provides EPA's rationale for deletion of the Site.

Background

The Lodi Municipal Well, also known as the Home Place Well, is located in the Borough of Lodi, Bergen County, New Jersey. The Home Place Well was

one of eleven wells used in the past by the Lodi Water Department. The Lodi Municipal Well site was placed on the National Priorities List primarily due to radiological contamination of groundwater. No radiological contaminants were detected in any of the other wells above federal water quality standards. The Lodi Municipal well was closed in December 1993.

After performing extensive field investigations, EPA has determined that the radiological contamination at the Site is naturally occurring. As described below, EPA is not authorized to respond to such naturally occurring conditions.

Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release or threat of release of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found. A response can only be authorized if the presence of the naturally occurring substance constitutes a human health or environmental emergency and no other entity will respond in a timely manner. Since, radionuclides present at the Lodi Municipal Well site have been determined to be naturally occurring, and the well is no longer utilized for water supply purposes, an emergency does not exist. Water for the Borough is currently being supplied by the Hackensack Water Company and the Passaic Valley Water Commission.

EPA and NJDEP have determined that all appropriate responses under CERCLA at the Site have been completed, and that no further activities are necessary. Consequently, EPA is proposing deletion of this Site from the National Priorities List. Documents supporting this action are available in the docket.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: September 12, 1998.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 98-27921 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6177-3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent for partial deletion of the Hill Property portion of the American Cyanamid Superfund site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Hill Property (HP) portion of the American Cyanamid Superfund Site from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the HP portion of the site to protect human health, welfare and the environment. This partial deletion pertains only to the HP portion of the American Cyanamid Site and does not include the other portions of the American Cyanamid Site.

DATES: The EPA will accept comments concerning its proposal for partial deletion on or before November 19, 1998.

ADDRESSES: Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the American Cyanamid Site as well as information specific to the partial deletion of the HP portion of the American Cyanamid Superfund Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 a.m. to 5:00 p.m.—Monday through Friday, Contact: Superfund Records Center, (212) 637-4308.

Information on the site is also available for viewing at the Information Repositories which are located at: Bridgewater Town Hall, 700 Garretson Road, Bridgewater, New Jersey 08807, (908) 725-6300.

Somerset County/Bridgewater Library, North Bridge Street & Vogt Drive, Bridgewater, New Jersey 08807, (908) 526-4016.

New Jersey Department of Environmental Protection and Energy, The Bureau of Community Relations, 401 East State Street, CN 413, Trenton, New Jersey 08625, (609) 984-3081.

FOR FURTHER INFORMATION CONTACT: Jeff Catanzarita, Remedial Project Manager, (212) 637-4409.

SUPPLEMENTARY INFORMATION:

Table of Contents:

- I. Introduction
- II. National Priorities List Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Partial Site Deletion

I. Introduction

EPA Region II announces its intent to delete the HP portion of the American Cyanamid Site located in Bridgewater, Somerset County, New Jersey from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B to the NCP, 40 CFR part 300, which EPA promulgated pursuant to section 105 of the CERCLA, as amended. This proposal for partial deletion pertains to the HP portion of the American Cyanamid Site.

The American Cyanamid Site is located in Bound Brook, New Jersey in the southeastern section of Bridgewater Township, Somerset County. The HP is a distinct area found north of the main site and separated from it by New Jersey Transit rail road tracks. The HP portion is bounded to the south by the New Jersey Transit rail road tracks, to the east by Interstate Highway 287, to the north by Route 28 (Union Avenue), and to the west by Foothill Road. The HP is designated on the tax map as Block 7101—Lots 1 and 2, Block 7207—All Lots, Block 7208—All Lots, Block 7209—All Lots except 14, 16, 18, 20, 21, 23 and 24, Block 7210—All Lots except 5, 7, 9, 11, 13 and 15 and Block 7211—All Lots. The HP is approximately 140 acres in size.

The HP portion is planned to be used for commercial development in the future (e.g., minor league baseball stadium, retail stores and restaurants). Hence, deleting the HP portion of the site off the National Priorities List will provide an incentive to the redevelopment of this property.

On July 12, 1996, the New Jersey Department of Environmental Protection (NJDEP) issued a Record of Decision declaring no further action was required for the soils at the HP portion of the American Cyanamid Site. This partial deletion does not include any portion of the main site located south of the railroad tracks, nor the ground water extending under the HP portion. The residual bedrock ground water contamination under the HP portion is now being recovered at the Main Plant Area.

A Groundwater Classification Exception Area and Use Restrictions have been established to restrict the ground water use until the residual ground water contamination is removed. Ground water contamination under the HP portion remain part of the Superfund site's original clean up goals and will be addressed as part of the groundwater remedies for the American Cyanamid Site.

The National Priorities List is a list maintained by EPA of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Sites on the National Priorities List may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the National Priorities List remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

II. National Priorities List Deletion Criteria

Section 300.425 (e) (1) (i)–(iii) of the NCP provides that sites may be deleted from the National Priorities List where no further response is appropriate. In making this determination, EPA in consultation with the State of New Jersey shall consider whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release of hazardous substances poses no significant threat to human health or the environment and therefore, taking remedial measures is not appropriate.

Deletion of a portion of a site from the National Priorities List does not preclude eligibility for subsequent Fund-financed actions at the portion deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the National Priorities List. In addition, a partial deletion of a site from the National Priorities List does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the National Priorities List. Further, deletion of a portion of a site from the National Priorities List does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

The following procedures were used for the intended deletion of the HP portion of the American Cyanamid Superfund Site:

(1) NJDEP issued a Record of Decision on July 12, 1996 covering the HP portion of the American Cyanamid Site. The Record of Decision pronounced that the soils, buildings and other improvements to the HP portion, excluding ground water under the HP portion require no further response actions;

(2) The State of New Jersey is the lead agency for the American Cyanamid Site. They recommended the partial deletion by a letter dated May 21, 1998;

(3) A notice has been published in a local newspaper and has been distributed to appropriate federal, state and local officials, and other interested parties announcing a thirty-day public comment period on the proposed deletion; and

(4) EPA has made all relevant documents available in the information repositories listed previously.

Deletion of a portion of a site from the National Priorities List does not itself create, alter, or revoke any person's rights or obligations. The National Priorities List is designed primarily for informational purposes and to assist Agency management.

For deletion of the HP portion of the Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, Region II will prepare a Responsiveness Summary to address any significant public comments received. A deletion occurs when the Regional Administrator places a final Notice of Partial Deletion in the **Federal Register**.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's and NJDEP's rationale for deletion of the HP portion of the American Cyanamid Site.

Background

American Home Products Corporation purchased the American Cyanamid Company in December 1994 and has an Administrative Consent Order with the NJDEP to address on going environmental remediation at the site. The main site includes many areas of severe contamination. The final remediation of this site involves significant remedial work over many years. NJDEP and EPA do not believe that this partial deletion will interfere with the overall site clean up, including the ground water under the HP portion of the site.

The HP is physically separated from the main site. The HP portion consisted of a research laboratory, boiler building and administrative buildings. The March 1991 HP portion Remedial Investigation Report found contaminant levels in soils below the applicable NJDEP Soil Cleanup Criteria (both residential and non-residential) and/or background and/or impact to groundwater criteria. Hence, the HP portion poses no significant threat to human health or the environment and therefore, additional remedial measures are not appropriate.

This was concluded on July 12, 1996, with a no further action Record of Decision issued by the NJDEP for the HP portion of the site. The Record of Decision includes provisions for a Classification Exception Area covering the ground water beneath the HP portion and groundwater monitoring. This partial deletion does not include the groundwater portion of the site including ground water under the HP portion.

While EPA and NJDEP do not believe that any future response actions at the HP portion will be needed, if future conditions warrant such action, the HP portion remains eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status the main American Cyanamid Site, which is not proposed for deletion and remains on the National Priorities List.

NJDEP and EPA have determined that the soils at the HP portion do not pose a significant threat to human health or the environment and therefore taking remedial measures is not appropriate. Therefore, EPA makes this proposal to delete the HP portion of the American Cyanamid Site from the National Priorities List.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: September 28, 1998.

William J. Muszynski,
Acting Regional Administrator,
Region II.

[FR Doc. 98-27920 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[CC Docket No. 98-166; FCC 98-222]

Prescribing the Authorized Unitary Rate of Return for Interstate Services of Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document initiates a proceeding to represcribe the authorized rate of return for interstate access services provided by incumbent local exchange carriers (ILECs). In this proceeding the Commission revised the rules governing procedures and methodologies for prescribing and enforcing the rate of return for ILECs not subject to the price cap regulation.

In the Notice of Proposed Rulemaking (NPRM) the Commission proposes corrections to errors in the codified formulas for the cost of debt and cost of preferred stock and seek comment on whether this proceeding warrants a change in the low-end formula adjustment for local exchange carriers subject to price caps.

DATES: Comments are due December 3, 1998 and reply comments are due February 1, 1999.

ADDRESSES: Parties should send comments or reply comments to office of the Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Warren Firschein of the Common Carrier Bureau's Accounting Safeguards Division, 2000 L Street, N.W., Room 257, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect

5.1 for Windows or compatible software. Spreadsheets should be saved in an Excel 4.0 format. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the docket number in this case [CC Docket No. 98-166]), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

Additional filing information can be found in the Comment Filing Procedure section of this document.

FOR FURTHER INFORMATION CONTACT:

Warren Firschein, Accounting Safeguards Division, Common Carrier Bureau, (202) 418-0844.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice Initiating a Prescription Proceeding and Notice of Proposed Rulemaking, CC Docket 98-166, adopted September 8, 1998, and released October 5, 1998. The full text of this Notice Initiating a Prescription Proceeding and Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., N.W. Washington, D.C. The complete text of this document may also be purchased from the Commission's copy contractor International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of the Notice Initiating a Rate-of-Return Prescription

1. The Commission is required by section 201 of the Communications Act of 1934 to ensure that rates are "just and reasonable." To ensure that their rates for interstate access are just and reasonable, the Commission prescribes an authorized rate of return for the approximately 1300 incumbent local exchange carriers (ILECs) that are subject to rate-of-return rather than price cap regulation. This Notice initiates a proceeding to represcribe the authorized rate of return for interstate access services provided by ILECs. In this Notice, we seek comment on the methods by which we could calculate the ILECs' cost of capital.

2. The rate of return we prescribe for ILECs' interstate operations links our regulatory processes and carriers' actual costs of capital and equity. The Commission periodically represcribes this rate to ensure that the service rates filed by incumbent local exchange carriers subject to rate-of-return regulation continue to be just and reasonable. In its *1995 Rate of Return Represcription Procedures Order*, 60 FR 28542 (June 1, 1995), the Commission revised its prescription procedures to require that it consider commencing a new rate-of-return prescription proceeding whenever yields on 10-year U.S. Treasury securities remain, for a consecutive six-month period, at least 150 basis points above or below a certain reference point (the "trigger point"). The reference point is the average of the average monthly yields for the consecutive six-month period immediately prior to the effective date of the current rate-of-return prescription. That reference point is currently 8.64 percent. For the consecutive six-month period immediately following the release of the 1995 Rate of Return Represcription Procedures Order, the yields were more than 150 basis points below this reference point. Accordingly, on February 6, 1996, the Bureau issued a Public Notice, AAD 96-28, 61 FR 6641 (February 21, 1996), seeking comment on whether to commence a rate-of-return prescription proceeding. Eleven parties filed comments; five parties filed replies.

3. We agree with MCI and GSA that we should initiate a rate-of-return prescription proceeding at this time. The sustained low yields of the U.S. treasury securities strongly suggest that the current prescribed rate of return is much higher than the rate required to attract capital and earn a reasonable profit. Our duty to ensure that service rates are just and reasonable requires that we undertake a prescription proceeding at this time.

A. General Considerations

4. We prescribe a rate of return in order to ensure that rate-of-return carriers' rates for interstate access services are "just and reasonable." Carriers subject to rate-of-return regulation, however, may also provide interstate interexchange services. For such carriers, our prescribed rate of return is applied to their interexchange access services as well. We seek comment on whether the same prescribed rate should be applied to rate-of-return carriers' interstate access and interexchange services, or whether the prescribed rate should be adjusted

when applied to provision of interexchange services. Commenters supporting the application of different rates should indicate how the prescribed rate for interstate interexchange services should be determined. We also seek comment on whether the rate of return prescribed for interstate access should also be used for other purposes, including determination of universal service support.

B. Weighted Average Cost of Capital

5. The weighted average cost of capital is used to estimate the rate of return that the ILECs must earn on their investment in facilities used to provide regulated interstate services in order to attract sufficient capital investment. Our rules specify that the composite weighted average cost of capital is the sum of the cost of debt, the cost of preferred stock, and the cost of equity, each weighted by its proportion in the capital structure of the telephone companies. The formulas for determining the cost of debt, cost of preferred stock, and capital structure are codified in §§ 65.302, 65.303, and 65.304, respectively of the Commission's rules. Each of these components are calculated using routinely collected data from the Automatic Reporting Management Information System (ARMIS) reports. The rules do not include a formula for calculating the cost of equity. Instead, they state that "the cost of equity shall be determined in prescription proceedings after giving full consideration to the evidence in the record, including such evidence as the Commission may officially notice."

C. Capital Structure

6. Prior to the 1995 Rate of Return Represcription Procedures Order, Part 65 of the Commission's rules prescribed a method of computing the capital structure of all ILECs based on a composite of the capital structures of the Regional Bell operating companies (RBOCs). In the 1995 Rate of Return Represcription Procedures Order, the Commission revised its methodology to use instead the capital structure of all ILECs with annual revenues of \$100 million or more. This capital structure methodology was codified in order to "simplify future represcription proceedings without sacrificing needed accuracy." The proportion of each cost-of-capital component in the capital structure is equal to the book value of that particular component divided by the book value of the sum of all components. For example, the proportion of debt in the capital structure is equal to the book value of

debt divided by the sum of the book value of debt, equity, and preferred stock.

D. Embedded Cost of Debt

7. The cost of debt is based on the sale of bonds and other debt-related securities to finance telephone operations. Prior to the 1995 Rate of Return Represcription Procedures Order, Part 65 of the Commission's rules required each of the RBOCs to perform detailed calculations to determine their embedded cost of debt based upon data contained in their Form 10-K or 10-Q statements filed with the Securities and Exchange Commission. In the 1995 Rate of Return Represcription Procedures Order, the Commission altered the methodology to be used in a prescription proceeding for calculating the embedded cost of debt, using data submitted in ARMIS report 43-02 by all ILECs with annual revenues of \$100 million or more. The Commission defined embedded cost of debt to be the total annual interest expense divided by average outstanding debt.

E. Cost of Preferred Stock

8. The 1995 Rate of Return Represcription Procedures Order revised the methodology for calculating the cost of preferred stock to be consistent with the calculation of the cost of debt and directed that the calculation be based on data routinely submitted by ILECs with annual revenues of \$100 million or more rather than by the RBOCs, as was done in the 1990 rate-of-return proceeding. The methodology for calculating the cost of preferred stock is to divide total annual preferred dividends by the proceeds from the issuance of preferred stock.

F. Cost of Equity

1. Background

9. Prior to the 1995 Rate of Return Represcription Procedures Order, Part 65 of the Commission's rules required the RBOCs to prepare two historical discounted cash flow estimates and submit state cost-of-capital determinations to assist the Commission in calculating the ILECs' cost of equity. In the 1995 Rate of Return Represcription Procedures Order, the Commission concluded that the methodology for estimating equity costs, as well as the data to be used in applying particular methodologies, flotation costs, and periods of compounding, should be determined anew in each proceeding. Accordingly, Part 65 no longer prescribes a

methodology for determining ILECs' cost of equity.

10. In this section, we propose several methods for estimating the cost of equity for interstate services. We seek comment on each of these methods and invite commenters to propose additional methodologies. Commenters should discuss whether in this proceeding we should use only one or more than one methodology to estimate this component of the carriers' cost of capital. Commenters preferring the use of more than one methodology are requested to specify how we should weigh the results of these methods to estimate the cost of equity. We expect that in the direct cases, parties will use the results from the cost of equity methods they propose. We note that we will use Standard and Poor's Compustat PC Plus database as our source for financial data in this proceeding.

2. Surrogate Companies

11. The methods of estimating the cost of equity that we identify in this NPRM use stock prices and other measures of investor expectations regarding the ILECs' interstate services. Because ILECs do not issue stock or borrow money solely to support interstate service, investor expectations that would affect the cost of equity for interstate services cannot be measured directly. For this reason, we must select a group of companies facing risks similar to those encountered by the rate-of-return ILECs in providing interstate service for which we can estimate the cost of equity. Risk is the uncertainty associated with the ability of an investment to generate the return expected by investors. As was done in the 1990 proceeding (Resprescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers, Order, CC Docket No. 89-624, 55 FR 51423 (December 14, 1990)), once the surrogates are selected, their firm-specific data are applied to the cost-of-equity methodologies selected herein, and average or median returns for the surrogate group are calculated in order to determine a zone of reasonableness for cost of equity.

12. We seek comment on what group of companies we should select as appropriate surrogates for estimating the cost of equity for interstate services. In 1986, the Commission adopted the RBOCs as a surrogate group of firms for the interstate access industry. In 1990, the Commission again concluded that, despite their diversification into nonregulated businesses, the RBOCs were still the most appropriate surrogates. Further, the Commission concluded that most competitive,

nonregulated businesses are riskier than the regulated interstate access business and therefore, the RBOCs are riskier as a whole than their regulated telephone operations. As a result, the Commission determined that the cost-of-equity estimate for an RBOC as a whole may overstate the cost of equity for interstate access alone and considered this potential overstatement when determining the cost-of-equity estimates. In the 1995 Rate of Return Represcription Procedures Order, the Commission found that the level of risks that RBOCs face was no longer similar to the risk confronting carriers subject to rate-of-return regulation and therefore the RBOCs' risk may not provide the best data upon which to base a uniform rate-of-return prescription. With the uncertainty following the passage of the 1996 Act, however, the RBOCs' cost of equity may no longer overstate that of rate-of-return carriers. As a result, we tentatively conclude that the RBOCs, more than any other group of companies, once again constitute the best surrogate for carriers subject to rate-of-return regulation. We tentatively conclude that the RBOCs' current risk most closely resembles the current risk encountered by the rate-of-return carriers. The RBOCs and rate-of-return ILECs both provide interstate services, their primary business is still the provision of telephone service and neither is subject to any meaningful competition for regulated telecommunications services in their service area. We seek comment on this tentative conclusion. In addition, we seek comment whether we should incorporate the financial data of any other publicly traded ILEC in the cost-of-equity analysis.

13. In the 1990 proceeding, although we concluded that the RBOCs were the most appropriate surrogate, we made a downward adjustment to the estimated cost of equity to account for the fact that the RBOCs' interstate access business was less risky than their business as a whole. We seek comment on whether a similar adjustment should be made in this proceeding. Specifically, we seek comment on whether the RBOCs' interstate access business today is more or less risky than their operations as a whole. In the 1990 proceeding, ILECs submitted stock analysts' reports in support of their argument that the proposed DCF formula did not account for the growth in cellular operations. In responding, commenters should submit stock analysts' reports indicating the relative riskiness of the RBOCs' lines of business.

3. Discounted Cash Flow Methodology

14. Under the Discounted Cash Flow (DCF) methodology, a firm's cost of equity is calculated according to a formula involving the annual dividend and price of a share of its common stock, along with the estimated long-term dividend growth rate. The standard DCF formula is the annual dividend on common stock divided by the price of a share of common stock (termed the "dividend yield") plus the long-term growth rate in dividends.

15. Growth Rate. The DCF method requires an estimate of the long-term growth rate. In both the 1986 and 1990 proceedings, the Commission used the Institutional Brokers Estimate Service ("IBES") as the source of the median forecast of long-term growth. In this proceeding, the Commission will use the S&P Analysts' Consensus Estimates ("ACE") of growth in long-term earnings per share as part of the database we obtain from Standard & Poor's. We seek comment on whether ACE provides information comparable to IBES and whether ACE estimates should be used for purposes of this proceeding.

16. Quarterly Dividend. In both the 1986, 51 FR 1795, at 1808 (January 15, 1986) as amended 51 FR 4596, at 4598 (February 6, 1986) and 1990 proceedings, we rejected the ILECs' arguments that the quarterly dividend should be compounded to account for the payment of dividend on a quarterly, rather than annual, basis for three reasons: (1) Compounding is reflected in the revenue requirement because the Commission uses a mid-year rate base; (2) the adjustment adds a complexity that is not offset by increased accuracy; and (3) the parties did not establish that analysts and investors actually use quarterly compounding models nor did the parties demonstrate how using the quarterly model may affect the market price. For these reasons, we tentatively conclude that we should not use quarterly compounding in the DCF formula. We seek comment on this tentative conclusion.

17. Flotation Costs. Flotation costs a, the Commission concluded that it would not include an adjustment for flotation costs for three reasons: (1) The RBOCs were not issuing stock at that time; (2) no evidence suggested that past costs remain unrecovered; and (3) the Commission's treatment of flotation costs had not adversely affected the carriers' stock prices. We concluded that if carriers were concerned about recovery of flotation costs, they could seek a change in the Commission's prescribed accounting system. We reaffirm these prior decisions, and

tentatively conclude that in this proceeding we should make no adjustments to our estimate of the cost-of-equity component of ILECs' cost of capital to compensate for flotation costs. We seek comment on this tentative conclusion.

18. Classic DCF Calculation. The "classic" DCF method uses the expected annual dividend for the next year, the current share price and the current-expected long-term earnings growth rate to calculate the cost of equity. In the Phase II Reconsideration Order, the Commission adopted this version of the DCF methodology. In 1990, the Commission required the RBOCs to submit the "classic" DCF methodology as applied to the RBOCs, the S&P 400, and a group of large electric utilities and this method was given the greatest weight in calculating the cost of equity in the 1990 proceeding. The S&P 400 and large electric utilities were used as equity market benchmarks to determine whether the estimates calculated for the RBOCs were reasonable. We tentatively conclude that this "classic" form of the DCF should also be applied to the group of surrogate companies selected as a result of this proceeding. Consistent with our analysis in 1990, we tentatively conclude that the "classic" DCF formula more accurately estimates the cost of equity than does the historical DCF method, discussed below. We seek comment on this tentative conclusion and ask the parties to comment on the weight to be given to this methodology. In addition, we tentatively conclude that the S&P 400 (now termed the S&P Industrials) and the large electric utilities should be used as equity market benchmarks against which the RBOCs' cost-of-equity estimates can be evaluated. We seek comment on this tentative conclusion. Finally, in the 1990 proceeding, for purposes of our cost-of-equity benchmark analysis, the S&P 400 and large electric utilities groups were screened to exclude those companies that did not pay dividends, had less than five analyst estimates of long-term earnings growth reported by IBES, and had DCF cost-of-equity estimates less than the yield on 10-year treasury bonds. We seek comment on whether these screens are still appropriate and, if not, what screens, if any, should be used and why.

19. In 1990, the primary cost-of-equity conclusions were based on a series of then-recent monthly DCF estimates for the RBOCs. The Commission used the average of the monthly high and low stock prices for each month of the period under analysis to establish the current stock price. The Commission

found that "these monthly periods are sufficiently long to eliminate the possibility that a particular price may be an aberration, but recent enough to assure that data from past periods do not obscure trends." We tentatively conclude that using the average of the monthly high and low stock prices as inputs to the "classic" form of the DCF will provide reliable estimates of the current stock price. We seek comment on this tentative conclusion. In reacting to this tentative conclusion, commenters should discuss the time for which the DCF calculation should be made. For example, the commenters might propose the most recent quarter available or each month's estimate during the pendency of the case as was done in the 1990 proceeding.

20. Finally, as part of the specification of the "classic" DCF model in the 1990 proceeding, we determined that the expected dividend should be calculated by multiplying the current annualized dividend by one plus one-half the analysts' estimated long-term growth rate due to timing differences among the companies as to the date of their dividend increases. The Commission concluded that if the dividend yield was to be determined "at a point during the year just before the carriers were to announce a dividend increase, it might be accurate to grow the dividend rate by a full year's expected growth." The Commission, however, found that RBOCs' dividends had "been increased in the six months prior to the analysis and the stock prices used in the analysis reflected these higher dividends." Multiplying the dividend by the full growth rate would overstate the estimated annual growth in dividends and increase the DCF estimated cost of equity. Because we have no reason to believe that all companies in the surrogate group will declare dividend increases simultaneously, we tentatively conclude that we should increase the dividend by one-half the estimated annual growth. We seek comment on this tentative conclusion.

21. Historical DCF Calculation. At least two other variations of DCF that in the past we have considered using to estimate ILECs' cost of equity rely upon historical data to compute that cost. In both variations, the cost of equity is calculated as the sum of $D/P + G$, where D is the average annual dividend during the two calendar years preceding the prescription filing and P is the average daily price of the RBOCs' common stock during each trading day during the two calendar years preceding the prescription proceeding. In the first variation, G would be the annual rate of growth in dividends derived from the

slope of the ordinary least squares linear trend line of quarterly dividends that were declared during the two calendar years preceding the prescription proceeding. In the second variation, G would be the simple average of the IBES median long-term growth rate estimates of earnings during the two calendar years preceding the prescription filing. In the 1990 and 1995 proceedings, the Commission rejected both these variations of the historical DCF methodology because they average inputs over a period neither short enough to reflect current market conditions nor long enough to reveal historical trends. For these reasons, the 1995 Rate of Return Represcription Procedures Order does not mandate use of historical DCF as part of a rate-of-return proceeding. We tentatively conclude that this DCF methodology should be given no weight in this proceeding. We seek comment on this tentative conclusion.

22. In the 1990 proceeding, parties presented several variations of the general DCF formula. We seek comment on whether there are other variations to the DCF methodology that we should now consider using in this proceeding. Commenters proposing different versions should explain in detail how the various parameters would be estimated, including how long the period from which we draw data for analysis should be, why they believe this is a reasonable period to use and identify the source of the data on which the DCF calculation would draw. Finally, commenters should indicate the weight to be given the methodology they propose.

4. Risk Premium Methodologies

23. Risk premium methodologies can also be used to calculate the cost of equity. In this section we discuss two types of risk premium methodologies. The first was termed traditional risk premium analysis in the 1990 proceeding and we will continue to use that term. The second type of risk premium analysis is the Capital Asset Pricing Model ("CAPM"). These two methods share fundamental similarities in that they select a "risk free" investment such as long-term United States Treasury bonds and add a risk premium to return on that "risk free" investment to derive a cost-of-equity estimate. The differences between the two methods arise in the manner by which the risk premium is calculated. Under a more traditional risk premium methodology, the risk premium is typically estimated as the historical or estimated spread between equity security returns and bond yields. Under

the CAPM methodology, the risk premium is formally quantified as a linear function of market risk (beta).

24. **Traditional Risk Premium Analyses.** This methodology estimates the cost of equity as the current yield on a "risk free" investment, such as long-term U.S. Treasury bonds, plus an historical or expected equity risk premium. As noted in the 1995 Rate of Return Represcription Procedures NPRM, "[t]raditionally, such analyses have determined the risk premium by comparing historically realized returns on stocks and bonds." In the 1990 Order, we stated:

A bond's yield is simply the discount (interest) rate that makes the present value of its contractual cash flow equal to its market value. Since the cash flows are fixed, if the bond goes up in price, the yield must go down. An increase in the price of the stock, however, may leave the stock's expected return unchanged if the price rose to adjust for higher anticipated profits rather than lower investor perceived risk. Risk premium analyses solve this problem by comparing the past returns (capital gains, dividends and interest, divided by the market price) on stocks and bonds. The historic premium in return on stocks over bonds is assumed to be a stable and accurate forecast of investor's expectations about the future premium.

25. **Capital Asset Pricing Model (CAPM).** Under the CAPM, the variance of the company's stock price is measured relative to the market as a whole to adjust the premium. Similar to traditional risk premium methodologies, the CAPM calculates a cost of equity equal to the sum of a risk-free rate and a risk premium. In the CAPM formula, however, the risk premium is proportional to the security's market risk and the market price of the risk.

26. **Historical Risk Premium.** In the 1995 Rate of Return Represcription Procedures NPRM, the Commission found that risk premium analyses, including the CAPM, could be used to estimate the cost of equity for interstate access. The Commission, however, was concerned about the use of historical stock and bond yields to estimate the risk premium. The Commission found that the results obtained from a historical analysis depend on the period chosen and therefore questioned whether the Commission should rely on historical stock and bond yields to calculate a risk premium. We seek comment on whether such historical data should be relied upon in this proceeding. Commenters supporting the use of historical data should clearly indicate from what time period such information should be drawn, explain why they believe this is a reasonable period to use, and identify the source of these data. Commenters should also

indicate the appropriate weight to be given such analyses.

27. **Expected Risk Premium.** With regard to the issue of expected risk premiums, we seek comment on how such estimates should be determined. In the 1995 Rate of Return Represcription Procedures NPRM, we suggested that relying on stock market data such as the DCF cost-of-equity estimates for the S&P 400 may provide a forward-looking risk premium for purposes of calculating both the traditional risk premium cost of equity and the CAPM cost of equity. Commenters proposing the use of expected risk premiums should clearly specify how they would determine the expected risk premium estimates. In addition, commenters should identify from what period such information should be drawn, explain why they believe this is a reasonable period to use, and identify the source for these data. Commenters proposing the use of expected analyses should indicate the weight they would give to these analyses.

28. **Risk-Free Rate.** Both models require the selection of a risk-free rate. United States Treasury securities are regarded as virtually risk free. We seek comment on whether we should use U.S. Treasury securities as the investment we use to define risk free for purposes of calculating the Risk Premium and CAPM cost-of-equity estimates. On the one hand, the yields on short-term U.S. Treasury bills (with maturities from 90 days to one year) may measure the risk-free rate but may not consider long-term inflationary expectations that are embedded in bond yields and stock returns. On the other hand, long-term U.S. Treasury bonds (maturities from 10 to 30 years) incorporate long-term inflationary yields, but because of their long maturities, also include an interest-rate risk premium that is not embodied in the more short-term securities such as T-bills. We seek comment on how we should set the risk-free rate. In responding, commenters should state the length of maturity for U.S. Treasury securities that should be used in this calculation and explain why securities of this maturity length should be used. Commenters should also indicate whether the data used to compute the risk-free rate should be historical or forward-looking.

29. **Beta.** The CAPM methodology also requires the estimation of a security's risk, or "beta." Beta is a measure of a security's price sensitivity to changes in the stock market as a whole. In the 1990 proceeding, parties proposed using betas calculated by ValueLine. The Commission found that because

ValueLine betas are adjusted to raise the level of betas less than one and lower the level of betas greater than one such betas were not consistent with the theory of CAPM. We seek comment on whether we should reconsider the use of adjusted betas for purposes of the CAPM methodology. We seek comment on whether S&P betas should be used for this proceeding.

G. Other Cost-of-Capital Showings

30. In the 1990 Rate of Return proceeding, state cost-of-capital determinations were used as a check on the results obtained through our quantitative analysis. Although state cost-of-capital determinations are no longer required filings in a federal prescription proceeding, we tentatively conclude that such information continues to serve as a valuable check on the results obtained by applying the methods described above to the surrogate group of companies selected. Therefore, we plan to consider the information contained in the most recent National Association of Regulatory Utility Commissioners ("NARUC") publication "Utility Regulatory Policy in the United States and Canada." Specifically, this resource provides the overall rates of return on rate base for telecommunications companies prescribed recently by the state commissions as well as the related prescribed cost-of-equity returns. We seek comment on our proposed use of this source. In responding, commenters should indicate any concerns they may have regarding the validity of the information contained in the document. Commenters should file any data that they believe are more reliable.

H. Other Factors To Be Considered in Determining the Allowed Rate of Return

31. As part of this proceeding, the Commission will identify a "zone of reasonableness" for the cost of equity and the overall cost of capital for interstate access services. Once these "zones of reasonableness" have been determined, the Commission will prescribe an authorized rate of return that lies within the cost-of-capital "zone of reasonableness." In determining the "zone of reasonableness" for cost of equity in the 1990 proceeding, the Commission reviewed the range of DCF estimates among the RBOCs to ensure that all ILECs had adequate access to capital, and concluded that the range of reasonable cost-of-equity estimates should be bounded on the lower end by the RBOC average DCF estimate for the month with the highest RBOC average DCF estimate, and by that estimate

increased by 40 basis points as the upper bound. This resulted in an estimated cost-of-equity range based on unadjusted RBOC data of 12.6% to 13.0%. The Commission also accepted the parties' argument that, while the RBOCs' prices reflected the growth potential of their cellular radio services, analysts' earnings growth estimates did not, resulting in understated DCF estimates. Accordingly, the Commission adjusted the DCF inputs to address this concern. The Commission offset this adjustment because the interstate access business was expected to be less risky than the RBOCs' business as a whole. As a result of these three adjustments, the Commission established a "zone of reasonableness" for interstate access cost of equity of 12.5% to 13.5% and a "zone of reasonableness" for cost of capital of 10.85% to 11.4%.

32. In determining the authorized rate of return to be set within the cost-of-capital "zone of reasonableness," the Commission also considered two other factors. First, the Commission made an allowance for infrastructure development after noting that concern over investment in new telecommunications technologies warranted selecting an authorized rate of return in the upper range of the zone of reasonable cost-of-capital estimates. Second, the Commission considered the ILECs' argument that competition in interstate access increased the ILECs' risk, but was only partially reflected in the quantitative cost-of-capital analysis. The Commission concluded, however, that the market-based cost-of-capital estimates captured risks from competition in interstate access, and therefore declined to make an adjustment on this basis. Based on these factors and a concern that capital costs could fluctuate in the future, the Commission prescribed a rate of return of 11.25%, which was located near the upper end of the "zone of reasonableness."

33. Similar to the 1990 proceeding, the Commission will consider other factors in determining the "zone of reasonableness" of cost of equity. Specifically, we seek comment on whether an adjustment should be made to account for actual or potential changes in the telecommunications marketplace as a result of the 1996 Act. We seek comment on how we should calculate such an adjustment. We also ask commenters to propose other adjustments deemed necessary in determining the cost-of-equity "zone of reasonableness" and to explain why they believe these adjustments to be necessary. Commenters should also propose where within the cost-of-capital

"zone of reasonableness" the authorized rate of return should be set and why. For example, we note that mergers have occurred among the telecommunications companies. We seek comment on whether adjustments should be made to account for the effects of proposed or completed mergers. In addition, we seek comment on whether we should consider adjustments to account for the ILECs' entry (or anticipated entry) into the long distance market. Finally, we note that the 1996 Act creates an exemption from obligations otherwise imposed by the Act for qualifying ILECs serving rural areas. We seek comment on whether the rural exemption should be a factor we weigh in determining whether any adjustment should be made.

34. We also seek comment on whether any of the adjustments made in the 1990 proceeding are still necessary in estimating the current authorized rate of return for interstate access services. Commenters arguing in favor of retaining one or more of these adjustments should state whether the level of adjustment should increase, decrease, or remain the same and identify the characteristics of the current market for telecommunications that warrant our making such adjustment.

Procedural Matters

1. Ex Parte Presentations

35. This is a permit-but-disclose notice and comment proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

2. Procedures for Filing Rate-of-Return Submissions

36. All relevant and timely direct case submissions, responses, and rebuttals will be considered by the Commission. In reaching its decision, the Commission may take into account information and ideas not contained in the submissions, provided that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the final Order disposing of this proceeding.

37. Pursuant to applicable procedures set forth in §§ 65.103 (b), (c), and (d) of the Commission's rules, 47 CFR 65.103, interested parties may file direct case submissions on or before December 3, 1998, responsive submissions on or

before February 1, 1999 and rebuttal submissions on or before February 22, 1999. Pursuant to § 65.104, 47 CFR 65.104, the direct case submission of any participant shall not exceed 70 pages, responsive submissions shall not exceed 70 pages, and rebuttal submissions shall not exceed 50 pages. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998). In addition, a copy of each rate-of-return submission, other than the initial submission, shall be served on all participants who have filed a designation of service notice pursuant to § 65.100(b).

38. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

39. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St. N.W., Room 222, Washington, D.C. 20554.

40. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Warren Firschein of the Common Carrier Bureau's Accounting Safeguards Division, 2000 L Street, N.W., Room 257, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software.

Spreadsheets should be saved in an Excel 4.0 format. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the docket number in this case [CC Docket No. 98-166]), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

41. In accordance with § 65.102 of the Commission's rules, petitions for exclusion from unitary treatment and for individual treatment will be granted for a period of two years if the cost of capital for interstate exchange service is so low as to be confiscatory because it is outside the zone of reasonableness for the individual carrier's required rate of return for interstate exchange access services. Such petitions must plead with particularity the exceptional facts and circumstances that justify individual treatment. The showing shall include a demonstration that the exceptional facts and circumstances are not of transitory effect, such that an exclusion for a period of at least two years is justified. While a petition for exclusion from unitary treatment may be filed at any time, when such a petition is filed at a time other than that specified in § 65.103(b)(2) of the Commission's rules, the petitioner must provide compelling evidence that its need for individual treatment is not simply the result of short-term fluctuations in the cost of capital or similar events.

3. Further Information

42. For further information concerning this proceeding, contact Warren Firschein, Accounting Safeguards Division, Common Carrier Bureau at (202) 418-0844.

Notice of Proposed Rulemaking

A. Discussion

1. Changes to the Cost-of-Debt calculation

43. Section 65.302 of the Commission's rules states that the cost of debt shall be calculated by dividing the total annual interest expense by average outstanding debt. Total annual interest expense is defined as the total

interest expense for the most recent two years for all local exchange carriers with annual revenues of \$100 million or more. Average outstanding debt is the average of the total debt for the most recent two years for the same group of companies. In the Public Notice issued February 6, 1996, the Commission stated its belief that the formula as currently written overstates the cost of debt because it erroneously adds interest from a two year period in calculating the total annual interest expense. We tentatively conclude that our existing rule does not result in the correct cost of debt. In the Public Notice we tentatively concluded that the intent of the 1995 Rate of Return Represcription Procedures Order was that the numerator be defined as the "total annual interest expense for the most recent year for all local exchange carriers with annual revenues of \$100 million or more." We propose to amend § 65.302 of our rules accordingly to reflect this more reasonable method of calculating the cost of debt. For purposes of clarification, we also conclude that the denominator of the equation, average outstanding debt, be modified to reflect that the average total debt for the most recent two years is based on year-end data.

2. Changes to the Cost-of-Preferred Stock Calculation

44. Similarly, § 65.303 of our rules states that the cost of preferred stock shall be calculated by dividing the total annual preferred dividends by the proceeds from the issuance of preferred stock. Total annual preferred dividends, however, is defined to be the total dividends on preferred stock for the most recent two years for all local exchange carriers with annual revenues of \$100 million or more. The proceeds are defined as the average of the total net proceeds from the issuance of preferred stock for the most recent two years for the same set of companies. By dividing the sum of two years of preferred dividends by one year of proceeds, the resulting cost of preferred stock is overstated. We propose to correct Part 65 by changing the phrase "total dividends on preferred stock for the most recent two years" to "total dividends on preferred stock for the most recent year" in the definition of "Total Annual Preferred Dividends." For purposes of clarification, we also conclude that the denominator of the equation, proceeds from the issuance of preferred stock, be modified to reflect that the proceeds for the most recent two years is based on year-end data. Appendix A includes the revised cost-of-preferred stock calculation

incorporating the corrected definitions. We seek comment on this proposed revision.

3. Changes to the Low-End Adjustment for Price Cap LECs

45. The Commission's recent price caps performance review eliminated sharing obligations and set a new, higher productivity factor (X-Factor) for local exchange carriers subject to price caps regulation. We retained the low-end formula adjustment mechanism to ensure that the new X-Factor would not require individual local exchange carriers to charge unreasonably low rates. The low-end formula adjustment mechanisms permits incumbent price cap local exchange carriers with rates of return less than 10.25 percent to increase their price cap indices (PCIs) to a level that would enable them to earn 10.25 percent.

46. The LEC Price Cap Order stated that the low-end formula adjustment threshold of 10.25 percent was below the range identified for the interstate cost of capital in the 1990 Rate of Return Order and above the marginal cost of long-term telephone debt. The Commission reasoned that a return of 10.25 percent "is not likely to be confiscatory, because it should still allow most companies to continue to attract capital and maintain service." The Commission concluded that setting the low-end formula adjustment threshold at 10.25 percent provided "the proper balance of incentives and safeguards to our price caps plan."

47. We seek comment on whether we should change the low-end formula adjustment for local exchange carriers subject to price caps regulation. Currently, the low-end formula adjustment is 100 basis points below the authorized unitary rate of return. We tentatively conclude that the low-end formula adjustment should remain 100 basis points below the rate of return to be prescribed in this proceeding. We seek comment on this conclusion. Parties should address the reasonableness of setting the low-end formula adjustment at 100 basis points below the unitary authorized rate of return that will be prescribed in this proceeding. Commenters asserting a different methodology for determining the low-end formula adjustment should define the factors upon which their recommendations are based—for example, the cost of capital—and should provide data or cite to specific data in the record that support their position.

B. Initial Regulatory Flexibility Analysis

48. Pursuant to Section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rule changes on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Commission will send a copy of this NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

49. Need for, and Objectives of, the Proposed Rules. The Commission's rules require us to initiate a prescription proceeding whenever the yields of U.S. treasury securities reach a certain threshold. With this NPRM, we initiate a prescription proceeding. Currently, local exchange carriers subject to price caps may increase their price cap indices (i.e., make low-end adjustments) according to a formula based in part on our prescribed rate of return. In this NPRM, we seek comment on whether we should adjust this formula in accordance with the ultimate outcome of this prescription proceeding. We also tentatively conclude that we should correct mathematical errors in two codified formulas used to represet the rate of return.

50. Legal Basis. The proposed action is authorized under Sections 4(i) and 4(j) of the Communications Act of 1934, as amended.

51. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. For purposes of this NPRM, the Regulatory Flexibility Act defines a "small business" to be the same as a "small business concern" under the Small Business Act (SBA), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the SBA, "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the SBA. The Small Business Administration defined a small business for Standard Industrial Classification (SIC) category 4813 (Telephone Communications, Except

Radiotelephone) to be small entities when they have fewer than 1500 employees.

52. The proposal in this NPRM to alter the formula for calculating the low-end adjustment, if adopted, would affect all LECs that are regulated by the Commission's price cap rules. Currently, 11 incumbent LECs are subject to price cap regulation. We tentatively conclude that all price cap carriers have more than 1500 employees and therefore are not small entities.

53. In paragraphs 43 and 44 of this NPRM, we conclude that two formulas contained in Part 65 of the Commission's rules contain mathematical errors and propose corrections to these formulas. These proposals, if adopted, would affect all incumbent LECs subject to the Commission's rate-of-return regulations. Some of these carriers may not qualify as small entities or small incumbent LECs because they are not independently owned or operated. Because the small incumbent LECs that would be subject to these rules are either dominant in their field of operations or are not independently owned and operated, consistent with our prior practice, they are excluded from the definition of "small entity" and "small business concerns." Accordingly, our use of the terms "small entities" and "small businesses" do not encompass small incumbent LECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will consider small incumbent LECs within this analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by SBA as "small business concerns."

54. Local Exchange Carriers. Neither the Commission nor the Small Business Administration has developed a definition of small providers of local exchange service. The closest applicable definition under Small Business Administration rules is for telephone telecommunications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of incumbent LECs nationwide appears to be the data that we collect annually in the provision of Telecommunications Relay Service (TRS). According to our most recent data, 1347 companies reported that they were engaged in the provision of local exchange service. As mentioned above, 11 of these are subject to price caps. Although it seems certain that some of these carriers are not independently owned and operated, or have fewer than 1500 employees, we are unable at this time to estimate with

greater precision the number of incumbent LECs that would qualify as small business concerns under the Small Business Administration's definition. Consequently, we estimate that there are fewer than 1347 small incumbent LECs that may be affected by the proposals in this NPRM. We seek comment on this estimate.

55. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements. The proposals in this NPRM would not increase not decrease incumbent LECs' administrative burdens.

56. Federal Rules that may Duplicate, Overlap, or Conflict with the Proposed Rule. None.

57. Any significant alternatives minimizing impact on small entities and are consistent with stated objectives. None.

C. Comment Filing Procedure

58. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before December 3, 1998, and reply comments on or before February 1, 1999. Comments will be limited to 50 pages, not including appendices. Reply comments will be limited to 30 pages, not including appendices. We invite parties to submit comments on these issues in conjunction with comments to the Notice Initiating a Prescription Proceeding. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998).

59. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

60. Parties who choose to file by paper must file an original and four

copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St. N.W., Room 222, Washington, D.C. 20554.

61. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Warren Firschein of the Common Carrier Bureau's Accounting Safeguards Division, 2000 L Street, N.W., Room 257, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. Spreadsheets should be saved in an Excel 4.0 format. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the docket number in this case [CC Docket No. 98-166]), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

D. Further Information

62. For further information concerning this proceeding, contact Warren Firschein, Accounting Safeguards Division, Common Carrier Bureau at (202) 418-0844.

Ordering Clauses

63. Accordingly, it is ordered that, pursuant to sections 1, 4, 201-205, 218-220, 303(r), 403, of the Communications Act of 1934, as amended by the 1996 Act, 47 U.S.C. §§ 151, 154, 201-205, 218-220, 303(r), 403, that Notice is hereby given of commencing a prescription inquiry as described in this notice of initiating a prescription proceeding.

64. It is further ordered that, pursuant to sections 1, 4, 201, 202, 203, 205, 218-220, 303(r), 403, of the Communications Act of 1934, as amended by the 1996 Act, 47 U.S.C. 151, 154, 201, 202, 203,

204, 205, 218-220, 303(r), 403, that notice is hereby given of proposed amendments to Part 65 of the Commission's Rules, 47 CFR part 65, as described in this notice of proposed rulemaking.

65. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this notice of proposed rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 65

Administrative practice and procedure, Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-27988 Filed 10-19-98; 8:45 am]
BILLING CODE 6712-01-U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1146

[STB Ex Parte No. 628]

Expedited Relief for Service Inadequacies

AGENCY: Surface Transportation Board, DOT.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: In May 1998, the Board instituted a proceeding to solicit comments on proposed rules that would establish expedited procedures for shippers to obtain alternative rail service from another carrier when the incumbent carrier cannot properly serve shippers.¹ On September 25, 1998, the American Short Line and Regional Railroad Association (ASLRRA) asked for similar expedited procedures to be established for Class II and Class III railroads to obtain temporary access to an additional carrier under similar circumstances. By this notice, the Board sets dates for interested persons to respond to the ASLRRA request.

DATES: Supplemental comments on the ASLRRA request are due October 30, 1998. Supplemental replies to such comments are due November 6, 1998.

ADDRESSES: An original plus 12 copies of all supplemental comments and

replies, referring to STB Ex Parte No. 628, must be sent to the Office of the Secretary Case Control Unit, ATTN: STB Ex Parte No. 628, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, copies should be served upon all parties included in the service list issued by the Board in its notices served June 9 and 16, 1998, which are available on the Board's website (www.stb.dot.gov).

Copies of the supplemental comments will be available from the Board's contractor, DC News and Data, Inc., located in Room 210 in the Board's building. DC News can be reached at (202) 289-4357. The comments will also be available for viewing and self copying in the Board's Microfilm Unit, Room 755.

In addition to the original and 12 copies of all paper documents filed with the Board, the parties shall submit their pleadings, including any graphics, on a 3.5-inch diskette formatted for WordPerfect 7.0 (or in a format readily convertible into WordPerfect 7.0). All textual material, including cover letters, certificates of service, appendices and exhibits, shall be included in a single file on the diskette. Each diskette shall be clearly labeled with the filer's name, the docket number of this proceeding (STB Ex Parte No. 628), and the name of the electronic format used on the diskette for files other than those formatted in WordPerfect 7.0. All pleadings submitted on diskettes will be posted on the Board's website (www.stb.dot.gov). The electronic submission requirements set forth in this notice supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in the Board's 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, 711 (Oct. 8, 1996), 61 FR 58490, 58491 (Nov. 15, 1996).²

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: As explained more fully in *May Notice*, the proposed rules are designed to enable the Board to remedy railroad service failures quickly and effectively.³ The proposed rules would provide expedite

² A copy of each diskette submitted to the Board should be provided to any other party upon request.

³ The proposed rules are designed only to respond to service problems, and not to provide permanent responses to perceived competitive issues. *May Notice*, at 6 n.6.

¹ *Expedited Relief for Service Inadequacies*, STB Ex Parte No. 628 (STB served May 12, 1998), 63 FR 27253 (May 18, 1998) (*May Notice*).

procedures for parties to seek alternative rail service under 49 U.S.C. 11102, 10705 or 11123 when, over an identified time period, there has been a substantial, measurable deterioration in the rail service provided by an incumbent carrier. We did not list particular factors to be used in making that assessment, or propose a specific test period, but rather proposed a flexible standard of relief to permit the Board to address varying circumstances. However, we cautioned that the proposed rules are not meant to redress minor service disruptions, but rather are directed only at substantial service problems that cannot readily be resolved by the incumbent railroad. Accordingly, we proposed to require petitioning shippers to: (1) first discuss and assess with their incumbent carrier whether adequate service can be restored within a reasonable time and, if not, to explain why not; and (2) obtain from another railroad the necessary commitment—should it be afforded access—to meet the shipper's service needs, and describe the carrier's plan to do so safely and without degrading service to its existing customers and without unreasonably interfering with the incumbent's overall ability to provide service. Finally, the proposed rules would provide that, where relief has been granted and the incumbent carrier can demonstrate that it has restored, or is prepared to restore, adequate service, it may file a petition to terminate that relief (although the proposed rules would discourage carriers from filing such a petition to terminate less than 90 days after relief was granted, absent special circumstances).

ASLRRA Request

In its request, which it served on all parties to the Ex Parte No. 628 proceeding,⁴ ASLRRA asserts that small (Class II and Class III) railroads⁵ and their shippers can be seriously affected by service disruptions of a connecting railroad and that they need expedited procedures comparable to the proposed Ex Parte No. 628 procedures for

obtaining temporary access to a second carrier. ASLRRA mentions three specific types of access:⁶

“(1) Relief from the terms of an existing [so-called paper] barrier [7] or other impediment to access, to permit direct access to the additional carrier;

“(2) Permitting the small railroad access over [the] incumbent carrier for a reasonable distance in order to reach the additional carrier; and

“(3) Permitting the additional carrier access over the incumbent to reach the small railroad.”

ASLRRA further suggests that, for small railroads, severe service disruptions of 30 days should qualify for relief,⁸ and that the access granted should last for 270 days (the maximum time allowed under current law for emergency orders under 49 U.S.C. 11123). Finally, ASLRRA asserts that a railroad-petitioner should not need an advance commitment from the additional carrier, in view of the mandatory interchange requirements applicable to all railroads.

AAR Reply

AAR asserts that the ASLRRA proposal can and should be considered in the ongoing Ex Parte No. 628 proceeding,⁹ as it involves the same subject—expedited relief for service inadequacies.¹⁰ Moreover, AAR does not view the rules proposed in May as limited to shipper petitions for relief; rather, AAR takes the position that the expedited procedures, as proposed, would be available to railroads (of any size) and shippers alike.¹¹ Nevertheless, AAR supports clarifying the Ex Parte No. 628 rules to specify that railroads, like shippers, could petition for relief, and that the relief granted could include providing for a connection between the petitioning railroad and a second railroad.

⁴ ASLRRA Request, at 7–8.

⁷ “Paper barriers” refer to contractual restrictions that preclude some small carriers from interchanging traffic with carriers other than their primary connecting carrier. See *Review*, at 8.

⁸ ASLRRA would specifically include serious, continuing car supply problems as grounds for relief.

⁹ The AAR reply, like the ASLRRA request, was served on all parties of record in both the Ex Parte No. 575 and Ex Parte No. 628 proceedings.

¹⁰ Edison Electric Institute (EEI), in a letter dated October 5, 1998, asks that the record in Ex Parte No. 628 be considered in addressing the ASLRRA request, and that the Board provide for opening and reply comments in the matter. Our approach here is consistent with both of EEI's requests.

¹¹ Although the proposed rules do not specifically limit petitioners to shippers, the explanatory discussion in the *May Notice* focused on shipper-petitioners.

Although AAR agrees in principle with the ASLRRA proposal, it does not concur in all aspects of that proposal. Rather, it argues against compelling an unwilling second railroad to participate in an emergency service arrangement,¹² establishing preset time frames as suggested by ASLRRA,¹³ and using what it describes as “routine car supply issues” as a basis for emergency relief.¹⁴

Board Conclusion

We conclude that the ASLRRA proposal should be considered in the Ex Parte No. 628 proceeding.¹⁵ Accordingly, to ensure that all issues relating to that proposal are fully aired, and that the inclusion of the ASLRRA proposal does not unduly delay this proceeding, we are establishing an abbreviated schedule for the submission of comments on the proposal. Comments on the ASLRRA request will be due October 30, 1998, and replies to such comments are due November 6, 1998.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1146

Administrative practice and procedure, Railroads.

Decided: October 15, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 98–28111 Filed 10–19–98; 8:45 am]

BILLING CODE 4915–00–P

¹² AAR asserts that “the principal if not only reason that a second railroad would decline to handle additional traffic via a new connection would be operating considerations.” AAR Reply at 4 n.3. Under the proposed rules, operating considerations are a significant factor in determining whether to grant relief. See Proposed Rule 1146.1(b)(1)(C) (requiring the petition to address whether the alternative service “would meet the * * * service needs” and “how that carrier would provide the service safely without degrading service to its existing customers or unreasonably interfering with the incumbent's overall ability to provide service.”).

¹³ AAR Reply at 5 n.4, 7.

¹⁴ AAR argues that “application of the rules to car supply issues between small and large railroads would be particularly inappropriate in light of the fact that the [recent] AAR-ASLRRA Rail Industry Agreement [a far-reaching agreement encompassing a variety of issues, negotiated in response to the Board's Review decision] provides a structured mechanism for working together to improve the satisfaction of customers' car supply needs.” AAR Reply at 6 n.6.

¹⁵ The Board otherwise takes no position at this time on either the ASLRRA proposal or the AAR arguments relating to it.

⁴ ASLRRA also served its request on all parties in Ex Parte No. 575, the more general informational proceeding that spawned our proposal in Ex Parte No. 628. See *Review of Rail Access and Competition Issues*, STB Ex Parte No. 575 (STB served April 17, 1998) (*Review*), at 6; *May Notice*, at 2–3.

⁵ Railroads are classified by the amount of their annual operating revenues, measured in 1991 dollars. A Class III railroad's revenues do not exceed \$20 million; a Class II railroad has revenues of more than \$20 million, but less than \$250 million; and a Class I railroad has revenues of at least \$250 million. 49 CFR 1201, General Instruction 1–1.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 630**

[Docket No. 980630163-8163-01;
I.D.011598A]

RIN 0648-AJ68

**Atlantic Swordfish Fishery;
Management of Driftnet Gear**

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to prohibit the use of driftnets in the Atlantic swordfish fishery and to eliminate any incidental catch allowance for swordfish in any other driftnet fishery. The intent of the proposed action is to reduce interactions of driftnets in the Atlantic swordfish fishery with certain protected marine species.

DATES: Comments must be submitted on or before December 14, 1998. Public hearings on this proposed rule will be held on Friday, November 13, 1998, in Silver Spring, MD, at 9:00-11:00 a.m. and on Tuesday, November 17, 1998, in Fairhaven, MA, at 7:00-10:00 p.m.

ADDRESSES: Comments on the proposed rule should be submitted to Rebecca Lent, Highly Migratory Species Management Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD. For copies of the draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), contact Jill Stevenson at (301) 713-2347 or write to Rebecca Lent. The locations of the public hearings on this proposed rule are: (1) The Seaport Inn/Starboard Room, 110 Middle Street, Fairhaven, MA 02719; and (2) NOAA Building, SSMC III, Room 4527 (4th floor), 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson or Chris Rogers, 301-713-2347; fax: 301-713 1917.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). The fishery management plan (FMP) is implemented by regulations at 50 CFR part 630. This fishery is also subject to the

requirements of the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) due to incidental take of protected species by driftnet gear used in this fishery.

Introduction

This proposed rule is intended to reduce the take of marine mammals in the Atlantic swordfish fishery. Observer data and vessel logbooks indicate that, in the Atlantic swordfish fishery, driftnet gear results in a significantly higher rate of take of protected marine mammals relative to other gear (i.e., pelagic longline and harpoon). Additionally, the driftnet fishery has had takes of protected sea turtles (e.g., loggerhead, leatherback). The high take rates of protected species for the fishery necessitates 100-percent observer coverage. Coupled with the limited driftnet swordfish quota and a corresponding need for real-time quota monitoring, this fishery is difficult and costly to manage.

In addition to protected species concerns, NMFS has identified other concerns related to the management of the driftnet fishery for Atlantic swordfish. First, on September 30, 1997, NMFS identified Atlantic bluefin tuna, swordfish, large coastal sharks, Atlantic blue marlin, and Atlantic white marlin (all species captured by driftnet gear), as being overfished. Second, the cost of quota monitoring in the driftnet fishery is relatively high and is likely to become higher in light of Atlantic swordfish rebuilding. Finally, NMFS has concerns about the potential for expanded use of driftnet gear in the tuna and shark fisheries with continued bycatch of swordfish and protected species.

NMFS has analyzed two alternatives regarding the bycatch and fishery management concerns as part of the draft EA/RIR/IRFA accompanying this proposed rule: (1) prohibiting the use of driftnet gear in the Atlantic swordfish fishery and (2) allowing the use of the gear but with various management measures designed to reduce protected species takes. Under Alternative 2, NMFS considered current management measures (No Action), new measures that would include the Atlantic Offshore Cetacean Take Reduction Plan (AOCTRP) set allocation scheme, and new measures that would include a marine mammal bycatch limit. As discussed in further detail in the draft EA/RIR/IRFA, the status quo would not address bycatch and cost of management concerns, and the set allocation scheme and protected species limit would result in a disproportionately high cost of management to NMFS relative to the

management of other gear used in the swordfish fishery.

Given the high costs to NMFS of 100-percent observer coverage, of bycatch reduction measures (see discussion below), and of real-time quota monitoring for the driftnet fishery, NMFS proposes to prohibit the use of driftnets in the Atlantic swordfish fishery and the possession of Atlantic swordfish on board any vessel possessing a driftnet. If the rule is issued as proposed, the swordfish quota previously allocated to the driftnet gear category (62 FR 55357, October 24, 1997) would be made available to other directed fishery participants (longline and harpoon vessels).

Background

In 1985, the South Atlantic Fishery Management Council (SAFMC) prepared and submitted an FMP for Atlantic swordfish to NMFS. At that time, there were six driftnet vessels fishing for swordfish in the Atlantic Ocean along the Northeast coast. These vessels tended to use driftnets as a supplement to harpoons or pelagic longlines. The SAFMC considered banning driftnets due to concerns over undesirable bycatch; however, the final FMP (50 FR 33952, August 22, 1985) did not contain a measure prohibiting driftnets because insufficient information was available to warrant it. The 1985 FMP included provisions for data collection for all fishing gears and procedures for restricting fishing practices that result in an undesirable bycatch level.

The size of the swordfish driftnet fleet has expanded to about twice its 1985 size. Since 1985, NMFS has implemented a comprehensive data collection program in the swordfish fishery. Driftnet vessel owners are subject to a 100-percent observer coverage requirement and vessel permitting and reporting. As a result of this program, NMFS has collected a significant amount of information, including fishing effort, catch and size composition, and rates of finfish and protected species bycatch.

The current management program, including real-time quota monitoring and associated catch and closure projections, imposes a significant cost to NMFS. If the driftnet quota is exceeded, which is possible due to highly variable daily catch rates, NMFS must account for the excess harvest by transferring swordfish quota from the incidental catch category. If the quota is not reached in the projected timeframe (as in 1996 and again in 1998), NMFS must evaluate the amount of remaining quota and consider the feasibility of reopening

the driftnet fishery. This involves another round of effort and catch rate projections and the continued risk of overharvest. There is also a safety risk due to the nature of a brief derby fishery.

Since the swordfish FMP was submitted in 1985, NMFS with the full cooperation of the fishermen has employed various management strategies to monitor swordfish landings in "real time" and avoid underharvest or overharvest of the assigned quota. These strategies included placing NMFS staff on vessels to observe the fishery and working with the fleet via a fax system in which one vessel reported the catch of several vessels. Despite the efforts of NMFS and participating fishermen, it remains difficult and costly for NMFS to estimate real-time catch rates in this fishery.

MMPA

Under MMPA procedures, the Atlantic pelagic driftnet fishery has been listed as a Category I fishery since 1991 due to the frequency of incidental mortality and serious injury to marine mammals. Based on 1991 through 1995 observer data (the most recent data considered for this listing), an estimated 282 marine mammals were killed annually, including: 187 common dolphins, 25 pilot whales, 19 offshore bottlenose dolphins, 14 spotted dolphins, 13 Risso's dolphins, 11 striped dolphins, and 10 beaked whales. Data from 1996 and 1998 (the fishery was not permitted to operate in 1997) indicate that the magnitude of bycatch has not decreased in recent years. Indeed, during the 1998 driftnet fishery, mortality rates for some marine mammal species were twice those of prior years.

In 1994, the MMPA was re-authorized, establishing the Take Reduction Team framework. The Atlantic Offshore Cetacean Take Reduction Team (AOCTRT) was formed in May 1996 to address protected species bycatch by the Category I Atlantic pelagic fisheries (i.e., driftnet, longline, and pair trawl fisheries that target highly migratory species). Observer data collected since 1991 considered by the AOCTRT indicate that marine mammal interaction rates are high in the driftnet fishery and that effort has expanded since 1985.

The AOCTRP was submitted to NMFS in November, 1996. In accordance with section 118(f) of the MMPA, the AOCTRP contained measures to address the bycatch of strategic stocks of marine mammals. The consensus plan recommended a broad range of regulatory and non-regulatory bycatch reduction measures, including a set

allocation scheme to reduce the derby nature of the driftnet fishery, time/area closures and educational workshops, among others. Other take reduction measures related to driftnet gear were discussed and rejected by the AOCTRT for various reasons.

NMFS acknowledges the work of the AOCTRT and recognizes that all parties participated in the negotiated meetings in good faith. However, in light of information on the management costs of this fishery including AOCTRP measures, the October 1998 draft EA/RIR/IRFA accompanying this proposed action considers a broader range of options for managing this fishery.

ESA

In the driftnet fishery for Atlantic swordfish, take of endangered species has been an ongoing concern. Endangered marine mammal takes in the driftnet fishery from 1991 through 1995 include one right whale, one humpback whale, and one sperm whale. In addition, an estimated 36 endangered sea turtles were killed from 1991 through 1995 in the driftnet fishery, including 1 Kemp's ridley, 28 leatherback, and 7 loggerhead sea turtles. Furthermore, observer data indicate that driftnet vessels also took endangered green turtles during the 1998 swordfish fishery. In fact, the green turtle take in 1998 met the level authorized by an Incidental Take Statement (ITS) developed for the highly migratory species driftnet and pelagic longline fisheries before the swordfish quota was reached. Continued fishing would have risked green turtle takes above levels authorized by the ITS.

NMFS has responded to this ongoing concern through a series of management activities. On September 25, 1996, NMFS reinitiated consultation under section 7(a) of the ESA on the Atlantic tuna, swordfish, and shark fisheries. While this consultation was under way, an emergency fishery closure was implemented covering the semiannual subquota period of December 1, 1996, through May 29, 1997 (61 FR 64486, December 5, 1996) to ensure that no irreversible and irretrievable commitment of resources was made.

On May 29, 1997, NMFS issued a Biological Opinion (BO) that concluded that the operation of the driftnet segment of the Atlantic swordfish, tunas, and shark fisheries is likely to jeopardize the continued existence of the northern right whale. The BO identified two possible alternatives for avoiding jeopardy: (1) implementing the driftnet measures of the AOCTRP (recommendations to eliminate the

derby fishery through set allocation, time/area closures, 100-percent observer coverage) and Atlantic Large Whale Take Reduction Plan (recommendations for time/area closures, 100 percent observer coverage) and (2) prohibiting the use of driftnet gear in the swordfish, tunas, and shark fisheries, in all areas and at all times. The emergency closure was extended from May 29 through November 26, 1997 (62 FR 30775, June 5, 1997), or until a preferred option to avoid the likelihood of jeopardy could be identified and implemented.

On August 12, 1997, NMFS reinitiated consultation on the Atlantic pelagic fishery due to new information regarding the implementation of conservation measures to protect northern right whales and due to recent information on mortality and recruitment of the right whale population and on common dolphin abundance. An amended BO, issued on August 29, 1997, concluded that the potential exists for further entanglements of endangered species in driftnet gear during the winter fishery and part of the traditional summer fishery. The geographic distribution of right whales is close to, or overlaps with, the area of operation of the Atlantic driftnet fishery during that part of the year. The BO identified an additional alternative for avoiding jeopardy to right whales, which included expanded time/area closures and 100 percent observer coverage for driftnet vessels targeting swordfish and tunas only. Concerns about bycatch of right whales in the Atlantic shark driftnet fishery were addressed under separate regulations implementing the Atlantic Large Whale Take Reduction Plan (62 FR 39157, July 22, 1997.)

Due to the time required to evaluate the reasonable and prudent alternatives, NMFS issued a rule under the authority of the ESA (62 FR 63467, December 1, 1997) to implement the time/area closure identified in the BO (for the period November 27, 1997, to July 31, 1998) in order to reduce the likelihood of interactions with right whales. However, the time/area closure implemented under the ESA rule was not deemed sufficient to protect all marine mammal stocks that interact with driftnet gear and was issued as a temporary rule which expired on July 31, 1998.

Further observer data from the 1998 fishing season indicate that driftnet vessels took the limit of green turtles authorized by the ITS before the swordfish quota was reached. Although 1998 swordfish driftnet quota remains, NMFS subsequently decided not to

reopen the fishery due to concerns about bycatch of protected species, particularly endangered sea turtles.

Management Issues

Information collected since the implementation of the Atlantic Swordfish FMP has allowed NMFS to assess the costs of alternatives for managing the driftnet segment of the swordfish fishery.

The driftnet sector of this fishery requires relatively high management costs because of necessary bycatch reduction measures, observer coverage requirements, and the demands of real-time quota monitoring. The driftnet sector of the swordfish fishery was allocated 2 percent of the annual North Atlantic swordfish in 1998. Approximately 10 to 12 vessels participate each year in this fishery, and it typically lasts 7 to 14 days depending on the number of vessels and catch rates.

Management costs for decreasing the high rate of protected species takes in this relatively small driftnet fishery were estimated under each alternative. These estimates indicate the relative cost of implementing and enforcing each alternative. The analysis also includes additional management measures (e.g., vessel monitoring systems, industry-funded observers) in the set allocation scheme and marine mammal bycatch limit alternatives, with the intent of reducing NMFS' management costs as much as possible.

Annual management cost estimates for implementing the alternatives ranged from \$133,500 per year (prohibiting driftnets) to more than \$1 million (set allocation) for initial year implementation costs. Significant recurring costs, ranging from \$60,000 to \$904,600, were also estimated for all alternatives. Recurring costs of gear prohibition are minimal. While initial and recurring costs to NMFS could be significantly reduced by having vessel operators fund both a vessel monitoring system and an observer program, these would still be costs borne by the economy in harvesting swordfish with driftnets, and therefore, would reduce the net economic benefit of this fishery. A more detailed presentation of management costs is available in the Draft EA/RIR/IRFA (See ADDRESSES).

The preferred alternative of prohibiting driftnet gear is estimated to have the lowest management cost of any of the alternatives considered and would be the most easily enforced, requiring minor at-sea and dockside monitoring. It would also be the most effective at reducing marine mammal takes. The only costs of implementing

this alternative after the first year would be the enforcement of the no-retention measure for swordfish on driftnet vessels.

Costs of managing the driftnet fishery under each alternative relative to the gross ex-vessel revenues of the swordfish quota were examined and compared to the costs of managing the pelagic longline fishery under status quo. The cost of managing the driftnet fishery under the preferred alternative is 49 percent of the gross ex-vessel revenues of the swordfish driftnet quota in the first year. Costs are minimal in subsequent years. Costs under other alternatives range from 73 percent to over 2.5 times the ex-vessel value of the swordfish quota.

In contrast, the costs to manage the pelagic longline fishery amount to 47 percent of the gross ex-vessel revenue of the swordfish longline/harpoon quota under status quo management measures. The proposed action would greatly reduce the cost of management relative to harvesting the allocated swordfish quota.

Conclusion

Currently, driftnets are not commonly used to target Atlantic tunas although a few driftnet trips targeted tunas in 1997 and 1998. NMFS does not have sufficient information about the tuna driftnet fishery (with either large or small mesh nets) to evaluate the level of impact from vessels that may convert to tuna driftnetting as a result of this prohibition in the swordfish fishery. However, based on trips taken in 1997 and 1998 that targeted tunas, NMFS believes it is unlikely that many swordfish driftnet boats will convert to tuna fishing in response to a prohibition in the swordfish fishery.

NMFS is currently developing a fishery management plan for tunas, sharks, and swordfish to replace existing fishery management plans for Atlantic sharks and swordfish. Management measures to address expansion of driftnet activities in the shark and tuna fisheries are being considered in the development of that fishery management plan. In the short term, this proposed action should further reduce the potential of using driftnet gear to target tunas by eliminating the swordfish incidental catch allowance for any driftnet vessel, regardless of target species.

In sum, NMFS selected the prohibition of driftnets for Atlantic swordfish as the preferred alternative because it appropriately meets the objectives of the Magnuson-Stevens Act and has the greatest likelihood of reducing bycatch of marine mammals

and of reducing the costs of management incurred by NMFS of this fishery.

Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, and ATCA, 16 U.S.C. 971 *et seq.*

NMFS has concluded that this proposed rule to prohibit the use of driftnet gear in the Atlantic swordfish fishery would have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis has been prepared.

The initial regulatory flexibility analysis assumes that fishermen, during the time they would normally fish for swordfish with a driftnet, would: (1) transfer fishing effort into the longline/harpoon category in order to take advantage of the transferred swordfish quota from the driftnet category, (2) fish for other species with other fishing gears, (3) use driftnets for other highly migratory species, or (4) exit commercial fishing. Seventeen driftnet vessels were considered to be the universe of affected small entities in this analysis. Under the preferred alternative, each of these scenarios results in greater than a 5-percent decrease in gross revenues for more than 20 percent of the affected entities, or would cause greater than 2 percent of the affected entities to be forced to cease operations. Therefore, regardless of which activity any individual driftnet fisherman pursues should the proposed action be implemented, the RFA thresholds for significant impact are expected to be exceeded.

The other alternatives considered include the status quo, a set allocation scheme to reduce the derby nature of the fishery (with associated measures), and a marine mammal bycatch limit (with associated measures). These alternatives may have lesser economic impacts on the driftnet participants; however, none of those alternatives guarantee reduced takes of marine mammals and, further, do not eliminate such fishery management concerns as the increasing costs to manage this limited fishery. Further, the management costs of the preferred alternative relating to the value of the swordfish gear quota compares favorably with the costs of managing the pelagic longline fishery. The RIR provides further discussion of the economic effects of all the alternatives considered.

The proposed action would not impose any additional reporting or recordkeeping requirements.

NMFS reinitiated formal consultation for all Highly Migratory Species commercial fisheries on September 25, 1996, and again on August 12, 1997, under section 7 of the ESA. In BOs issued on May 29, 1997, and August 29, 1997, NMFS concluded that operation of the harpoon fishery is not likely to adversely affect the continued existence of any endangered or threatened species under NMFS jurisdiction and that operation of the longline fishery may adversely affect, but may not jeopardize, the continued existence of any endangered or threatened species under NMFS jurisdiction. Conversely, it was concluded that driftnet fishing for swordfish in the Northeast and Mid-Atlantic and for sharks in the Southeast jeopardized the continued existence of the northern right whale. A temporary rule under the authority of the ESA implemented time/area closures for driftnet gear in the northeast as an interim measure. Another rulemaking implemented a take reduction plan for Atlantic large whales in the southeast United States under the MMPA. This proposed rule, if implemented, would further reduce the likelihood of interactions between driftnet gear and northern right whales.

This proposed rule has been determined to be not significant for purposes of E.O. 12866. Comments on this proposed rule are invited and will be accepted if received by December 14, 1998.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: October 15, 1998.

Rolland A. Schmitten,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 630, is proposed to be amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

§ 630.3 [Amended]

2. In § 630.3, paragraph (b) is amended by removing the words “or gillnet”.

3. In § 630.7, paragraphs (p), (s), and (t) are revised, and paragraphs (bb) and (cc) are redesignated as paragraphs (aa) and (bb) respectively, to read as follows:

§ 630.7 Prohibitions.

* * * * *

(p) Fish for Atlantic swordfish with a driftnet or possess an Atlantic swordfish on board a vessel with a driftnet on board, as specified in § 630.22.

* * * * *

(s) During a closure of the directed fishery under § 630.25(a)(1) or (b), on board a vessel using or having on board the specified gear, fish for swordfish, or possess or land swordfish in excess of the bycatch limits, as specified in § 630.25(c).

(t) On board a vessel using or having on board gear other than longline or harpoon, fish for swordfish, or possessing or landing swordfish in excess of the bycatch limit, as specified in § 630.25(d).

* * * * *

4. Section 630.22 is revised to read as follows:

§ 630.22 Gear restrictions.

No driftnet may be used to fish for swordfish from the north or south Atlantic swordfish stocks. An Atlantic swordfish may not be possessed on board or harvested from a vessel using or having on board a driftnet.

5. In § 630.24, paragraphs (a)(1), (b)(1), (b)(2), and (e)(1) are revised, and paragraphs (a)(3) and (f) are removed to read as follows:

§ 630.24 Quotas.

(a) *Applicability.* (1) A swordfish harvested from the North Atlantic swordfish stock by a vessel of the United States other than one participating in the recreational fishery is counted against the directed-fishery quota or the bycatch quota. A swordfish harvested by longline or harpoon and landed before the effective date of a closure for that gear, pursuant to § 630.25(a)(1), is counted against the directed-fishery quota. After a closure, a swordfish landed by a vessel using or possessing gear for which a bycatch is allowed under § 630.25(c) is counted against the bycatch allocation specified in paragraph (c) of this section. Notwithstanding the above, a swordfish harvested by a vessel using or possessing gear other than longline, harpoon, or rod and reel is counted against the bycatch quota specified in paragraph (c) of this section at all times.

* * * * *

(b) *Directed-fishery quotas.* (1) The annual directed fishery quota for the North Atlantic swordfish stock for the period June 1, 1998, through May 31, 1999, is 2,098.6 mt dw. The allocation is divided into two equal semiannual quotas of 1,028.5 mt dw, one for the period June 1 through November 30, 1998, and the other for the period

December 1, 1998, through May 31, 1999.

(2) The annual directed fishery quota for the North Atlantic swordfish stock for the period June 1, 1999, through May 31, 2000, is 2,033.2 mt dw. The quota is divided into two equal semiannual quotas of 996.5 mt dw, one for the period June 1 through November 30, 1999, and the other for the period December 1, 1998, through May 31, 2000.

* * * * *

(e) *Inseason adjustments.* (1) NMFS may adjust the December 1 through May 31 semiannual directed fishery quota to reflect actual catches during the June 1 through November 30 semiannual period, provided that the 12-month directed-fishery quota is not exceeded.

* * * * *

6. In § 630.25, the section heading and paragraphs (a)(1) and (c), and the introductory text to paragraph (d) are revised to read as follows:

§ 630.25 Closures and incidental catch limits.

(a) *Notification of a closure.* (1) When the directed-fishery annual or semiannual quota specified in § 630.24 is reached, or is projected to be reached, NMFS will publish notification in the **Federal Register** closing the directed-fishery for fish from the North Atlantic swordfish stock or from the South Atlantic swordfish stock, as appropriate. The effective date of such notification will be at least 14 days after the date such notification is filed at the Office of the Federal Register. The closure will remain in effect until additional directed-fishery quota becomes available.

* * * * *

(c) *Bycatch limits during a directed-fishery closure.* (1) During a closure of the directed fishery, aboard a vessel using or having aboard a longline and not having aboard harpoon gear—

(i) A person may not fish for swordfish from the North Atlantic swordfish stock; and

(ii) No more than 15 swordfish per trip may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5 degrees N. lat., or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state. The Assistant Administrator may modify or change the bycatch limits upon publication of notice in the **Federal Register** pursuant to the requirements and procedures in paragraph (a)(1) of this section. Changes in the bycatch limits will be based upon the length of the directed fishery closure as well as the estimated catch per vessel in the non-directed fishery.

(2) During a closure of the directed fishery, aboard a vessel using or having aboard harpoon gear—

(i) A person may not fish for swordfish from the North Atlantic swordfish stock; and

(ii) No swordfish may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

(d) Bycatch limits in the non-directed fishery. On board a vessel using or having on board gear other than harpoon or longline, other than a vessel in the recreational fishery—

* * * * *

[FR Doc. 98-28057 Filed 10-15-98; 4:08 pm]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 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

Office of the Secretary

Special Provisions for Canadian Fresh Fruit and Vegetable Imports Under the North American Free Trade Agreement

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination of existence of conditions necessary for imposition of temporary duty on cucumbers from Canada.

SUMMARY: As required by section 301(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, as amended by the North American Free Trade Agreement Implementation Act ("FTA Implementation Act"), this is a notification that the Secretary of Agriculture has determined that the necessary conditions exist with respect to United States acreage and import price criteria for cucumbers classifiable to subheadings 070700 of the Harmonized Tariff Schedule of the United States (HTS) imported from Canada to permit the Secretary to consider recommending to the President the imposition of a temporary duty ("snapback duty") by the United States pursuant to section 301(a) of the FTA Implementation Act, implementing Article 702 of the United States-Canada Free-Trade Agreement, Special Provisions for Fresh Fruits and Vegetables, as incorporated by reference and made a part of the North American Free Trade Agreement (NAFTA) pursuant to Annex 702.1, paragraph 1 of NAFTA.

FOR FURTHER INFORMATION CONTACT: Brian Grunenfelder, Horticultural & Tropical Products Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250-1049 or telephone at (202) 720-3423.

SUPPLEMENTARY INFORMATION: The FTA Implementation Act, in accordance with the NAFTA, authorizes the imposition

of a temporary duty (snapback) for a limited group of fresh fruits and vegetables from Canada when certain conditions exist. Cucumbers, classified under subheadings 070700 of the HTS, is a good subject to the snapback duty provision.

Under section 301(a) of the FTA Implementation Act, two conditions must exist before imposition by the United States of a snapback duty can be considered. First, the import price of a covered Canadian fruit or vegetable, for each of five consecutive working days, must be less than ninety percent of the corresponding five-year average monthly import price. This price for a particular day is the average import price of a Canadian fresh fruit or vegetable imported into the United States from Canada, for the calendar month in which that day occurs, in each of the 5 preceding years, excluding the years with the highest and lowest monthly averages.

Second, the planted acreage in the United States for the like fruit or vegetable must be no higher than the average planted acreage over the preceding five years, excluding the years with the highest and lowest acreage.

From August 3-7, 1998, the price conditions with respect to cucumbers were met.

The most recent revision of planted acreage for cucumbers shows that this year's planted acreage is below the planted acreage over the preceding five years, excluding the years with the highest and lowest planted acreages.

Issued at Washington, D.C. the 13 day of October, 1998.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 98-28070 Filed 10-19-98; 8:45 am]

BILLING CODE 3410-10-M

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Alaska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission which was to convene at

1:00 p.m. and adjourn at 3:00 p.m. on Thursday, October 15, 1998 has been canceled. The notice originally published in the **Federal Register** on Thursday, August 27, 1998, vol. 63, no. 166, p. 45795.

Persons desiring additional information should contact Thomas V. Pilla, Acting Director of the Western Regional Office, 213-894-3437 (TDD 213-894-3435).

Dated at Washington, DC, October 14, 1998.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 98-28016 Filed 10-14-98; 4:22 pm]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 9 a.m. and adjourn at 12 p.m. on November 7, 1998, at the Plump Jack Valley Inn, 1920 Squaw Valley Road, Olympic Valley, California 96146. The purpose of the meeting is to review a report and plan the next project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Thomas Pilla, Acting Director of the Western Regional Office, 213-894-3437 (TDD 213-894-3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, October 9, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98-27996 Filed 10-19-98; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE**National Institute of Standards and Technology****Judges Panel of the Malcolm Baldrige National Quality Award**

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on: Monday, November 9, 1998, from 9:00 a.m. to 5:30 p.m.; Tuesday, November 10, 1998, from 8:00 a.m. to 5:30 p.m.; Wednesday, November 11, 1998, from 8:00 a.m. to 5:30 p.m.; and Thursday, November 12, 1998, from 8:00 a.m. to 3:00 p.m. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The Panel's agenda includes reviewing the 1998 award process and final judging of 1998 applicants, including a review of each of the 1998 site visits. The review process involves examination of records and discussions of applicant data, and will be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code.

DATES: The meeting will convene November 9, 1998, at 9:00 a.m. and adjourn at 3:00 p.m. on November 12, 1998.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Administration Building Conference Room, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone number 301-975-2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on April 30, 1998, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 10(d) for those portions of the meeting which involve examination of records and discussion of matters mentioned above, may be closed to the public in accordance with section 552b(c)(4) of Title 5, United States Code, since those portions of the meeting are likely to disclose trade secrets and commercial or financial information obtained from a

person which is privileged or confidential.

Dated: October 14, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98-28122 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 101398A]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Council (Council) will hold its 70th meeting of its Scientific and Statistical Committee (SSC) in Honolulu, HI.

DATES: The SSC meeting will be held on November 11-13, 1998, from 8:30 a.m. to 5:00 p.m., each day.

ADDRESSES: The 70th SSC meeting will be held at the Council office conference room, 1164 Bishop St., Suite 1400, Honolulu, HI; telephone: 808-522-8220. *Council address:* Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT:

Kitty M. Simonds, Executive Director; telephone: 808-522-8220.

SUPPLEMENTARY INFORMATION: The SSC will discuss and may make recommendations to the Council on the following agenda items. The order in which agenda items will be addressed can change.

Wednesday, November 11, 1998, 8:30 a.m.

A. Precious corals fishery management plan (FMP) issues

1. Status of fishery; and
2. Findings of recent research in the Northwestern Hawaiian Islands.

B. Crustaceans FMP issues (Northwestern Hawaiian Islands [NWHI] lobster fishery)

1. Update on the 1998 commercial fishing season;
2. Results from the 1998 research cruise;
3. Status of NMFS tagging project; and
4. Status of draft regulatory measure for bank-specific harvest guidelines.

Presentation: "Guidelines for limited entry programs"

C. Ecosystem & Habitat issues

1. Comments on Draft Environmental Impact Statement (DEIS) for Farallon de Mendinilla, Commonwealth of the Northern Mariana Islands (CNMI);
2. Other issues/activities; and
3. Development of Coral Reef Ecosystem FMP, including goals and objectives, draft outline, proposed initial regulations, and research and assessment needs.

Thursday, November 12, 1998, 8:30 a.m.

Presentation: "Linear programming model of Hawaii's multifishery"

D. Pelagic FMP issues

1. 2nd/3rd quarter 1998 longline fishery report (for Hawaii and American Samoa);

2. Research & issues update:

Secretariat of the Pacific Community-Oceanic Fisheries Program (SPC-OFP), Inter-American Tropical Tuna Commission (IATTC);

3. NMFS review of area closure framework measure for American Samoa;

4. Outline for a comprehensive data amendment;

5. Blue marlin management options;

6. Bigeye tagging workshop outputs;

7. Protected species interactions/Food and Agricultural Organization (FAO) Expert Consultations, considering: 3rd quarter 1998 turtle takes and research, 1998 bird takes, bird mitigation project and population dynamics workshop, and reports of FAO Rome meeting for shark, birds and capacity;

8. Sharks, including finning update and research initiatives;

9. Asia Pacific Economic Cooperation (APEC) meeting - Honolulu - October; and

10. Upcoming meetings: Interim Scientific Committee (ISC) - Honolulu - January, and Fourth Multilateral High Level Conference (MHL4) - Honolulu - February.

Wednesday, November 13, 1998, 8:30 a.m.

E. Bottomfish FMP issues

1. Status of onaga, ehu and hapuupuu, and request to NMFS to remove from overfished list;

2. Status of Hawaii Institute of Marine Biology (HIMB) and NMFS research activities;

3. Report on state management in Main Hawaiian Islands (MHI); and

4. Options for Federal management in MHI: including delegation of authority to state and other options.

F. Review of Council's Programs

G. Other Business

Although other issues not contained in this agenda may come before this Council for discussion, in accordance

with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council 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 Kitty M. Simonds, 808-522-8220 (voice) or 808-522-8226 (fax), at least 5 days prior to meeting date.

Dated: October 14, 1998.

Richard W. Surdi,

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

[FR Doc. 98-28110 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Meeting of the Public Advisory Committee for Trademark Affairs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of meeting.

SUMMARY: The Patent and Trademark Office is announcing, in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), an open meeting of the Public Advisory Committee for Trademark Affairs.

DATES: The meeting will be held from 10:00 a.m. until 4:00 p.m. on Monday, November 2, 1998.

ADDRESSES: The meeting will take place at the U.S. Patent and Trademark Office, South Tower Building, Arlington and Alexandria Conference Rooms, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

FOR MORE INFORMATION CONTACT: Sharon Marsh by mail marked to her attention and addressed to Office of the Assistant Commissioner for Trademarks, Patent and Trademark Office, 2900 Crystal Drive, South Tower Building, Suite 10B10, Arlington, VA 22202-3513; by telephone at (703) 308-9100, ext. 45; by fax at (703) 308-9395; or by e-mail to sharon.marsh@uspto.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to public observation. Accordingly, seating will be available to members of the public on a first-come-first-served basis. Members

of the public will be permitted to make oral comments of three (3) minutes each. Written comments and suggestions will be accepted before or after the meeting on any of the matters discussed. Copies of the minutes will be available upon request. The agenda for the meeting is as follows:

- (1) Trademark Operation Issues
- (2) Policy Issues
- (3) TTAB Issues
- (4) Finance
- (5) Automation
- (6) Domestic Legislation
- (7) International Trademark Issues

Dated: October 15, 1998.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 98-28179 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Hungary

October 14, 1998.

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

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: October 21, 1998.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for Categories 435 and 448 are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also

see 62 FR 63521, published on December 1, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 14, 1998.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 24, 1997 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Hungary and exported during the period which began on January 1, 1998 and extends through December 31, 1998.

Effective on October 21, 1998, you are directed to increase the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit ¹
435	28,893 dozen.
448	25,534 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1997.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-28081 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Republic of Korea

October 14, 1998.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S.

Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustras.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

The import restraint limits for textile products, produced or manufactured in Korea and exported during the period January 1, 1999 through December 31, 1999 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1999 limits.

Effective on January 1, 1999, a visa will no longer be required for products from WTO member countries integrated in the second stage of the integration of textiles and clothing into GATT 1994 (see 63 FR 53881, published on October 7, 1998). Non-integrated products shall continue to require a visa. For quota purposes only, products remaining in categories partially integrated will continue to be designated by the designator "pt."

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the 1999 CORRELATION will be published in the **Federal Register** at a later date.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 14, 1998.

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

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1999, entry into the United States for consumption and withdrawal from warehouse for consumption

of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in the Republic of Korea and exported during the twelve-month period beginning on January 1, 1999 and extending through December 31, 1999, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Group I	
200-223, 224-V ¹ , 224-O ² , 225, 226, 227, 300-326, 360-363, 369pt. ³ , 400-414, 464, 469pt. ⁴ , 600-629, 666, 669-P ⁵ , 669pt. ⁶ and 670-O ⁷ , as a group.	393,602,553 square meters equivalent.
Sublevels within Group I	
200	477,828 kilograms.
201	2,372,958 kilograms.
218	9,685,721 square meters.
219	8,819,518 square meters.
224-V	11,118,352 square meters.
300/301	3,249,057 kilograms.
313	52,948,606 square meters.
314	29,521,821 square meters.
315	18,670,186 square meters.
317/326	19,677,079 square meters.
363	1,133,939 numbers.
410	3,603,292 square meters.
604	405,665 kilograms.
607	1,162,288 kilograms.
611	3,874,289 square meters.
613/614	6,457,146 square meters.
617	5,354,708 square meters.
619/620	95,902,995 square meters.
624	9,449,484 square meters.
625/626/627/628/629.	16,530,297 square meters.
669-P	2,377,650 kilograms.
Group II	
237, 239pt. ⁸ , 331-348, 350-352, 359-H ⁹ , 359pt. ¹⁰ , 431, 433-438, 440-448, 459-W ¹¹ , 459pt. ¹² , 631, 633-652, 659-H ¹³ , 659-S ¹⁴ and 659pt. ¹⁵ , as a group.	593,032,404 square meters equivalent.
Sublevels within Group II	
237	64,255 dozen.

Category	Twelve-month restraint limit
239pt.	259,814 kilograms.
333/334/335	290,572 dozen of which not more than 148,515 dozen shall be in Category 335.
336	61,406 dozen.
338/339	1,291,430 dozen.
340	671,544 dozen of which not more than 348,687 dozen shall be in Category 340-D ¹⁶ .
341	186,703 dozen.
342/642	233,549 dozen.
345	125,460 dozen.
347/348	477,828 dozen.
350	17,860 dozen.
351/651	245,349 dozen.
352	190,924 dozen.
359-H	2,750,450 kilograms.
433	14,036 dozen.
434	7,199 dozen.
435	35,741 dozen.
436	15,130 dozen.
438	60,660 dozen.
440	200,091 dozen.
442	51,130 dozen.
443	322,056 numbers.
444	55,716 numbers.
445/446	52,656 dozen.
447	89,837 dozen.
448	35,970 dozen.
459-W	97,301 kilograms.
631	322,373 dozen pairs.
633/634/635	1,364,532 dozen of which not more than 154,735 dozen shall be in Category 633 and not more than 576,650 dozen shall be in Category 635.
636	277,412 dozen.
638/639	5,312,601 dozen.
640-D ¹⁷	3,159,330 dozen.
640-O ¹⁸	2,632,774 dozen.
641	1,062,809 dozen of which not more than 40,145 dozen shall be in Category 641-Y ¹⁹ .
643	787,380 numbers.
644	1,184,579 numbers.
645/646	3,618,976 dozen.
647/648	1,347,261 dozen.
650	26,135 dozen.
659-H	1,369,574 kilograms.
659-S	192,200 kilograms.
Group III	
831, 833-838, 840-844, 847-858 and 859pt. ²⁰ , as a group.	17,443,884 square meters equivalent.
Sublevel within Group III	
835	29,007 dozen.
Group IV	
845	2,315,056 dozen.
846	819,974 dozen.

Category	Twelve-month restraint limit
Group VI 369-L/670-L/ 870 ²¹ .	75,768,515 square meters equivalent.

¹ Category 224-V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

² Category 224-O: all remaining HTS numbers in Category 224.

³ Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091, 6307.90.9905, (Category 369-L); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700.

⁴ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

⁵ Category 669-P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

⁶ Category 669pt.: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669-P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040.

⁷ Category 670-O: All HTS numbers except only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670-L).

⁸ Category 239pt.: only HTS number 6209.20.5040 (diapers).

⁹ Category 359-H: only HTS numbers 6505.90.1540 and 6505.90.2060.

¹⁰ Category 359pt.: all HTS numbers except 6505.90.1540, 6505.20.2060 (Category 359-H); and 6406.99.1550.

¹¹ Category 459-W: only HTS number 6505.90.4090.

¹² Category 459pt.: all HTS numbers except 6505.90.4090 (Category 459-W); 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

¹³ Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

¹⁴ Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹⁵ Category 659pt.: all HTS numbers except 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659-H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659-S); 6406.99.1510 and 6406.99.1540.

¹⁶ Category 340-D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030.

¹⁷ Category 640-D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

¹⁸ Category 640-O: only HTS numbers 6203.23.0080, 6203.29.2050, 6205.30.1000, 6205.30.2050, 6205.30.2060, 6205.30.2070, 6205.30.2080 and 6211.33.0040.

¹⁹ Category 641-Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

²⁰ Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

²¹ Category 870; Category 369-L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091 and 6307.90.9905; Category 670-L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1998 shall be charged to the applicable category limits for that year (see directive dated December 22, 1997) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

The conversion factors for the following merged categories are listed below:

Category	Conversion factor (Square meters equivalent/category unit)
333/334/335	33.75
369-L/670-L/870	3.8
633/634/635	34.1
638/639	12.96

Effective on January 1, 1999, a visa will no longer be required for products from WTO member countries integrated in the second stage of the integration of textiles and clothing into GATT 1994 (see directive dated September 30, 1998). Non-integrated products shall continue to require a visa. For quota purposes only, products remaining in categories partially integrated will continue to be designated by the designator "pt."

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-28078 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Kuwait

October 14, 1998.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

The import restraint limits for textile products, produced or manufactured in Kuwait and exported during the period January 1, 1999 through December 31, 1999 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 1999 period. The 1999 level for Category 361 is zero.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the 1999 CORRELATION will be published in the **Federal Register** at a later date.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 14, 1998.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1999, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Kuwait and exported during the twelve-month period beginning on January 1, 1999 and extending through December 31, 1999, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	298,045 dozen.
341/641	163,925 dozen.
361	—0—

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1998 shall be charged to the applicable category limits for that year (see directive dated November 6, 1997) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-28077 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton, Man-Made Fiber and Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Thailand

October 14, 1998.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 20, 1998.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being adjusted, variously, for special shift and carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 65246, published on December 11, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 14, 1998.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1998 and extends through December 31, 1998.

Effective on October 20, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
Sublevels in Group II	
338/339	2,311,871 dozen.
347/348/847	960,512 dozen.
638/639	2,201,518 dozen.

Category	Adjusted twelve-month limit ¹
647/648	1,160,069 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1997.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-28080 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in the Republic of Uruguay

October 14, 1998.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

The import restraint limits for textile products, produced or manufactured in Uruguay and exported during the period January 1, 1999 through December 31, 1999 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1999 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the 1999 **CORRELATION** will be published in the **Federal Register** at a later date.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 14, 1998.

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

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1999, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in the following categories, produced or manufactured in Uruguay and exported during the twelve-month period beginning on January 1, 1999 and extending through December 31, 1999, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
334	169,464 dozen.
335	145,884 dozen.
410	2,950,531 square meters of which not more than 1,686,020 square meters shall be in Category 410-A ¹ and not more than 2,716,360 square meters shall be in Category 410-B ² .
433	17,618 dozen.
434	26,284 dozen.
435	53,083 dozen.
442	37,551 dozen.

¹Category 410-A: only HTS numbers
5111.11.3000, 5111.11.7030, 5111.11.7060,
5111.19.2000, 5111.19.6020, 5111.19.6040,
5111.19.6060, 5111.19.6080, 5111.20.9000,
5111.30.9000, 5111.90.3000, 5111.90.9000,
5212.11.1010, 5212.12.1010, 5212.13.1010,
5212.14.1010, 5212.15.1010, 5212.21.1010,
5212.22.1010, 5212.23.1010, 5212.24.1010,
5212.25.1010, 5311.00.2000, 5407.91.0510,
5407.92.0510, 5407.93.0510, 5407.94.0510,
5408.31.0510, 5408.32.0510, 5408.33.0510,
5408.34.0510, 5515.13.0510, 5515.22.0510,
5515.92.0510, 5516.31.0510, 5516.32.0510,
5516.33.0510, 5516.34.0510 and
6301.20.0020.

²Category 410-B: only HTS numbers
5007.10.6030, 5007.90.6030, 5112.11.2030,
5112.11.2060, 5112.19.9010, 5112.19.9020,
5112.19.9030, 5112.19.9040, 5112.19.9050,
5112.19.9060, 5112.20.3000, 5112.30.3000,
5112.90.3000, 5112.90.9010, 5112.90.9090,
5212.11.1020, 5212.12.1020, 5212.13.1020,
5212.14.1020, 5212.15.1020, 5212.21.1020,
5212.22.1020, 5212.23.1020, 5212.24.1020,
5212.25.1020, 5309.21.2000, 5309.29.2000,
5407.91.0520, 5407.92.0520, 5407.93.0520,
5407.94.0520, 5408.31.0520, 5408.32.0520,
5408.33.0520, 5408.34.0520, 5515.13.0520,
5515.22.0520, 5515.92.0520, 5516.31.0520,
5516.32.0520, 5516.33.0520 and
5516.34.0520.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1998 shall be charged to the applicable category limits for that year (see directive dated December 19, 1997) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98-28079 Filed 10-19-98; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Army

Final Environmental Assessment for BRAC 95 Disposal and Reuse of Hingham Cohasset (Hingham Training Annex), Massachusetts

AGENCY: Department of the Army, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with Public Law 101-510 (as amended), the Defense Base Closure and Realignment Act of 1990, the Defense Base Closure and Realignment Commission recommended the closure of Hingham Cohasset (Hingham Training Annex), MA.

The Final Environmental Assessment (EA) evaluates the environmental impacts of the disposal and subsequent reuse of the 125 acres.

DATES: Written public comments received by November 19, 1998 will be considered by the Army prior to initiating action.

ADDRESSES: A copy of the Final EA may be obtained by writing to Ms. Susan Holtham, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751.

FOR FURTHER INFORMATION CONTACT:

Ms. Susan Holtham at (978) 318-8536 or fax at (978) 318-8560.

SUPPLEMENTARY INFORMATION:

Alternatives examined in the EA include encumbered disposal of the property, unencumbered disposal of the property, and no action. Encumbered disposal refers to transfer or conveyance of property having restrictions on subsequent use as a result of any Army-imposed or legal restraint. Under the no action alternative, the Army would not dispose of the property but would maintain it in caretaker status for an indefinite period.

While disposal of Hingham Cohasset (Hingham Training Annex) is the Army's primary action, the EA also analyzes the potential environmental effects of reuse as a secondary action by means of evaluating intensity-based reuse scenarios. The Army's preferred alternative for disposal of Hingham Cohasset (Hingham Training Annex) is encumbered disposal, with encumbrances pertaining to the possible presence of lead-based paint and asbestos-containing material, and the requirement for a right of reentry for environmental clean-up.

The Final EA will be made available for public comment during a 30-day waiting period after publication. A Notice of Intent (NOI) declaring the Army's intent to prepare an EA for the disposal and reuse of Hingham Cohasset was published in the **Federal Register** on September 22, 1995 (60 FR 49264).

Copies of the Final EA are available for review at the Hingham Library, 7 East Street, Hingham, Massachusetts and at the Paul Pratt Memorial Library, 106 South Main Street, Cohasset, Massachusetts.

Dated: October 14, 1998.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health), OASA (IL&E).

[FR Doc. 98-28071 Filed 10-19-98; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief

Financial and Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 21, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address *Pat Sherrill@ed.gov*, or should be faxed to 202-708-9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will

this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: October 14, 1998.

Kent H. Hannaman,

*Leader, Information Management Group,
Office of the Chief Financial and Chief
Information Officer.*

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Local Educational Agency

Application Under Part B of the Individuals with Disabilities Education Act.

Frequency: When modifications are deemed necessary.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 15,434.

Burden Hours: 30,868.

Abstract: Local educational agencies and eligible State agencies must have an application on file with the State educational agency in order to be eligible for funds under Part B of the Individuals with Disabilities Education Act. The local educational agency application is required to receive a Part B subgrant.

[FR Doc. 98-28003 Filed 10-19-98; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Three-Year Extension of a Currently Approved Collection; Comment Request

AGENCY: Energy Information Administration, DOE

ACTION: Agency information collection activities: Proposed three-year extension of a currently approved collection; comment request

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed extension of Form FE-746R, "Import and Export of Natural Gas."

DATES: Written comments must be submitted on or before December 21, 1998. Persons anticipating difficulty submitting comments within the 60

days, should contact the person identified below as soon as possible.

ADDRESSES: Send comments to Yvonne Caudillo, FE-34, Rm. 3E-042, U.S. Department of Energy, Office of Fossil Energy, 1000 Independence Ave., S.W., Washington, DC 20585. Alternatively, Yvonne Caudillo may be reached at *yvonne.caudillo@hq.doe.gov*. [Internet e-mail], or (202) 586-6050 [FAX].

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the reporting requirements should be directed to Ms. Caudillo at the address listed above, or phone (202) 586-4587.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Actions
- III. Request for Comments

I. Background

The Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), requires the Energy Information Administration (EIA) to carry out a central, comprehensive, and unified energy data and information program. This program involves the collection, evaluation, assembly, analysis, and dissemination of data and information related to energy resource reserves, production, demand, technology, and related economic and other statistical data, or information which is relevant to the adequacy of energy resources to meet demand in the near and longer term.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), provides the general public and other Federal agencies with an opportunity to comment on collections of information. Any comments received during this process helps the EIA to prepare data requests that maximize the utility of information collected, and to assess the impact of collection activities conducted by or on behalf of the Federal Government on the public. The Director of the Office of Management and Budget (OMB) reviews and must approve (before the agency conducts) agency collections of information.

The Office of Fossil Energy (FE) of the Department of Energy is delegated the authority to regulate natural gas imports and exports under section 3 of the Natural Gas Act of 1938, 15 U.S.C. 717b.

In order to carry out its delegated responsibility, FE requires those persons seeking to import or export natural gas to file an application containing basic information about the scope and nature of the proposed import/export activity. FE collects, on a quarterly basis, certain information regarding import and export

transactions. The information obtained quarterly from authorization holders is used to ensure compliance with any terms and conditions of authorization. In addition, the data are used to monitor the North American natural gas trade, which in turn enables the Federal Government to: perform market and regulatory analyses; improve the capability of industry and the Government to respond to any future energy-related supply problems; and keep the general public informed of international natural gas trade.

II. Current Actions

FE is proposing a three-year extension, without change, of the currently-approved Form FE-746R.

III. Request for Comments

Prospective respondents and other interested persons are invited to comment on the proposed extension. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency? Does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. Could the Agency enhance the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification or elaboration?

B. Can data be submitted by the due date?

C. Public reporting burden for preparing applications to be submitted to FE is estimated to range between 8 hours (for short-term authorizations of up to two years) to 24 hours for long-term authorizations (over 2 years). The public reporting burden for the quarterly reports after authorization is estimated to range from 0.25 of an hour to 8 hours per response, with an average burden of 2 hours. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information.

Please comment on (1) the accuracy of the agency's estimate and (2) how the agency could minimize the burden of

collecting information, including the use of information technology.

D. The EIA estimates that respondents will incur no additional costs for reporting other than the hours required to complete the collection. What is the estimated: (1) total dollar amount annualized for capital and start-up costs; and (2) recurring annual costs of operation and maintenance, and purchase of services associated with this data collection?

E. Does any other Federal, State, or local agency collect similar data? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User

A. Is the data useful at the levels of detail indicated on the form?

B. For what purpose(s) would the data be used? Be specific.

C. Are there alternate sources of data and are they used? If so, what are their deficiencies and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Issued in Washington, DC., October 15, 1998.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 98-28032 Filed 10-19-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC98-561-001; FERC-561]

Proposed Information Collection and Request for Comments

October 14, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13). Any interested person may file

comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received public comments from one entity in response to an earlier notice issued June 23, 1998, 63 FR 35204 (June 29, 1998) and has replied to these comments in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before November 19, 1998.

ADDRESSES: Address comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, N.W. Washington, D.C. 20503. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208-1415, by fax at (202) 273-0873, and by e-mail at michael.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC-561 "Annual Report of Interlocking Positions."

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902-0099. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no substantive changes to the existing collection. There is an increase in the reporting burden due to an increase in the rate of interlock changes per year. There has been an increase in the number of public utilities changing ownership and thus an increase in the number of officers and directors changing positions. This results in an increase in the number of changes made annually to the filing. This increase reflects an adjustment to the Commission's regulatory burden for this information collection requirement. These are mandatory collection requirements.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to implement the statutory provisions of Title II, Section 211 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 825d which amended Part III Section 305(c) of the Federal

Power Act. Submission of the list is necessary to fulfill the requirements of Section 211—Interlocking Directorates, which defines monitoring and regulatory operations concerning interlocking directorate positions held by utility personnel and possible conflicts of interest. The information is collected by the Commission to identify persons holding interlocking position between public utilities and possible conflicts of interest. Through this process, the Commission is able to review and exercise oversight of interlocking directorates of public utilities and their related activities. Specifically, the Commission must determine that individuals in utility operations holding two positions at the same time would not adversely affect the public interest. The Commission can employ enforcement proceedings when violations and omissions of the Act's provisions occur. The compliance with these requirements is mandatory. The reporting requirements are found at 18 CFR 46.6 and 131.31.

5. *Respondent Description:* The respondent universe currently comprises on average, 1,600 respondents subject to the Commission's regulations.

6. *Estimated Burden:* 800 total burden hours, 1600 respondents, 1 response annually, 0.5 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 800 hours ÷ 2,088 hours × \$109,889 per year = \$41,758. Average cost per respondent = \$26.09.

Statutory Authority: Title II, Section 211 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 825d which amended Part III Section 305(c) of the Federal Power Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28014 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP98-391-000 and RP98-391-001]

Colorado Interstate Gas Company; Notice of Technical Conference

October 14, 1998.

The filing in the above captioned proceeding raises issues that should be addressed in a technical conference.

Take notice that the technical conference will be held on Wednesday, October 21, 1998, at 11:00 a.m., in a room to be designated at the offices of

the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

All interested parties and staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28015 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-83-000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 14, 1998.

Take notice that on October 9, 1998, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets in the above captioned docket bear a proposed effective date of November 2, 1998.

Pursuant to the Commission's Order issued July 15, 1998 in Docket No. RM96-1-008 (Order No. 587-H), Standards for Business Practices of Interstate Natural Gas Pipelines, ESNG tenders for filing tariff sheets, as set forth on Appendix A to the filing, adopting standards governing intraday nominations. The new standards are 1.3.39 through 1.3.44. Modifications were made to existing standards. Standards 1.3.2, 1.3.20, 1.3.22 and 1.3.32 were revised. Standards 1.3.10 and 1.3.12 were deleted.

The new standards, pursuant to Order No. 587-H, establish three synchronization times for Buyers to coordinate their intraday nominations: 6:00 p.m. to take effect the next gas day; and 10:00 a.m. and 5:00 p.m. to take effect on the same gas day.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28011 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-3-000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

October 14, 1998.

Take notice that on October 2, 1998, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP99-3-000 a request pursuant to Sections 157.205 and 157.212 of Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) to certificate expanded service arrangements at the J.L. Hinson Tap Delivery Point all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that the certification of expanded service arrangements will permit the delivery of natural gas by El Paso to a second local distribution company (LDC), West Texas Gas Inc. (West Texas), in addition to natural gas service that can be provided by Westar Gas Transmission Company (Westar).

El Paso states that Brian Hamilton, the end-user receiving natural gas service via the J.L. Hinson Tap Delivery Point from Westar, has requested that natural gas service arrangements at this delivery point be expanded to permit the delivery by El Paso of natural gas from a second LDC, West Texas. In order to accommodate this request, El Paso has agreed to expand the existing certificated service arrangement at the existing J.L. Hinson Tap Delivery Point to allow delivery by a second LDC, under Section 311(a) of the NGPA, and to provide Section 311 transportation service to the J.L. Hinson Tap Delivery Point in Lamb County, Texas.

The request further states that El Paso expanded service to the J.L. Hinson Tap Delivery Point via West Texas under Section 311(a) and has exclusively used this delivery point for the transportation and delivery of natural gas under Park 284, Subpart B.

The request also states that the regulatory restriction placed on the operation of a facility under Section 311(a) of the NGPA prohibits El Paso's shippers from utilizing this delivery point under any transportation arrangement other than a Subpart B transportation arrangement. In view of this limited service flexibility, El Paso believes that certification of expanded service arrangements at the J.L. Hinson Tap Delivery Point, located in Lamb County, Texas pursuant to Section 157.212 of the Commission's Regulations is necessary and in the public interest.

El Paso states that expanded service arrangements from two LDC's at the existing J.L. Hinson Tap Delivery Point under the NGA is not prohibited by El Paso's existing Volume No. 1-A FERC Gas Tariff. El Paso further states that it has sufficient capacity to accomplish the deliveries of the requested gas volumes without detriment or disadvantage to El Paso's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28006 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-84-000]

Gas Transport, Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 14, 1998.

Take notice that on October 9, 1998, Gas Transport, Inc. (GTI) tendered for

filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, revised tariff sheets with a proposed effective date of November 2, 1998.

GTI states that the purpose of this filing is to comply with Order No. 587-H issued July 15, 1998, in Docket No. RM96-1-008 (Order). The Order incorporates, by reference, the most recent standards dealing with intra-day nominations and nomination and scheduling procedures promulgated by the Gas Industry Standards Board on March 12, 1998.

GTI states that copies of this filing were served upon its firm customers and interested state commissions. Copies were also served on all interruptible customers as of the date of the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28012 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-82-000]

KO Transmission Company; Notice of Tariff Filing

October 14, 1998.

Take notice that on October 9, 1998, KO Transmission Company (KO Transmission) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheet with a proposed effective date of November 2, 1998:

Second Revised Sheet No. 32

First Revised Sheet No. 34
Second Revised Sheet No. 92
Second Revised Sheet No. 94
Second Revised Sheet No. 96
Second Revised Sheet No. 98
Second Revised Sheet No. 33
Second Revised Sheet No. 91
Second Revised Sheet No. 93
Second Revised Sheet No. 95
Second Revised Sheet No. 97
Third Revised Sheet No. 147

KO Transmission tendered this tariff filing as required by the Commission's directive in Order No. 587-H, issued July 15, 1998, wherein the Commission amended Section 284.10 of its regulations governing standards for conducting business practices. The revised tariff sheets implement certain standards governing intra-day nominations, as well as revisions to nomination and confirmation procedures. KO Transmission requests waiver of Section 154.207 of the Commission's regulations requiring thirty days notice of a tariff filing. KO Transmission and Columbia Gas Transmission Corporation (Columbia) jointly own certain pipeline facilities and KO Transmission seeks to conform to the tariff procedures proposed by Columbia in its September 29, 1998 filing to implement these GISB standards. The small delay associated with KO Transmission's filing is a product of that effort.

KO Transmission states that copies of this filing were served to all of its customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28010 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP99-81-000]****Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff**

October 14, 1998.

Take notice that on October 8, 1998, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective January 1, 1998:

Fourth Revised Sheet No. 22
Second Revised Sheet No. 22-A
Original Revised Sheet No. 22-B
First Revised Sheet No. 216
Original Sheet No. 229-A
Fourth Revised Sheet No. 229
Sixth Revised Sheet No. 232
Second Revised Sheet No. 232-A
Second Revised Sheet No. 232-B
Third Revised Sheet No. 232-D
Third Revised Sheet No. 259
Original Sheet No. 259-A
Second Revised Sheet No. 260
Second Revised Sheet No. 279-C

Northwest states that the purpose of this filing is to propose changes to the reservation charge adjustment and operational flow order provisions of Northwest's tariff. The changes being sought by Northwest are the product of extensive negotiations between Northwest and many of its key customers.

Northwest states that a copy of this filing has been served upon Northwest's customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

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

[FR Doc. 98-28009 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER99-34-000]****Sierra Pacific Power Company, Nevada Power Company; Notice of Filing**

October 7, 1998.

Take notice that on October 2, 1998, Sierra Pacific Power Company (Sierra) and Nevada Power Company (Nevada Power) (collectively, Applicants), submitted for filing a Joint Open Access Transmission Tariff (OATT). In a separate docket the Applicants have filed contemporaneously an application requesting authorization and approval of their proposed merger (Merger). The Applicants request that the OATT take effect upon consummation of the Merger.

The Applicants have served a copy of the OATT on the regulatory commissions having jurisdiction over the Applicants and all customers under Sierra's and Nevada Power's current open access transmission tariffs.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 22, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,*Secretary.*

[FR Doc. 98-28062 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP98-140-002]****Tennessee Gas Pipeline Company; Notice of Compliance Filing**

October 14, 1998.

Take notice that on October 9, 1998, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the revised and original tariff sheets identified in Appendix A to the filing, to become effective November 8, 1998.

Tennessee states that this filing is being made in compliance with the Commission's "Order Following Technical Conference" issued on September 24, 1998 in the above-referenced docket. Tennessee Gas Pipeline company, 84 FERC (61,304 (1998)). Tennessee further states that the filing includes tariff modifications that would allow Tennessee to reserve specified types of available capacity for future expansion projects subject to certain posting and open season requirements.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

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

[FR Doc. 98-28007 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP99-85-000]****Texas-Ohio Pipeline, Inc.; Notice of Proposed Changes in FERC Gas Tariff**

October 14, 1998.

Take notice that on October 9, 1998, Texas-Ohio Pipeline, Inc. (Texas-Ohio),

tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, to be effective November 2, 1998:

First Revised Sheet No. 53A
Second Revised Sheet No. 54
Second Revised Sheet No. 54A
Second Revised Sheet No. 78

Texas-Ohio states that the purpose of this compliance filing is to conform its tariff to requirements of Order No. 587-H.

Texas-Ohio further states that copies of this filing have been served on Texas-Ohio's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28013 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP88-391-023 and RP93-162-008]

Transcontinental Gas Pipe Line Corporation; Notice of Annual Cash-Out Report

October 14, 1998.

Take notice that on September 29, 1998, Transcontinental Gas Pipe Line Company (Transco) filed its annual report of cash-out purchases for the period August 1, 1997, through July 31, 1998. The report was filed to comply with the cash-out provisions in Section 15 of the General Terms and Conditions of Transco's FERC Gas Tariff.

Pursuant to the requirements of the Commission's order issued December 3, 1993, in Docket No. RP93-162-002, Transco also submitted a summary of

activity showing the volumes and amounts paid under each Pipeline Interconnect Balancing Agreement during the aforementioned period.

Transco states that the report shows that for the cash-out period ending July 31, 1998, Transco had a net underrecovery of \$3,706,083. Transco has carried forward a net underrecovery of \$7,397,050 from the previous twelve-month period. This results in a net underrecovery cash-out balance of \$11,103,133 as of July 31, 1998. Transco states that in accordance with Section 15 of its tariff it will carry forward such net underrecovery to offset any net overrecovery that may occur in future cash-out periods.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 4, 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28005 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-10-001]

Williams Gas Pipeline Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 14, 1998.

Take notice that on October 8, 1998, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheet, with the proposed effective date of November 3, 1998:

Third Revised Sheet No. 2

Williams states that on October 1, 1998, it made a filing to revise its General Terms and Conditions to provide more options for communication between Williams and its customers and to clarify the legal status of electronic communications. Second Revised Sheet No. 2, included in that filing, was inadvertently

numbered incorrectly. The instant filing is being made to renumber this tariff sheet as Third Revised Sheet No. 2.

Williams states that a copy of its filing was served on all of Williams' jurisdictional customers and interested state commissions.

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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28008 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99-8-000, et al.]

Lake Benton Power Partners II LLC, et al.; Electric Rate and Corporate Regulation Filings

October 9, 1998.

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

1. Lake Benton Power Partners II LLC

[Docket No. EG99-8-000]

Take notice that on October 5, 1998, Lake Benton Power Partners II LLC, 13000 Jameson Road, Tehachapi, California 93561, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Lake Benton Power Partners II LLC, an indirect wholly-owned subsidiary of Enron Wind corp., is developing a wind turbine generation facility in Lake Benton, Minnesota, with a capacity of 103.5 MW. Lake Benton Power Partners II LLC plans to sell power to Northern States Power Company. On September 29, 1998, the Commission accepted Lake Benton Power Partners II LLC's proposed market-based rates for filing. *Lake Benton Power Partners II LLC*, Docket No. ER98-4222 (Sept. 29, 1998).

Comment date: October 30, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Panda Paris Power, L.P.

[Docket No. EG99-9-000]

Take notice that on October 6, 1998, Panda Paris Power, L.P. (Panda Paris), 4100 Spring Valley, Suite 1001, Dallas, Texas 75244 filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Panda Paris is a Delaware limited partnership. Panda Paris plans to construct a 1,000 megawatt, natural gas-fired generating facility in or near Paris, Texas, within the region governed by the Electric Reliability Council of Texas (ERCOT). Electricity generated by the facility will be sold at wholesale to one or more power marketers, utilities, cooperatives or other wholesalers.

Comment date: October 30, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Tenaska Frontier Partners, Ltd.

[Docket No. EG98-108-000]

Take notice that on August 26, 1998, Tenaska Frontier Partners, Ltd., a Texas limited partnership, filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is proposing to construct and own an independent power production facility in Grimes County, Texas. Major plant equipment will consist of three combustion turbine-generators, three heat recovery steam generators and one steam turbine generator with a nominal net plant output of 830 MW. The primary fuel supply for the facility will be natural gas. Fuel oil will be used as a back-up fuel supply. Net capacity and electric energy will be sold to PECO Energy Company for resale and, under certain conditions, to others for resale. Under certain conditions, natural gas may be sold to PECO in lieu of electric power. Waste water will be transported to spray field and used to irrigate crops. Applicant states that it is engaged directly and exclusively in the business of owning the facility and selling electric energy at wholesale. No rate or

charge for, or in connection with, the construction of the Facility or for electric energy produced by the Facility was in effect under the laws of any state as of the date of enactment of Section 32 of the Public Utility Holding Company Act.

Comment date: October 29, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. PP&L, Inc.

[Docket No. ER99-42-000]

Take notice that on October 6, 1998, PP&L, Inc. (PP&L), filed a Service Agreement dated September 29, 1998, with Duquesne Light Company (Duquesne), under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Volume No. 5. The Service Agreement adds Duquesne as an eligible customer under the Tariff.

PP&L requests an effective date of October 6, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Duquesne and to the Pennsylvania Public Utility Commission.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. PP&L, Inc.

[Docket No. ER99-43-000]

Take notice that on October 6, 1998, PP&L, Inc. (PP&L), tendered for filing a Service Agreement dated September 29, 1998, with Central Hudson Gas & Electric Corporation (Central), under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Volume No. 5. The Service Agreement adds Central as an eligible customer under the Tariff.

PP&L requests an effective date of October 6, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Central and to the Pennsylvania Public Utility Commission.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Texas-New Mexico Power Company

[Docket No. ER99-44-000]

Take notice that on October 6, 1998, Texas-New Mexico Power Company (TNMP), tendered for filing an umbrella service agreement for short-term nonfirm energy transactions of one year or less between TNMP (seller), and El

Paso Electric Company (purchaser), in accordance with TNMP's rate schedule for sales of electricity at market-based rates.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Utilities Service Company

[Docket No. ER99-45-000]

Take notice that on October 6, 1998, Northeast Utilities Service Company (NUSCO), tendered for filing on behalf of The Connecticut Light and Power Company (CL&P) and Holyoke Water Power Company, (including its wholly-owned subsidiary, Holyoke Power and Electric Company), a Power Supply and Service Agreement to provide firm requirements service to the Vermont Electric Cooperative (VEC), pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations.

NUSCO requests that the rate schedule become effective on January 1, 1999.

NUSCO states that copies of the rate schedule have been mailed to the parties to the Agreement, and the affected state utility commission.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of New Mexico

[Docket No. ER99-46-000]

Take notice that on October 6, 1998, Public Service Company of New Mexico (PNM), tendered for filing a mutual netting/close-out agreement between PNM and Cook Inlet Energy Supply (Cook).

PNM requested waiver of the Commission's notice requirement so that service under the PNM/netting agreement may be effective as of October 9, 1998.

Copies of the filing were served on Cook and the New Mexico Public Utility Commission.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. New York State Electric & Gas Corporation

[Docket No. ER99-47-000]

Take notice that on October 6, 1998, New York State Electric & Gas Corporation (NYSEG), tendered for filing an executed Network Service and Network Operating Agreements between NYSEG and both Agway Energy Services, Inc., and Niagara Mohawk Energy Marketing. These Agreements specify that the Transmission Customers

have agreed to the rates, terms and conditions of NYSEG's currently effective open access transmission tariff and other revisions to the OATT applicable to all customers who take service under its retail access program.

NYSEG requests waiver of the Commission's 60-day notice requirements and an effective date of September 7, 1998, for the Agreement with Agway Energy Services, Inc., and October 7, 1998, with Niagara Mohawk Energy Marketing.

NYSEG has served copies of the filing on the New York State Public Service Commission and the Transmission Customers.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power Corporation

[Docket No. ER99-48-000]

Take notice that on October 6, 1998, Florida Power Corporation (Florida Power), tendered for filing a service agreement providing for non-firm point-to-point transmission service to Duke Power, a division of Duke Energy Corporation, pursuant to Florida Power's open access transmission tariff.

Florida Power requests that the Commission waive its notice of filing requirements and allow the Service Agreement to become effective on October 6, 1998.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Corporation

[Docket No. ER99-50-000 Operator]

Take notice that on October 6, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between Monsanto Company and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Monsanto Company and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective as of September 25, 1998.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Central Maine Power Company

[Docket No. ER99-52-000]

Take notice that on October 6, 1998, Central Maine Power Company (Central Maine), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's Rules of

Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an interconnection agreement (IA) with Northeast Empire Limited Partnership #1 (NELP #1). The IA provides for interconnection service to NELP #1 at the rates, terms, charges, and conditions set forth therein.

Central Maine is requesting that the IA become effective on October 7, 1998.

Copies of this filing have been served upon the Maine Public Utilities Commission and NELP #1.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Electric Power Company

[Docket No. ER99-53-000]

Take notice that on October 6, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a notice of cancellation of the Joint Use of Transmission Agreement dated December 8, 1987 between Wisconsin Electric and Upper Peninsula Power Company designated FERC Rate Schedule No. 61, effective January 1, 1999.

Copies of the filing have been served on Upper Peninsula Power Company, the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Boston Edison Company

[Docket No. ER99-54-000]

Take notice that on October 6, 1998, Boston Edison Company (Boston Edison), filed a settlement which includes fuel adjustment clause revisions to the wholesale contract with the Massachusetts Bay Transportation Authority under Rate Schedule FERC No. 170.

Boston Edison requests an effective date of August 1, 1998.

Boston Edison states that copies of this filing have been posted and served upon the affected customer and the Massachusetts Department of Telecommunications and Energy.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Washington Water Power Company

[Docket No. ER99-55-000]

Take notice that on October 6, 1998, The Washington Water Power Company (WWP), tendered for filing an additional service schedule, Schedule E, to WWP's FERC Electric Tariff, First Revised Volume No. 9, pursuant to Section 35.12 of the Commission's Regulations.

Schedule E sets forth the parameters for Dynamic Capacity and Energy Service that is proposed to come within WWP's market-based rate authority granted in Docket No. ER97-7-000. Also included are additional technical and conforming amendments addressing, inter alia, transaction termination and creditworthiness.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. California Independent System Operator Corporation

[Docket No. ER99-64-000]

Take notice that on October 6, 1998, the California Independent System Operator Corporation (ISO), tendered for filing the executed Amendment No. 1, to the Scheduling Coordinator Agreement between the Salt River Agricultural Improvement and Power District and the ISO (Amendment No. 1) for acceptance by the Commission. The ISO states that it previously had submitted an unexecuted Amendment No. 1, as part of its June 1, 1998, compliance filing in Docket Nos. EC96-19-029 and ER96-1663-030 to comply with the Commission's orders issued December 17, 1997 in *Pacific Gas and Electric Co.*, 81 FERC ¶ 61,320, and February 25, 1998 in *California Independent System Operator Corp.*, 82 FERC ¶ 61,174.

The ISO further states that the Commission accepted Amendment No. 1, for filing to be effective as of March 31, 1998, in a letter order issued on September 8, 1998 in Docket Nos. ER98-990-001 *et al.* and ER98-992-001 *et al.*

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: October 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. PP&L, Inc.

[Docket Nos. OA96-142-000, ER96-1428-000 and ER96-1428-001]

Take notice that on October 5, 1998, PP&L, Inc. (PP&L) filed with the Federal Energy Regulatory Commission its compliance report regarding refunds made in connection with the settlement of Docket Nos. OA96-142-000, ER96-1428-000 and ER96-1428-001.

PP&L states that a copy of this filing has been provided to Pennsylvania Public Utility Commission and to the affected wholesale customers.

Comment date: November 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98-28061 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER95-1007-010, et al.]

Logan Generating Company, L.P., et al.; Electric Rate and Corporate Regulation Filings

October 7, 1998.

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

1. Logan Generating Company, L.P.

[Docket No. ER95-1007-010]

Take notice that on October 2, 1998, Logan Generating Company, L.P. (Logan), tendered for filing an updated market analysis as required by the Commission's order approving market based rates for Logan.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Duke Energy Oakland LLC, Duke Energy Morro Bay LLC, Duke Energy Moss Landing LLC

[Docket Nos. ER98-3416-002, ER98-3417-002, and ER98-3418-002]

Take notice that on September 16, 1998, Duke Energy Moss Landing LLC, Duke Energy Oakland LLC and Duke Energy Morro Bay LLC (collectively, Applicants) each tendered for filing amended rate schedules in compliance with the Commission's August 17, 1998 order, 84 FERC 61,186 (1998). The Applicants amended the rate schedules for Duke Energy Moss Landing LLC,

FERC Electric Rate Schedule No. 3, Duke Energy Oakland LLC, FERC Electric Rate Schedule No. 3 and Duke Energy Morro Bay, FERC Electric Rate Schedule No. 2. The affected rate schedules govern the Applicants sales of certain ancillary services at market-based rates.

The amended rate schedules reflect the Commission's directive to limit the sales of ancillary services to either the California Independent Operator Corporation (California ISO) or others that self-supply ancillary services to the California ISO.

In accordance with the Commission's August 17, 1998, order the amended rate schedules are made effective retroactive to July 1, 1998.

Comment date: October 28, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Montana Power Trading & Marketing Company

[Docket No. ER99-20-000]

Take notice that on October 2, 1998, Montana Power Trading & Marketing Company (MPT&M), tendered for filing Electric Energy Sale Agreements for sales of electricity under its Rate Schedule FERC No. 1 to each of the following purchasers:

City of Anaheim
CNG Power Services Corp.
NorAm Energy Services
Power Exchange Corporation
Seattle City Light
Utah Association of Municipal Power Systems
Washington Water Power

MPT&M has proposed to make each of the Electric Energy Sale Agreements with the exception of Washington Water Power, effective on October 3, 1998. MPT&M has proposed to make the Electric Energy Sale agreement with Washington Water Power effective on July 27, 1998.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Power & Light Company

[Docket No. ER99-21-000]

Take notice that on October 2, 1998, Wisconsin Power and Light Company (WP&L) tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and North Central Power Company Inc.

WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of September 11, 1998.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. San Diego Gas & Electric Company

[Docket No. ER99-22-000]

Take notice that on October 2, 1998, San Diego Gas and Electric Company (SDG&E) tendered for filing the following revised sheets to the Open Access Distribution Tariff (OATD).

First Revised Sheet No. 14,
First Revised Sheet Nos. 61 and 62,
First Revised Sheet Nos. 72 and 73.

SDG&E states that the revised sheets are submitted to resolve a conflict that currently exists between Sections 7 and 16 of the OATD, and to reflect a common loss factor for generators that inject power into SDG&E's system.

Copies of this filing have been served upon the California Public Utilities Commission and other interested parties.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Carolina Power & Light Company

[Docket No. ER99-23-000]

Take notice that on October 2, 1998, Carolina Power & Light Company (CP&L) tendered for filing a Service Agreement for Short-Term Firm Point-to-Point Transmission Service with Duke Power Company. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of September 8, 1998 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Florida Power & Light Company

[Docket No. ER99-24-000]

Take notice that on October 2, 1998, Florida Power & Light Company (FPL) filed an executed Service Agreement with Tenaska Power Services Co. for service pursuant to Tariff No. 1 for Sales of Power and Energy by Florida Power & Light and umbrella Service Agreements for short-term transactions with Delmarva Power & Light Company, Tenaska Power Services Co. and Virginia Electric and Power Company for service pursuant to FPL's Market Based Rates Tariff.

FPL requests that the Service Agreements be made effective on September 7, 1998.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. PECO Energy Company

[Docket No. ER99-25-000]

Take notice that on October 2, 1998, PECO Energy Company (PECO Energy), filed its Electric Generation Supplier Coordination Tariff (Supplier Tariff). The Supplier Tariff provides for certain transmission-related and wholesale power delivery services that are necessary to implement retail access in PECO Energy's service territory. PECO Energy requests an effective date of November 1, 1998.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Central Hudson Gas and Electric Corporation

[Docket No. ER99-27-000]

Take notice that Central Hudson Gas and Electric Corporation (CHG&E), on October 2, 1998, tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR, a Service Agreement between CHG&E and Tosco Power Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER97-890-000.

CHG&E requests waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

CHG&E requests an effective date of June 4, 1998 for the Service Agreement.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Sierra Pacific Power Company

[Docket No. ER99-28-000]

On October 2, 1998, Sierra Pacific Power Company (Sierra) submitted for approval the Alturas Intertie Project Interconnection and Operation and Maintenance Agreement (the Agreement), between Sierra, the Bonneville Power Administration (BPA) and PacifiCorp. The Agreement provides for the operation and maintenance and coordinated operation of the Alturas Project which is scheduled to be completed in December 1998. BPA and PacifiCorp concur in the filing.

Sierra has requested an effective date of December 1, 1998.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Potomac Electric Power Company

[Docket No. ER99-29-000]

Take notice that on October 2, 1998, Potomac Electric Power Company (Pepco) tendered for filing service agreements pursuant to Pepco FERC Electric Tariff, Original Volume No. 1, entered into between Pepco and UGI Utilities-Electric Division; and GPU Advanced Resources.

Pepco requests an effective date of October 2, 1998 for these service agreements.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Montana Power Trading & Marketing Company

[Docket No. ER99-30-000]

Take notice that on October 2, 1998, Montana Power Trading & Marketing Company (MPT&M), tendered for filing with the Federal Energy Regulatory Commission an amendment to its original filing in the above referenced docket.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99-31-000]

Take notice that on October 2, 1998, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 5 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of October 1, 1998, to Engage Energy US, L.P.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. NGE Generation, Inc.

[Docket No. ER99-32-000]

Take notice that NGE Generation, Inc. (NGE Gen) on October 2, 1998, tendered

for filing pursuant to Section 35 of the Federal Energy Regulatory Commission's Regulations, 18 CFR Part 35, an agreement with NYSEG Solutions, Inc. (NSI). The Agreement allows NGE Gen to enter into power sales transactions with NSI.

NGE Gen requests that the Agreement be deemed effective as of October 3, 1998. To the extent required to give effect to the Agreement, NGE Gen requests waiver of the notice requirements pursuant to Section 35.11 of the Commission's Regulations, 18 CFR 35.11.

NGE Gen served copies of the filing upon the New York State Public Service Commission and NSI.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Montaup Electric Company

[Docket No. ER99-33-000]

Take notice that Montaup Electric Company (Montaup) on October 2, 1998, tendered for filing an agreement (the Agreement), under which it has agreed to sell to TransCanada Power Marketing Ltd. (TCPM), all of its entitlement and obligations under four unit power purchase agreements (PPAs). Under the PPAs, Montaup is entitled to purchase 28% of the output of each of two 250 MW combined cycle gas-fired generating units owned by Ocean State Power I and Ocean State Power II.

Montaup states that under the Agreement TCPM will assume responsibility for paying for Montaup's obligations for capacity and energy under the PPAs, less a fixed monthly support payment that will terminate in December 2007. According to Montaup, the sale of the PPAs is part of a program of divesting itself of generating facilities and power purchase contracts in order to carry out statutes in both Massachusetts and Rhode Island and in compliance with a comprehensive settlement agreement filed in Docket Nos. ER97-2800-000 *et al.* and approved by the Commission, with conditions, on December 19, 1997.

Copies of the filing were served upon appropriate regulatory authorities in Massachusetts and Rhode Island and upon all of Montaup's affected sales customers.

Comment date: October 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,
Secretary.

[FR Doc. 98-28063 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC98-54-000, et al.]

Rochester Gas and Electric Corporation, et al.; Electric Rate and Corporate Regulation Filings

October 8, 1998.

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

1. Rochester Gas and Electric Corporation

[Docket No. EC98-54-000]

Take notice that on October 2, 1998, Rochester Gas and Electric Corporation (RG&E) tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment in the above-referenced proceeding. RG&E submits herein a copy of the application it filed with the Securities and Exchange Commission for an order granting an exemption from regulation under the Public Utilities Holding Company Act.

A copy of this amendment has been served on the official service list in this proceeding.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Sierra Pacific Power Company, Nevada Power Company

[Docket No. EC99-1-000]

Take notice that on October 2, 1998, Sierra Pacific Power Company (Sierra) and Nevada Power Company (Nevada Power) (collectively, Applicants) submitted for filing a Joint Application requesting authorization and approval of their merger (the Merger) under Section 203 of the Federal Power Act. The Applicants have served a copy of

the Application on the regulatory commissions having jurisdiction over the Applicants.

Following the Merger, Sierra and Nevada Power will continue to operate as separate operating utility subsidiaries of Sierra Pacific Resources, Inc. (SPR), Sierra's current holding company parent. SPR will continue as an exempt holding company under the Public Utility Holding Company Act.

The Applicants state that the proposed merger will be in the public interest and will not have an adverse effect on competition, rates or regulation. The Applicants request that the Commission issue its approval, without hearing, no later than March 31, 1999, so that the Merger may be consummated in April of 1999.

In a separate docket, the Applicants have filed a joint Order No. 888 open access transmission tariff, which would take effect upon consummation of the Merger.

Comment date: December 2, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Lakewood Cogeneration Limited Partnership (a Delaware Limited Partnership)

[Docket No. EC99-2-000]

Take notice that on October 5, 1998, Lakewood Cogeneration Limited Partnership (LCLP), a Delaware limited partnership, submitted an application, pursuant to 18 CFR 33, seeking authority under Section 203 of the Federal Power Act for the change in control of the ownership of LCLP. LCLP owns a 238 MW natural gas-fired exempt wholesale generating facility located in Lakewood Township, New Jersey.

Affiliates of CMS Energy Corporation, which currently own 45% of the partnership interests of LCLP, have agreed to purchase an additional 35% partnership interest in LCLP from affiliates of Consolidated Natural Gas Company.

LCLP has requested expedited consideration of the application in light of the fact that no changes in the rates charged by LCLP will occur and that there will be no impact on the relevant competitive markets.

Comment date: November 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Southeastern Power Administration

[Docket No. EF98-3011-000]

Take notice that on September 22, 1998 the Deputy Secretary of the Department of Energy confirmed and approved Rate Schedules SOCO-1,

SOCO-2, SOCO-3, SOCO-4, ALA-1-I, MISS-1-I, Duke-1, Duke-2, Duke-3, Duke-4, Santee-1, Santee-2, Santee-3, Santee-4, SCE&G-1, SCE&G-2, SCE&G-3, SCE&G-4, and Pump-1 for power from Southeastern Power Administration's (Southeastern) Georgia-Alabama-South Carolina System of Projects. The approval extends through September 30, 2003.

The Deputy Secretary states that the Commission, by order issued March 18, 1994, in Docket No. EF93-3011-000, confirmed and approved Rate Schedules GA-1-D, GA-2-D, GA-3-C, GU-1-D, ALA-1-H, ALA-3-D, MISS-1-H, MISS-2-D, SC-3-C, SC-4-B, CAR-3-C, SCE-2-C, and GAMF-3-B.

Southeastern proposes in the instant filing to replace these rate schedules.

Comment date: October 29, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Bear Swamp I LLC

[Docket No. EG99-6-000]

Take notice that on October 1, 1998, Bear Swamp I LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is the beneficial owner of Bear Swamp Generating Trust No. 1, a Delaware business trust created to purchase an undivided interest in the Bear Swamp Facility, an approximately 597 megawatt (MW) fully automated pumped storage electric power generating facility on the Deerfield River in the towns of Rowe and Florida, Massachusetts.

Comment date: October 19, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. North American Energy Services

[Docket No. EG98-112-000]

Take notice that on September 30, 1998, North American Energy Services Company, a Washington corporation (Applicant), with its principal executive office at Issaquah, Washington, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant has entered into an agreement for operation and maintenance services with TermoCandelaria S.C.A.E.S.P., a sociedad en comandita por acciones and empresa de servicios publicos organized

and existing pursuant to the laws of the Republic of Colombia, to operate and maintain an electric power generating facility located at or near Mamonal, Colombia (the Project). Project facilities include two Westinghouse 501F combustion turbine generators, supporting facilities located at the Site and necessary transmission facilities, all of which will be an eligible facility.

Comment date: October 29, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Cambridge Electric Light Company

[Docket No. EL96-49-006]

Take notice that on July 2, 1998, Cambridge Electric Light Company tendered for filing its refund report in the above-referenced docket.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. USGen New England, Inc.

[Docket No. EL99-1-000]

Take notice that on October 1, 1998, USGen New England, Inc. (Applicant) filed with the Federal Energy Regulatory Commission a petition for declaratory order disclaiming jurisdiction and request for expedited consideration.

The Applicant is the owner of the Bear Swamp Facility, an approximately 597 megawatt (MW) fully automated pumped storage electric power generating facility on the Deerfield River in the towns of Rowe and Florida, Massachusetts. Applicant is seeking a disclaimer of jurisdiction in connection with a sale leaseback financing involving the Bear Swamp Facility.

Comment date: October 29, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Electric Power Company

[Docket No. ER99-36-000]

Take notice that October 5, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Cargill-Alliant, L.L.C. (Cargill-Alliant).

Wisconsin Electric respectfully requests an effective date of October 5, 1998, to allow for economic transactions.

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

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER99-37-000]

Take notice that on October 5, 1998, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and Central Hudson Enterprises Corporation. This Transmission Service Agreement specifies that Central Hudson Enterprises Corporation has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96-194-000.

This Tariff, filed with FERC on July 9, 1996, will allow NMPC and Central Hudson Enterprises Corporation to enter into separately scheduled transactions under which NMPC will provide transmission service for Central Hudson Enterprises Corporation as the parties may mutually agree.

NMPC requests an effective date of September 25, 1998. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Central Hudson Enterprises Corporation.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power Electric Power Company

[Docket No. ER99-38-000]

Take notice that on October 5, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a notification indicating its consent to the assignment of rights and obligations under an electric service agreement for its Coordination Sales Tariff (FERC Electric Tariff, Original Volume No. 2) as requested by the customer.

Wisconsin Electric respectfully requests effective October 1, 1998, Service Agreement No. 42, with Duke/Louis Dreyfus is assigned to Duke Energy Trading and Marketing, L.L.C., (DETM).

Wisconsin Electric requests waiver of any applicable regulation to allow for the effective dates as requested above. Copies of the filing have been served on DETM, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER99-39-000]

Take notice that on October 5, 1998, Niagara Mohawk Power Corporation tendered for filing effective October 30, 1998, notice of cancellation of Rate Schedule FERC No. 241, effective date May 16, 1996, and any supplements thereto, filed with the Federal Energy Regulatory Commission.

Notice of the proposed cancellation has been served upon Federal Energy Sales, Inc.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER99-40-000]

Take notice that on October 5, 1998, Niagara Mohawk Power Corporation, tendered for filing notice that effective the October 30, 1998, Rate Schedule FERC No. 209, effective date October 14, 1994, and any supplements thereto, and filed with the Federal Energy Regulatory Commission by Niagara Mohawk Power Corporation is to be canceled.

Notice of the proposed cancellation has been served upon Duke/Louis Dreyfus, LLC.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Niagara Mohawk Power Corporation

[Docket No. ER99-41-000]

Take notice that on October 5, 1998, Niagara Mohawk Power Corporation, tendered for filing notice that effective October 30, 1998, Rate Schedule FERC No. 222, effective date August 8, 1995, and any supplements thereto, and filed with the Federal Energy Regulatory Commission is to be canceled.

Notice of the proposed cancellation has been served upon LG&E Power.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power Corporation

[Docket No. ER99-49-000]

Take notice that on October 5, 1998, Florida Power Corporation (Florida Power), tendered for filing a service agreement providing for firm point-to-point transmission service to Duke Power, a division of Duke Energy Corporation, pursuant to Florida Power's open access transmission tariff.

Florida Power requests that the Commission waive its notice of filing requirements and allow the Service

Agreement to become effective on October 6, 1998.

Comment date: October 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98-28064 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Open Access Same-time Information System (OASIS) and Standards of Conduct; Notice of Filing of Proposed Standards for Transmission Path Naming and Request for Comments

October 14, 1998.

Take notice that on September 15, 1998, the Commercial Practices Working Group (CPWG), in conjunction with the OASIS How Working Group, tendered for filing proposed standards for transmission path naming submitted in response to a request from the Commission in an order issued in this proceeding on June 18, 1998. *Open Access Same-time Information System and Standards of Conduct*, 83 FERC ¶ 61,360 at 62,463 (1998).

We invite written comments on this filing on or before October 28, 1998. Any person desiring to submit comments should file an original and 14 paper copies and one copy on a computer diskette in WordPerfect 6.1 format or in ASCII format with the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. The comments must contain a caption that references Docket No. RM95-9-003.

Copies of this filing are on file with the Commission and are available for public inspection. The filing will also be posted on the Commission Issuance Posting System (CIPS), an electronic bulletin board and World Wide Web (at WWW.FERC.FED.US) service, that provides access to the texts of formal documents issued by the Commission. The complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-28004 Filed 10-19-98; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6178-6]

Policy Review Board Charter Renewal

AGENCY: Environmental Protection Agency.

ACTION: Notice of Policy Review Board charter renewal.

SUMMARY: The Charter for the Environmental Protection Agency's (EPA) Gulf of Mexico Program Policy Review Board (PRB) will be renewed.

FOR FURTHER INFORMATION CONTACT:

Inquiries may be directed to Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program PRB, U.S. EPA, Building 1103, Room 202, Stennis Space Center, MS 39529-6000 at (228) 688-2421.

SUPPLEMENTARY INFORMATION: The Carter for the EPA's Gulf of Mexico Program PRB will be renewed for an additional two-year period as a necessary public committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. appl. 2 section 9(c). The purpose of the PRB is to provide advice and counsel to State and Federal agencies on issues associated with environmental management and policy of the Gulf of Mexico. It is determined that the PRB is in the public interest in connection with the performance of duties imposed on the Agency by law.

Dated: October 7, 1998.

Gloria D. Car,

Designated Federal Officer, Gulf of Mexico Program Office.

[FR Doc. 98-28116 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00249; FRL-6029-7]

Cooperative Agreements to Develop Authorized Tribal Training, Accreditation, and Certification Programs for Lead-Based Paint Professionals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funds availability; solicitation of applications for financial assistance.

SUMMARY: This notice announces EPA's intent to enter into cooperative agreements with Indian tribes to provide financial assistance for purposes of developing EPA-authorized training, accreditation, and certification programs for professionals engaged in lead-based paint activities. In fiscal year 99 (FY 99), EPA is awarding Toxic Substances Control Act (TSCA) section 404(g) grants under two separate programs. The first program is a continuation of the grant program initiated in FY 94 which provides funds to States, territories, the District of Columbia, and Indian tribes for the development and implementation of authorized lead-based paint training, accreditation and certification programs. The second program, and subject of this notice, is a new cooperative agreement program for FY 99 which provides up to \$1.2 million for eligible Indian tribes to be used exclusively for the development of EPA authorized programs to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. EPA's intent is to use these funds to increase the number of Tribes pursuing the development of authorizable programs. Therefore, primary consideration for distribution of assistance will be given to Indian tribes which have not previously received TSCA section 404(g) funding for training, accreditation, and certification programs. These programs and this financial assistance are authorized by section 404 of TSCA. The notice describes eligibility criteria, eligible activities, application procedures and requirements, and funding criteria. There are no matching share requirements for this assistance. Subject to future budget limitations, EPA plans to provide this support on a continuing basis to eligible Indian tribes. All cooperative agreements will be administered by the appropriate EPA Regional office.

DATES: In order to be considered for funding during this award cycle, all applications must be received by the appropriate EPA Regional office on or before December 21, 1998.

FOR FURTHER INFORMATION CONTACT: For general information, contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov. For technical information, contact the appropriate Regional Primary Lead Contact person listed in Unit VI. of this notice.

SUPPLEMENTARY INFORMATION: Section 404(g) of TSCA authorizes EPA to award non-matching cooperative agreements to eligible Indian tribes to develop and carry out authorized programs to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; and that contractors engaged in lead-based paint activities are certified.

Pursuant to Title IV of TSCA, EPA encourages Indian tribes to seek authorization of their own training, accreditation, and certification programs for lead-based paint activities. EPA therefore recommends that parties without program authorization, especially those which have not previously participated in the TSCA section 404(g) grant program seek funding through this \$1.2 million program to help achieve these ends. EPA further recommends that parties plan to utilize this cooperative agreement support in a way that complements any related financial assistance they may receive from other Federal sources. EPA will seek to ensure that all Federally-funded lead activities are undertaken in a coordinated fashion. In addition, recipients must comply with the requirements of 40 CFR part 31, the Agency's general grant regulations, including 40 CFR 31.25 with respect to program income.

I. Eligibility

EPA will not award financial assistance under this program to Tribes with authorized programs or Tribes which receive funding under the Notification of Funds Available published in the **Federal Register** of August 14, 1998 (63 FR 43699) (FRL-6021-1). Tribes must demonstrate that they meet the criteria at 40 CFR 745.330. Pursuant to 40 CFR 745.330, as amended in 1998, the Administrator may treat a Tribe as eligible to apply for a TSCA section 404(g) grant if the Tribe:

(1) Is recognized by the Secretary of Interior, (2) has an existing government exercising substantial governmental duties and powers, (3) has adequate authority to carry out the grant activities, and (4) is reasonably expected to be capable, in the Administrator's judgment, of administering the grant program.

II. Authority

The "TSCA Title IV State Lead Cooperative Agreement Program" is a financial assistance program administered by EPA under the authority of section 404(g) of TSCA. Each of EPA's 10 Regional Administrators has been delegated the authority to enter into cooperative agreements with eligible Indian tribes.

III. Activities to be Funded

EPA will provide financial assistance to Indian tribes to develop EPA authorized programs under 40 CFR part 745. Eligible activities must support program development, examples of which include: development of infrastructure, lead hazard assessment and evaluation, and outreach/education to enhance public awareness of the training, accreditation, and certification program. The "Tribal Cooperative Agreement Guidance for FY 1999" (Guidance), issued by the Agency in October of 1998, provides assistance in determining eligible activities. Copies of the Guidance may be obtained by contacting the appropriate Regional Primary Lead Contact person listed in Unit IV. of this Notice.

IV. Allocation of Funds

The Regions will have discretion in the distribution of the TSCA section 404(g) funds. Each Indian tribe that is awarded a cooperative agreement will receive a base funding in the amount of \$50,000. Eligible Indian tribes may also apply for funding above the base level. Distribution of the funds above the base funding level will be dependent upon the number of qualified applicants, program progress, tribal population and other factors as appropriate.

V. Submission Requirements

To be considered for funding, each application must include, at a minimum, the following forms and certifications which are contained in EPA's "Application Kit for Assistance": (1) Standard Form 424 (Application for Federal Assistance), (2) EPA Form 5700-48 (Procurement Certification), (3) Drug-Free Workplace Certification, (4) Debarment and Suspension Certification, (5) Disclosure of Lobbying Activities, and (6) a return mailing

address. In addition to these standard forms, each application must also include a work plan, a detailed line-item budget with sufficient information to clearly justify costs, a list of work products, and a schedule for their completion of the work plan.

Work programs and other elements of the application are to be negotiated between applicants and their EPA Regional offices to ensure that priorities are adequately addressed. The principal goal of work shall be to progress toward implementation of an approvable training, accreditation, and certification program. Also, any applicant proposing the collection of environmentally-related measurements or data generation must adequately address the requirements of 40 CFR 31.45 relating to quality assurance/quality control. These requirements are more specifically outlined in the "Guidance Document for the Preparation of Quality Assurance Project Plans" (May 1993) published by EPA's Office of Pollution Prevention and Toxics. This document, as well as the application kits referred to above, may be obtained from EPA's Regional offices.

VI. Application Procedures and Schedule

Applications must be submitted to the appropriate EPA Regional office in duplicate; one copy to the Regional lead program branch and the other to the Regional grants management branch. Early consultations are recommended between prospective applicants and their EPA Regional offices. Because TSCA Title IV cooperative agreements will be administered at the Regional level, these consultations can be critical to the ultimate success of the project or program. After funding levels are determined and the funds are transferred to the appropriate EPA Regional account, the Regional office lead contact person will contact the applicant and discuss the final award. EPA Regional offices may require the applicant to modify its proposed work plan and cooperative agreement based upon the final funding level of the cooperative agreement.

The cooperative agreement shall be used solely for the purpose described in the applicant's approved implementation plan and the budget, including any changes that may be negotiated and adopted in the cooperative agreement.

For more information about this financial assistance program, or for technical assistance in preparing an application for funding, interested parties should contact the Regional Primary Lead Contact person in the

appropriate EPA Regional office. The mailing addresses and contact telephone numbers for these offices are listed below.

Region I: (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), JFK Federal Building, One Congress St., Boston, MA 02203, Telephone: (617) 565-3836 (Jim Bryson)

Region II: (New Jersey, New York, Puerto Rico, and the Virgin Islands), Building 5, SDPTSB, 2890 Woodbridge Ave., Edison, NJ 08837-3679, Telephone: (908) 321-6671 (Lou Bevilacqua)

Region III: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia), 841 Chestnut Bldg., Philadelphia, PA 19107, Telephone: (215) 566-2084 (Gerallyn Valls)

Region IV: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee), 61 Forsyth St., SW., Atlanta, GA 30303, Telephone: (404) 562-8998 (Rose Anne Rudd)

Region V: (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin), DRT-8J, 77 W. Jackson St., Chicago, IL 60604, Telephone: (312) 886-7836 (David Turpin)

Region VI: (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas), 12th Floor, 1445 Ross Ave., Dallas, TX 75202, Telephone: (214) 665-7577 (Jeff Robinson)

Region VII: (Iowa, Kansas, Missouri, and Nebraska), ARTD/RENV, 726 Minnesota Ave., Kansas City, KS 66101, Telephone: (913) 551-7518 (Mazzie Talley)

Region VIII: (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming), 999 18th St., Suite 500, Denver, CO 80202, Telephone: (303) 312-6021 (David Combs)

Region IX: (Arizona, California, Hawaii, Nevada, American Samoa, and Guam), 75 Hawthorne St., San Francisco, CA 94105, Telephone: (415) 744-1094 (Harold Rush)

Region X: (Alaska, Idaho, Oregon, and Washington), Solid Waste and Toxics Unit (WCM-128), 1200 Sixth Ave., Seattle, WA 98101, Telephone: (206) 553-1985 (Barbara Ross)

The deadline for EPA's receipt of final FY 99 applications is December 21, 1998. Once the application deadline has passed, EPA will process the formula funding calculations and determine the initial formula ceiling allocations.

List of Subjects

Environmental protection, Lead.

Dated: October 7, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 98-28117 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

October 13, 1998.

SUMMARY: The Federal Communication 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, 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, 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: Persons wishing to comment on this information collection should submit comments by December 21, 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 Les Smith, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0758.

Title: Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, ET Doc. No. 96-256.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 428.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 681 hours.

Estimated Cost to Respondents: None.

Needs and Uses: The collection of information contained in Part 5 is made necessary by Sections 5.75, 5.85(d), 5.85(e), and 5.93(b) of the Report and Order revising the Commission's Rules governing the Experimental Radio Service. They are as follows: (1) pursuant to Section 5.75, if a blanket license is granted, licensees will be required to notify the Commission of the specific details of each individual experiment, including location, number of base and mobile units, power, emission designator, and any other pertinent technical information not specified by the blanket license; (2) pursuant to Section 5.85(d), when applicants are using public safety frequencies to perform experiments of a public safety nature, the license may be conditioned to require coordination between the experimental licensee and appropriate frequency coordinator and/or all public safety licensees in its area of operation; (3) pursuant to Section 5.85(e), the Commission may, at its discretion, condition any experimental license or special temporary authority (STA) on the requirement that before commencing operation, the new licensee coordinate its proposed facility with other licensees that may receive interference as a result of the new licensee's operations; and (4) pursuant to Section 5.93(b), unless otherwise stated in the instrument of authorization, licenses granted for the purpose of limited market studies require the licensee to inform anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary. In all cases, it is the responsibility of the licensee to coordinate with other users.

Coordination is necessary to avoid harmful interference, and notification to participants of limited market studies is necessary to indicate that the experiment is temporary.

Federal Communications Commission.
Magalie Roman Salas,
Secretary.
 [FR Doc. 98-28033 Filed 10-19-98; 8:45 am]
 BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

October 15, 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, 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, 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: Persons wishing to comment on this information collection should submit comments by December 21, 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 Les Smith, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0065.

Title: Application for New or Modified Radio Stations Authorization Under Part 5 of the FCC Rules—Experimental Radio Service (Other than Broadcast).

Form Number: FCC Form 442.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal governments.

Number of Respondents: 700.

Estimated Time per Response: 4 hours.

Total Annual Burden: 2,800 hours.

Frequency of Response: On occasion reporting requirements.

Estimated Cost Per Respondent: None.

Needs and Uses: FCC Form 442 is required to be filed by Sections 5.55(a), (b), and (c) of the FCC Rules and Regulations by applicants requiring an FCC license to operate a new or modified experimental radio station. The data supplied by this form are used by communications clerks, legal instruments examiners and engineers of the FCC to determine: (1) if the applicant is eligible for an experimental license; (2) the purpose of the experiment; (3) compliance with the requirements of Part 5 of the FCC Rules; and (4) if the proposed operation will cause interference to existing operations. The FCC could not grant an experimental license without the information contained on this form. Revision of the form is not required.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-28133 Filed 10-19-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, October 22, 1998

October 15, 1998.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 22, 1998, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, NW, Washington, DC.

Item No.	Bureau	Subject
1	Common Carrier	Title: Federal-State Joint Board on Universal Service (CC Docket No. 96-45). Summary: The Commission will consider issues relating to the separation of interstate and intrastate revenues for universal service reporting purposes and other universal service administration and operation issues.
2	Common Carrier	Title: Federal-State Joint Board on Universal Service (CC Docket No. 96-45); and Forward-Looking Mechanism for High Cost Support for Non-Rural LECs (CC Docket No. 97-160). Summary: The Commission will consider a mechanism for estimating non-rural carriers' costs of providing services supported by federal universal service support mechanisms.
3	International	Title: Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; and Direct Broadcast Satellite Public Interest Obligations (MM Docket No. 93-25). Summary: The Commission will consider implementing Section 335 of the Communications Act regarding public interest requirements for Direct Broadcast Satellite Systems.
4	International	Title: Direct Access to the INTELSAT System. Summary: The Commission will consider action concerning issues related to permitting direct access to the INTELSAT system in the United States.
5	Mass Media	Title: 1998 Biennial Regulatory Review—Streamlining of Mass Media Applications, Rules, and Processes (MM Docket No. 98-43); and Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities (MM Docket No. 94-149). Summary: The Commission will consider action to modify its broadcast application and licensing procedures and its ownership reporting requirements.
6	Engineering and Technology and Wireless Telecommunications.	Title: Communications Assistance for Law Enforcement Act (CC Docket No. 97-213).

Item No.	Bureau	Subject
7	Engineering and Technology.	Summary: The Commission will consider action concerning technical requirements necessary for wireline, cellular, and personal communications services carriers to comply with the Communications Assistance for Law Enforcement Act. Title: Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations (ET Docket No. 96-256). Summary: The Commission will consider revising the Experimental Radio Service rules.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Public Affairs, telephone number (202) 418-0500; TTY (202) 418-2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857-3800; fax (202) 857-3805 and 857-3184; or TTY (202) 293-8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail:

its_inc@ix.netcom.com. Their Internet address is <http://www.itsi.com>.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993-3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <<http://www.fcc.gov/realaudio/>>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966-2211 or fax (202) 966-1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834-0100; fax number (703) 834-0111.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-28200 Filed 10-16-98; 12:49 pm]

BILLING CODE 6212-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1250-DR]

Alabama; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama, (FEMA-1250-DR), dated

September 30, 1998 and related determinations.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT:
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Alabama, is hereby amended to include Public Assistance in those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 30, 1998:

Baldwin, Clarke, Coffee, Covington, Crenshaw, Escambia, Geneva, Mobile, Monroe, and Washington Counties for Public Assistance (already designated for Individual Assistance).

Butler and Conecuh Counties for Individual Assistance and Public Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28089 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3133-EM]

Alabama; Amendment No. 2. to Notice of an Emergency Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Alabama, (FEMA-3133-EM), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Alabama, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 28, 1998:

Direct Federal assistance and emergency protective measures (Category B) beginning September 29, 1998, and ending October 2, 1998, at 100 percent Federal funding and debris removal (Category A) at 75 percent Federal funding for the following counties: Butler and Conecuh Counties.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28092 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1250-DR]

Alabama; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA-1250-DR), dated September 30, 1998, and related determinations.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT:
Madge Dale, Response and Recovery Directorate, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 6, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28093 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3131-EM]

Florida; Amendment No. 4 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Florida (FEMA-3131-EM), dated September 25, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by catastrophe declared an emergency by the President in his declaration of September 25, 1998:

Direct Federal assistance and emergency protective measures (Category B) for the first 72 hours at 100 percent Federal funding, beginning September 28, 1998 and ending October 1, 1998. Debris removal (Category A) at 75 percent Federal funding. This assistance is for the following county: Jackson County.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment

Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28090 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1249-DR]

Florida; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida, (FEMA-1249-DR), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1998:

Gadsden and Suwannee Counties for Public Assistance (already designated for Individual Assistance).

Columbia and Liberty Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28101 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1249-DR]

Florida; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-1249-DR), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 7, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28102 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3131-EM]

Florida; Amendment No. 5 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Florida (FEMA-3131-EM), dated September 25, 1998, and related determinations.

EFFECTIVE DATE: October 2, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for

this emergency is closed effective October 2, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28105 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1249-DR]

Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-1249-DR), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT:
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1998:

Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, and Washington Counties for Public Assistance (already designated for Individual Assistance).

Calhoun, Franklin, Gulf, and Jefferson Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28106 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1249-DR]

Florida; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida, (FEMA-1249-DR), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT:
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1998:

Franklin and Gulf for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28017 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 2, 1998.

FOR FURTHER INFORMATION CONTACT:
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 1998:

St. Charles Parish for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28085 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 1998:

The parishes of Ascension, Assumption, St. Charles, St. James, and Vermilion for Public Assistance (previously designated for emergency protective measures [Category B] at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998, at 1800 hours).

The parishes of Orleans and Terrebonne for Public Assistance (previously designated for Individual Assistance and emergency protective measures [Category B] at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998, at 1800 hours).

Evangeline Parish for Public Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28086 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 4, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 4, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28087 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: September 28, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 28, 1998, the President amended his previous declaration of September 23, 1998 to include the provision of Direct Federal Assistance and the cost-sharing of Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from Hurricane Georges on September 27, 1998 and continuing, is of sufficient severity and magnitude to warrant the expansion of the incident type and the scope of assistance in the major disaster declaration of September 23, 1998, to ensure

public health and safety under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act").

Therefore, I amend my previous declaration of September 23, 1998 to authorize direct Federal assistance at 100 percent Federal funding for the first 72 hours due to damage resulting from Hurricane Georges. You are further authorized to provide emergency protective measures (Category B) at 100 percent Federal funding (in areas that FEMA shall designate) for the first 72 hours due to damage resulting from Hurricane Georges. The time period may be extended, if warranted.

Please notify the Governor of the State of Louisiana and the Federal Coordinating Officer of this amendment to my major disaster declaration.

Emergency protective measures (Category B) at 100 percent Federal funding will be provided for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998 at 1800 hours for the following parishes:

Ascension, Assumption, Jefferson, LaFourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, and Washington.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98-28097 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: September 30, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 1998:

St. John Parish for Individual Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Dennis H. Kwiatkowski,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28098 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 1998:

Livingston, Plaquemines, St. John the Baptist, and Washington Parishes for Public Assistance (already designated for Individual Assistance and Direct Federal assistance at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998 at 1800 hours. Emergency protective measures

(Category B) at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998 at 1800 hours).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28099 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1246-DR]

Louisiana; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1246-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 1998:

Ascension, Assumption, and St. James Parishes for Individual Assistance (already designated for Public Assistance and Direct Federal assistance at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998 at 1800 hours. Emergency protective measures (Category B) at 100 percent Federal funding for a 72-hour period beginning at 1800 hours September 27, 1998, and ending September 30, 1998 at 1800 hours).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis

Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28100 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3132-EM]

Mississippi; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Mississippi (FEMA-3132-EM), dated September 28, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective October 5, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28091 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1251-DR]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA-1251-DR), dated October 1, 1998, and related determinations.

EFFECTIVE DATE: October 2, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi, is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 1, 1998:

Hancock, Harrison, and Jackson Counties for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28094 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

[FEMA-1251-DR]

**Mississippi; Amendment No. 4 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA-1251-DR), dated October 1, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for

this disaster is closed effective October 5, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28095 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

[FEMA-1251-DR]

**Mississippi; Amendment No. 2 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA-1251-DR), dated October 1, 1998, and related determinations.

EFFECTIVE DATE: October 3, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 1, 1998:

Forrest, George, Greene, Jones, Lamar, Pearl River, and Stone Counties for Public Assistance and Individual Assistance.

Perry County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28103 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

[FEMA-1251-DR]

**Mississippi; Amendment No. 3 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA-1251-DR), dated October 1, 1998, and related determinations.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 1, 1998:

Jefferson Davis, Marion, Pike, and Wayne Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28104 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

[FEMA-1251-DR]

**Mississippi; Major Disaster and
Related Determinations**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-1251-DR), dated October 1, 1998, and related determinations.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 1, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from Hurricane Georges beginning on September 25, 1998, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael J. Polny of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster: Hancock, Harrison, and Jackson Counties for Individual Assistance.

All counties within the State of Mississippi are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98-28108 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1240-DR]

North Carolina; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA-1240-DR), dated August 27, 1998, and related determinations.

EFFECTIVE DATE: October 2, 1998.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 27, 1998:

Pitt County for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28083 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1245-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-1245-DR), dated September 23, 1998, and related determinations.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 5, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28096 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1248-DR]

U.S. Virgin Islands; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the U.S. Virgin Islands (FEMA-1248-DR), dated

September 24, 1998, and related determinations.

EFFECTIVE DATE: October 2, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Barbara Russell as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 98-28088 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1242-DR]

Commonwealth of Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA-1242-DR), dated September 4, 1998, and related determinations.

EFFECTIVE DATE: October 9, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia, is hereby amended to include Public Assistance

for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 4, 1998:

The independent cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-28084 Filed 10-19-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL RESERVE SYSTEM

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

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

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

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than November 12, 1998.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. FirstMerit Corporation, Akron, Ohio; to acquire 100 percent of the voting shares of Signal Corp., Wooster, Ohio, and thereby indirectly acquire Signal Bank, N.A., Wooster, Ohio; Summit Bank, N.A., Akron, Ohio; and NC Interim National Bank, Wooster, Ohio (in formation, successor to First Federal Savings Bank, New Castle, Pennsylvania).

In connection with this application, applicant also has applied to acquire First Federal Savings Bank of New Castle, New Castle, Pennsylvania, and thereby engage in permissible savings association activities, pursuant to § 225.28(b)(4)(ii) of Regulation Y; Mobile Consultants, Inc., Alliance, Ohio, and thereby engage in brokering manufactured home loans to and on behalf of financial institutions and provides collection and recovery services on such loans, pursuant to § 225.28(b)(1) and (b)(2) of Regulation Y; and Summit Banc Investments Corp., Fairlawn, Ohio (a registered broker-dealer with NASD), and thereby engage in acting as an investment advisor, pursuant to § 225.28(b)(6) of Regulation Y.

2. Salt Lick Bancorp, Inc., Salt Lick, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Salt Lick Deposit Bank, Salt Lick, Kentucky.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Citizens Bancorporation of New Ulm, Inc., New Ulm, Minnesota; to acquire at least 80 percent of the voting shares of State Bank of La Salle (Incorporated), La Salle, Minnesota.

2. Palmer Bancshares, Inc., Kasson, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Kasson State Bank, Kasson, Minnesota.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. First Express of Nebraska, Inc., Gering, Nebraska; to acquire Wauneta Falls Bancorp, Inc., Wauneta, Nebraska; and thereby indirectly acquire Wauneta Falls Bank, N.A., Wauneta, Nebraska, and Ogallala National Bank, Ogallala, Nebraska.

2. First National Bancshares, ESOP and 401K, Goodland, Kansas; to acquire

up to 50.1 percent of the voting shares of First National Bancshares, Inc., Goodland, Kansas; and thereby indirectly acquire First National Bank, Goodland, Kansas.

Board of Governors of the Federal Reserve System, October 13, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-28023 Filed 10-19-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

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

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

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

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 13, 1998.

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

1. Capitol Bancorp, Ltd., Lansing, Michigan; to acquire 51 percent of the voting shares of Sunrise Bank of Arizona, Phoenix, Arizona.

Board of Governors of the Federal Reserve System, October 14, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-28024 Filed 10-19-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 2, 1998.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Patriot Bank Corp., Pottstown, Pennsylvania; to acquire Keystone Financial Leasing Corporation, Exton, Pennsylvania, which will be merged into Patriot Commercial Leasing Company, Inc., Pottstown, Pennsylvania, and thereby engage in leasing activities, pursuant to § 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, October 13, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-28022 Filed 10-19-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 3, 1998.

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

1. National Australia Bank, Ltd., Melbourne, Australia; to engage *de novo* through its subsidiary, National Australia Capital Market, LLC, New York, New York (in organization), in buying and selling securities as agent for the account of customers, pursuant to § 225.28(b)(7)(i) of Regulation Y; in acting as agent for the private placement of securities, pursuant to § 225.28(b)(7)(ii) of Regulation Y; and, in providing to customers transactional services with respect to foreign exchange, pursuant to § 225.28(b)(7)(v) of Regulation Y.

Board of Governors of the Federal Reserve System, October 14, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-28025 Filed 10-19-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM**Sunshine Act Meeting**

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, October 26, 1998.

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. Proposed 1999 Federal Reserve Board employee salary structure adjustments and merit program.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202-452-3204.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: October 16, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-28268 Filed 10-16-98; 3:40 pm]

BILLING CODE 6210-01-P

hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent to wash or assist in the lye peeling of fruits and vegetables that are not raw agricultural commodities without the requirement of a potable water rinse following treatment.

FOR FURTHER INFORMATION CONTACT:

Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3072.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8A4622) has been filed by Ecolab Inc., 370 North Wabasha St., St. Paul, MN 55102. The petition proposes to amend the food additive regulations in § 173.315 *Chemicals used in washing or to assist in the peeling of fruits and vegetables* (21 CFR 173.315) to provide for the safe use of a mixture of peroxyacetic acid, hydrogen peroxide, and 1-hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent to wash or assist in the lye peeling of fruits and vegetables that are not raw agricultural commodities without the requirement of a potable water rinse following treatment.

The agency has determined under 21 CFR 25.32(q) 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: October 1, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-27994 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

3G0020) proposing to affirm that the use of chlorine dioxide is generally recognized as safe (GRAS) in the treatment of potable water and the washing of fruits and vegetables.

FOR FURTHER INFORMATION CONTACT:

Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, 202-418-3074.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 23, 1973 (38 FR 7578), FDA announced that a petition (GRASP 3G0020) had been filed by Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904. This petition proposed that the use of chlorine dioxide in the treatment of potable water and the washing of fruits and vegetables be affirmed as GRAS. In June 1992, Vulcan Chemicals (now Vulcan Chemical Technologies, Inc.), 1902 Channel Dr., West Sacramento, CA 95691-3477, acquired the rights to this petition.

In the **Federal Register** of July 20, 1998 (63 FR 38746), FDA amended § 173.300 *Chlorine dioxide* (21 CFR 173.300) to provide for the use of chlorine dioxide to wash fruits and vegetables that are not raw agricultural commodities. This action was taken in response to a food additive petition (FAP 4A4415) that included uses requested in GRASP 3G0020. Thus, FDA requested that GRASP 3G0020 be withdrawn. Vulcan Chemical Technologies, Inc. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: October 6, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-28059 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 98F-0894]

Ecolab Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ecolab Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a mixture of peroxyacetic acid, hydrogen peroxide, and 1-

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 96G-0413]

Vulcan Chemical Technologies, Inc.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 97E-0269]

Determination of Regulatory Review Period for Purposes of Patent Extension; Aldara™ (5,238,944)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Aldara™ (5,238,944) and is publishing

this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Aldara™ (5,238,944) (imiquimod). Aldara™ (5,238,944) (U.S. Patent No. 5,238,944) is indicated for the treatment of external genital and perianal warts/condyloma acuminata in adults. Subsequent to this approval, the Patent and Trademark

Office received a patent term restoration application for Aldara™ (5,238,944) from Riker Laboratories, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 22, 1997, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Aldara™ (5,238,944) represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Aldara™ (5,238,944) is 3,471 days. Of this time, 3,254 days occurred during the testing phase of the regulatory review period, 217 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* August 30, 1987. The applicant claims September 1, 1987, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 30, 1987, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* July 26, 1996. The applicant claims July 25, 1996, as the date the new drug application (NDA) for Aldara™ (5,238,944) (NDA 20-723) was initially submitted. However, FDA records indicate that NDA 20-723 was submitted on July 26, 1996.

3. *The date the application was approved:* February 27, 1997. FDA has verified the applicant's claim that NDA 20-723 was approved on February 27, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 187 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 21, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA,

on or before April 19, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98-27995 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on Migrant Health; Meeting

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1998.

NAME: National Advisory Council on Migrant Health.

DATE & TIME: Thursday, November 12, 1998 at 9:00 a.m. to Friday, November 13, 1998 at 1:00 p.m.

PLACE: Sheraton Springfield, 1 Monarch Place, Springfield, MA 01144, 413/781-1010 (phone) or 413/734-3249 (fax). he meeting is open to the public.

AGENDA: This will be a meeting of the Council. The agenda includes an overview of general Council business activities and priorities. Topics of discussion will include the State Children's Health Insurance Program, Worker Protection Standards, the collaboration possibilities with other migrant health advocate organizations, and the 1998 NACMH Recommendations. In addition, the

Council will be holding its annual Farmworker Public Hearing. The Hearing is scheduled for Friday, November 13 from 8 to 11 a.m. at the Sheraton Springfield.

The Council meeting is being held in conjunction with the 11th Annual East Coast Migrant Stream Forum, November 13-15, 1998. The Stream Forum also will take place at the Sheraton Springfield, Springfield, MA.

Anyone requiring information regarding the subject Council should contact Susan Hagler, Migrant Health Program, staff support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Bethesda, Maryland 20814, Telephone 301/594-4302.

Agenda items are subject to change as priorities indicate.

Dated: October 14, 1998.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 98-28058 Filed 10-19-98; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4351-N-09]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

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

DATES: Comments due: December 21, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Priscila J. Prunella, 202-708-3700, extension 5711 (this is not a toll free number) for copies of the proposed forms and other available documents.

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

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

This Notice also lists the following information:

Title of Proposal: Assessment of the Economic and Social Characteristics of the Low Income Housing Tax Credit (LIHTC) Residents and Neighborhoods.

Description of the need for information and proposed use: The Department is conducting, under contract to Abt Associates Inc., an Assessment of the characteristics of LIHTC Residents and Neighborhoods. The main objective is to understand LIHTC projects in the context of their neighborhoods and the relationship of tax credit tenants to their neighborhoods. Key issues to be examined include: the extent to which residents are similar or different from other neighborhood residents; rent setting practices and the implication of residents' financial characteristics for project financial stability; benefits to the residents of relocating to the implication of residents' financial characteristics for project financial stability; benefits to the residents of relocating to the LIHTC project; residents' perception of the community; and the impact of the LIHTC project on the area itself.

Members of the affected public:

Residents sampled in 40 LIHTC properties that are selected for the study.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The researchers will administer a one-time, telephone survey to 1,000 residents. The interviews are

expected to last 30 minutes for a total burden hour estimate of 500 hours.

Status of the proposed information collection: Pending OMB approval.

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

Dated: September 29, 1998.

Xavier de Souza Briggs,

Deputy Assistant Secretary for Research, Evaluation, and Monitoring.

[FR Doc. 98-28131 Filed 10-19-98; 8:45 am]

BILLING CODE 4210-62-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4349-N-39]

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: November 19, 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 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: October 14, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Title of Proposal: Home Investment Partnership Program.

Office: Office of the Secretary.

OMB Approval Number: 2501-0013 and 2506-0162.

Description of the Need for the Information and Its Proposed Use: This submission reinstates the paperwork approval for the Home Investment

Partnership. Participating jurisdictions use HOME funds to carry out housing activities and provide funds to other eligible entities. This submission consolidates this approval with a more recent approval covering certain optional data collection requirements.

Form Number: HUD-40093, 40094, 40094B, 40095, 40095B, 40096, 40096M, 40097, 40098, 40099, 40099B, 40100, 40100B, 40100C, 40107, 40107A, 40115, and 40116.

Respondents: State, Local or Tribal Government, and Not-For-Profit Institutions.

Frequency of Submission: Annually, On Occasion, and Recordkeeping.

Reporting Burden:

	Number of re- spondents	x	Frequency of response	x	Hours per re- sponse	=	Burden hours
	4,867		1		65.78		320,150

Total Estimated Burden Hours: 320,150.

Status: Reinstatement with changes.

Contact: Ginny Sardone, HUD, (202) 708-2470; Joseph F. Lackey, Jr., OMB, (202) 395-7316.

Dated: October 14, 1998.

[FR Doc. 98-28130 Filed 10-19-98; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4328-FA-03]

Announcement of Funding Awards for Fiscal Year 1998 Community Development Work Study Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for the Fiscal Year 1998 Community Development Work Study Program (CDWSP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to attract economically disadvantaged and minority students to careers in community and economic development, community planning and community management, and to provide a cadre of well-qualified professionals to plan,

implement, and administer local community development programs.

FOR FURTHER INFORMATION CONTACT: Jane Karadibil, Office of University Partnerships, Department of Housing and Urban Development, Room 8110, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-1537, extension 5918. To provide service for persons who are hearing-or speech-impaired, this number may be reached via TTY by dialing the Federal Information Relay Service on (800) 877-8399, or 202-708-1455. (Telephone numbers, other than the two "800" numbers, are not toll free.)

SUPPLEMENTARY INFORMATION: The CDWSP is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. The Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education and creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The CDWSP was enacted in the Housing and Community Development Act of 1988. (Earlier versions of the program were funded by the Community Development Block Grant Technical Assistance Program from 1982 through 1987 and the Comprehensive Planning Assistance Program from 1969 through 1981.) Eligible applicants include institutions of higher education having qualifying academic degrees, and States and

areawide planning organizations who apply on behalf of such institutions. The CDWSP funds graduate programs only. Each participating institution of higher education is funded for a minimum of three students and a maximum of five students under the CDWSP. The CDWSP provides each participating student up to \$9,000 per year for a work stipend (for internship-type work in community building) and \$5,000 per year for tuition and additional support (for books and travel related to the academic program). Additionally, the CDWSP provides the participating institution of higher education with an administrative allowance of \$1,000 per student per year.

The Catalog of Federal Domestic Assistance number for this program is 14.512.

On April 2, 1998 (63 FR 16340) HUD published a Notice of Funding Availability (NOFA) announcing the availability of \$3.5 million in FY 1998 funds for the CDWSP. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications announced below, and in accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards, as set forth below.

List of Awardees for Grant Assistance Under the FY 1998 Community Development Work Study Program Funding Competition, by Name, Address, Phone Number, Grant Amount and Number of Students Funded

New England

1. Massachusetts Institute of Technology, Professor Langley C. Keyes, Massachusetts Institute of Technology, Department of Urban Studies & Planning, 77 Massachusetts Avenue, Room 9-517, Cambridge, MA 02139, (617) 253-1540. Grant: \$90,000, to fund three students.

2. New Hampshire College, Dr. Michael Swack, New Hampshire College, 2500 North River Road, Manchester, NH 03106, (603) 644-3103. Grant: \$90,000 to fund three students.

3. University of Southern Maine, Professor Charles S. Colgan, University of Southern Maine, Edmund S. Muskie School of Public Service, P.O. Box 9300, 96 Falmouth Street, Portland, ME 04104, (207) 780-4008. Grant: \$82,000 to fund three students.

New York/New Jersey

4. New School for Social Research, Dr. Susan Morris, New School for Social Research, 66 Fifth Avenue, Seventh Floor, New York, NY 10011, (212) 229-5388. Grant: \$89,868 to fund three students.

5. Hunter College of CUNY, Dr. William J. Milczarski, Hunter College of CUNY, Graduate Program in Urban Planning, 695 Park Avenue, New York, NY 10021, (212) 772-5601. Grant: \$90,000 to fund three students.

6. Columbia University, Professor Steven A. Cohen, Columbia University, School of International and Public Affairs, 420 West 118th Street, Room 1417, New York, NY 10027, (212) 854-2167. Grant: \$90,000 to fund three students.

7. Pratt Institute, Professor Ronald Shiffman, Pratt Institute, Center for Community and Environmental Development, 379 DeKalb Avenue, Brooklyn, NY 11205, (718) 636-3486. Grant: \$90,000 to fund three students.

8. State University of New York-Buffalo, Dr. Henry L. Taylor, Jr., Center for Urban Studies, 101C Fargo Quad, Building 1, Ellicott Complex, Buffalo, NY 14261, (716) 645-2374. Grant: \$90,000 to fund three students.

Mid-Atlantic

9. University of Pittsburgh, Dr. Leon Haley, University of Pittsburgh, Graduate School of Public and International Affairs, 3R24 Forbes Quadrangle, Pittsburgh, PA 15260,

(412) 648-7615. Grant: \$77,400 to fund three students.

10. Metropolitan Washington Council of Governments, Mr. David Roberston, 777 North Capitol Street, NE, Suite 300, Washington, DC 20002, (202) 962-3204. Grant: \$450,000 to fund three students each at University of Maryland, University of the District of Columbia, Southeastern University, George Mason University, and Howard University.

11. Carnegie Mellon University, Dr. Barbara Brewton, Carnegie Mellon University, H. John Heinz III School of Public Policy and Management, 5000 Forbes Avenue, Pittsburgh, PA 15213, (412) 268-2162. Grant: \$90,000 to fund three students.

Southeast

12. University of Memphis, Dr. Stanley Hyland, University of Memphis, Fogelman Executive Center, Room 127B, Memphis, TN 38152, (901) 678-4186. Grant: \$89,988 to fund three students.

13. Alabama A&M University, Professor Constance Jordan-Wilson, Alabama A&M University, Department of Community Planning & Urban Studies, P.O. Box 206, Normal, AL 35762, (205) 851-5425. Grant: \$90,000 to fund three students.

14. University of Alabama at Birmingham, Dr. Rebecca Falkenberry, University of Alabama at Birmingham, Center for Urban Affairs, 901 South 15th Street, Suite 141, Birmingham, AL 35294, (205) 934-3500. Grant: \$89,967 to fund three students.

15. Eastern Kentucky University, Professor Terry Busson, Eastern Kentucky University, Department of Government, McCreary 113, Richmond, KY 40475, (606) 622-1019. Grant: \$90,000 to fund three students.

16. University of Tennessee at Chattanooga, Dr. Diane Miller, University of Tennessee at Chattanooga, Office of Graduate Studies, 615 McCallie Avenue, Chattanooga, TN 37403, (423) 755-4431. Grant: \$90,000 to fund three students.

17. Clemson University, Mr. M. Grant Cunningham, Clemson University, Sponsored Program, Brackett Hall, Box 345702, Clemson, SC 29634, (864) 656-1587. Grant: \$61,365 to fund three students.

18. Savannah State University, Dr. Shirley Geiger, Savannah State University, MPA/Urban Studies, P.O. Box 20368, Savannah, GA 31404, (912) 356-2340. Grant: \$90,000 to fund three students.

19. Georgia Southern University, Dr. Charles Gossett, Georgia Southern University, Political Sciences Department, P.O. Box 8101, Statesboro,

GA 30460, (912) 681-0571. Grant: \$90,000 to fund three students.

20. Triangle J Council of Governments, Ms. Renee Wyatt, Triangle J Council of Governments, P.O. Box 12276, 100 Park Drive, Suite 202, Research Triangle Park, NC 27709, (919) 558-9403. Grant: \$262,658 to fund three students each at North Carolina Central University, North Carolina State University, and the University of North Carolina at Chapel Hill.

Midwest

21. Indiana University-South Bend, Dr. Leda McIntyre Hall, Indiana University, School of Public and Environmental Affairs, 1700 Mishawaka Avenue, P.O. Box 7111, South Bend, IN 46634, (219) 237-4803. Grant: \$79,563 to fund three students.

22. Mankato State University, Dr. Robert A. Barrett, Mankato State University, Urban & Regional Studies Institute, Box 25, Mankato, MN 56002, (507) 389-1714. Grant: \$88,500 to fund three students.

23. Michigan State University, Dr. Herbert P. Norman, Michigan State University, Urban & Regional Planning Program, 201 UPLA Building, East Lansing, MI 48824, (517) 353-0677. Grant: \$90,000 to fund three students.

24. University of Cincinnati, Dr. David Varady, University of Cincinnati, School of Planning, P.O. Box 210016, Cincinnati, OH 45221, (513) 556-4358.

25. University of Michigan, Dr. Diane Hartley, University of Michigan, Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109, (734) 763-4380. Grant: \$90,000 to fund three students.

26. University of Illinois-Chicago, Dr. Curtis Winkle, University of Illinois-Chicago, Urban Planning and Policy Program, 412 South Peoria Street, Suite 115, Chicago, IL 60607, (312) 996-2155. Grant: \$90,000 to fund three students.

Southwest

27. North Central Texas Council of Governments, Mr. R. Michael Eastland, P.O. Box 5888, Arlington, TX 76005, (817) 695-9101. Grant: \$177,919 for three students each at University of North Texas and University of Texas at Arlington.

28. Southern University, Dr. Damien Ejigiri, Southern University, P.O. Box 9656, Baton Rouge, LA 70813, (504) 771-3092. Grant: \$87,000 to fund three students.

Great Plains

29. University of Kansas, Dr. Steven Maynard-Moody, University of Kansas, Department of Public Administration, 318 Blake Hall, Lawrence, KS 66045,

(913) 864-3527. Grant: \$90,000 to fund three students.

30. University of Nebraska-Omaha, Dr. Burton Reed, University of Nebraska-Omaha, Department of Public Administration, 60th and Dodge Streets, Omaha, NE 68182, (402) 554-2682. Grant: \$84,028 to fund three students.

Rocky Mountains

31. University of Colorado-Denver, Dr. Frank Ford, University of Colorado-Denver, Center for Community Development, Campus Box 128, P.O. Box 173364, Denver, CO 80217, (303) 620-4668. Grant: \$90,000 to fund three students.

Pacific

32. University of California-Berkeley, Dr. Victor Rubin, University of California-Berkeley, Sponsored Projects Office, 336 Sproul Hall, Berkeley, CA 94720, (510) 643-9103. Grant: \$90,000 to fund three students.

Northwest/Alaska

33. University of Washington, Mr. Donald W. Allen, University of Washington, Grants and Contract Services, 3935 University Way, N.E., Seattle, WA 98105, (206) 543-4043. Grant: \$90,000, to fund three students.

34. Eastern Washington University, Dr. Gabor Zovanyi, Eastern Washington University, Department of Urban and Regional Planning, 688 N. Riverpoint Blvd., Suite A, Spokane, WA 99202, (509) 358-2228. Grant: \$90,000 to fund three students.

Dated: October 8, 1998.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 98-28128 Filed 10-19-98; 8:45 am]

BILLING CODE 4210-62-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4340-FA-05]

Announcement of Funding Awards for Fiscal Year 1998 Community Outreach Partnership Centers

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1998 Community Outreach Partnership Centers Program. The

purpose of this document is to announce the names and addresses of the award winners and the amount of the awards which are to be used to establish and operate Community Outreach Partnership Centers that will: (1) Conduct competent and qualified research and investigation on theoretical or practical problems in large and small cities; and (2) facilitate partnerships and outreach activities between institutions of higher education, local communities, and local governments to address urban problems.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships, Department of Housing and Urban Development, Room 8110, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-1537, extension 5918. To provide service for persons who are hearing-or-speech-impaired, this number may be reached via TTY by Dialing the Federal Information Relay Service on 1-800-877-8339, or 202-708-1455. (Telephone number, other than "800" TTY numbers are not toll free.)

SUPPLEMENTARY INFORMATION: The Community Outreach Partnership Centers Program was enacted in the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992) and is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The Community Outreach Partnership Centers Program provides funds for: research activities which have practical application for solving specific problems in designated communities and neighborhoods; outreach, technical assistance and information exchange activities which are designed to address specific problems associated with housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing. On March 31, 1998 (63 FR 15520), HUD published a Notice of Funding Availability (NOFA) announcing the availability of \$7 million in Fiscal Year 1998 funds for the Community Outreach Partnership Centers Program. The Department reviewed, evaluated and scored the applications received based on the

criteria in the NOFA. As a result, HUD has funded 18 applicants for New Grants. These grants, with their grant amounts are identified below.

The Catalog Federal Domestic Assistance number for this program is 14.511.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards, as follows:

List of Awardees for Grant Assistance Under the FY 1998 Community Outreach Partnership Centers Funding Competition, by Name and Address

New York/New Jersey

1. Kean University, Dr. Susan Lederman, Kean University, Morris Avenue, Union, NJ 07083, (908) 629-7269. Grant: \$399,129.

2. Rutgers University, Dr. Robert Lake, Rutgers University, Center for Urban Policy Research, 33 Livingston Avenue, Suite 400, New Brunswick, NJ 08901, (732) 932-3133. Grant: \$399,998.

Mid-Atlantic

3. University of Maryland, Baltimore, Dr. Richard Cook, University of Maryland, Baltimore, 520 West Lombard Street, Baltimore, MD 21201, (410) 706-1882. Grant: \$399,900.

Southeast/Caribbean

4. Florida Atlantic University, Dr. Jerry Kolo, Florida Atlantic University, 220 SE 2nd Street, #610, Fort Lauderdale, FL 33301, (954) 762-5655. Grant: \$399,043.

5. University of Louisville, Dr. John Gilderbloom, University of Louisville, 426 West Bloom Street, Louisville, KY 40208, (502) 852-8557. Grant: \$399,957.

6. University of North Carolina at Greensboro, Dr. Carol MacKinnon-Lewis, University of North Carolina at Greensboro, Center for the Study of Social Issues, P.P. Box 26170, Greensboro, NC 27402, (336) 334-4423. Grant: \$399,325.

7. Fayetteville State University, Dr. Richard Ellis, Fayetteville State University, 1200 Murchison Road, Fayetteville, NC 28301, (910) 486-1593. Grant: \$254,550.

8. East Tennessee State University, Dr. Robert Leger, East Tennessee State University, 601 Bert Street, Johnson City, TN 37601, (423) 439-6653. Grant: \$399,999.

9. Florida International University, D. Milan Dluhy, Florida International University, 150 SE Second Avenue, Suite 1201, Miami, FL 33131. Grant: \$399,481.

10. University of North Carolina at Charlotte, Dr. James Cook, University of North Carolina at Charlotte, 9201 University City Blvd., Charlotte, NC 28223, (704) 547-4758. Grant: \$400,000.

Midwest

11. Wright State University, Dr. Jack Dustin, Wright State University, Center for Public and Urban Affairs, 177 Millett Hall, 3640 Col. Glenn Highway, Dayton, OH 45435, (937) 775-2285. Grant: \$399,963.

12. University of Minnesota, Dr. Fred Smith, University of Minnesota, 330 Humphrey Center, Minneapolis, MN 55455, (612) 625-0508. Grant: \$399,157.

13. Illinois Institute of Technology, Dr. Leroy Kennedy, Illinois Institute of Technology, 10 W. 33rd Street, Suite 223, Chicago, IL 60616, (312) 567-8851. Grant: \$394,618.

14. University of Illinois at Springfield, Professor Larry Golden, University of Illinois at Springfield, P.O. Box 19243, Springfield, IL 62794, (217) 206-6646. Grant: \$399,880.

Great Plains

15. Iowa State University, Dr. Riad Mahayni, Iowa State University, Community and Regional Planning Department, 126 College of Design, Ames, IA 50011, (515) 294-8958. Grant: \$399,889.

Southwest

16. University of Arkansas at Little Rock, Ms. Joni Lee, University of Arkansas at Little Rock, 2801 South University Avenue, Little Rock, AR 72204, (501) 569-3186. Grant: \$396,348.

Rocky Mountains

17. University of Colorado at Denver, Dr. Frank Ford, University of Colorado at Denver, 535 16th Street, Suite 320, Denver, CO 80202, (303) 620-4668. Grant: 399,718.

Northwest/Alaska

18. University of Alaska Anchorage, Ms. Heather Flynn, University of Alaska Anchorage, 3401 Minnesota Drive, Anchorage, AK 99503, (907) 276-6007. Grant: \$359,045.

Dated: October 9, 1998.

Xavier de Souza Briggs,

Deputy Assistant Secretary for Research, Evaluation, and Monitoring.

[FR Doc. 98-28127 Filed 10-19-98; 8:45 am]

BILLING CODE 4210-62-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-220-1020-24-1A]

Extension of Approved Information Collection, OMB Number 1004-0005

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paper Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request approval to collect certain information from individuals applying for an annual authorization for grazing or to amend grazing use authorized under a previously approved grazing permits or leases. It provides grazing applicants an opportunity to request changes for the coming grazing season, changes during the grazing year, and to apply for temporary non-renewable grazing where excess forage exists. The information contained on the form provides essential information for the authorized officer to consider prior to approving or rejecting the grazing application. Upon approval, the grazing fee is computed and the grazing fee bill is transmitted. The bill also provides the grazing use authorization, effective upon payment of fees due, including grazing use schedules for rangeland areas, numbers of livestock, kind of or class of livestock, periods of use, animal unit months of forage and applicable terms and conditions for grazing use on each grazing allotment.

DATES: Comments on the proposed information collection must be received by December 21, 1998 to be considered.

ADDRESSES: If you wish to comment, you may submit your comments by one of several methods. You may mail to Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You may also comment via the Internet to WOComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: 1004-0005" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly on (202) 452-5030.

Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours

(7:45 a.m. to 4:15 p.m.), Eastern Time, Monday through Friday, except holidays.

Finally, you may hand-deliver comments to BLM at 1620 L Street, NW., Room 401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: George Ramey, Bureau of Land Management, Mail Stop 401LS, 1849 C Street, NW., Washington, DC 20240; telephone (202) 452-7747 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), the BLM is required to provide 60-day notice in the **Federal Register** concerning a proposed collection of information to solicit comments on:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the BLM, including whether the information will have practical utility;
2. The accuracy of BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval under 44 U.S.C. 3501 *et seq.* from the Office of Management and Budget.

The Taylor Grazing Act (TGA) of 1934 (43 U.S.C. 315, 315 *et seq.*) and the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.*) provide the authority for the Bureau of Land Management to administer the livestock grazing program consistent with land-use plans, multiple-use objectives, sustained yield, environmental values, economic considerations, and other factors. Authorizing livestock use on the public lands is an important and integral part of program administration. Regulations in 43 CFR 4130.1 and 4130.4 provide for the timely filing of applications for grazing permits or leases, free-use grazing permits, and other grazing authorizations with the appropriate BLM office.

The information provided by the permittees and lessees is used by the BLM to authorize livestock grazing use on the public lands, and to amend annual authorizations levels. The information requested includes the name and number of the grazing

allotment to verify the authorized location, the number of livestock and records of use for billing purposes, recorded brands to verify ownership, and reasons for any nonuse. The information on the form is used by the BLM authorized officer to determine if the applied for use is within the permittees' or lessees' preference (permitted level of use), to determine if the applied for use would be consistent with multiple-use objectives, and develops appropriate terms and conditions and makes the authorization according to 43 CFR 4130.3-1 and 4130.3-2. The authorized officer may deny the requested grazing use or a change in the annual grazing schedules by issuing a decision which includes a right of protest and administrative appeal. The grazing authorization remains in effect during the "grazing fee year". Without this information, the BLM would not be able to assure proper administration of the use of the public lands as required by law and would result in unauthorized use, improper billings, and nonpayment of fees due the Federal Government.

After the authorization is approved, the billing is then computer generated with the applicant's name, address, stated qualifications, and mailed to the grazing permittee or lessee.

The information required by law is only available from the applicants and uses information already available for the purpose identified. Since grazing on the unreserved public lands is administered only by the BLM, there is no duplication of information collections.

The BLM Form 4130.1 was designed to request only basic information required to administer the grazing authorization process. The majority of the information is contained in the applicant's ownership documents, previously approved grazing permit, or lease and displayed on Form 4130-3a. The data contained in columns 7, 8, 9 and 10 of Form 4130-1 are computer generated; therefore, the burden is minimized for all respondents.

The information requested by the form is subject to change from 1 grazing year to another and is necessary for annual collection of grazing fees. For example, a permittee may choose to graze less livestock than scheduled during the year and amend the authorized use to take nonuse. There is no opportunity to conduct the collection less frequently and collect user fees as required by law.

This information collection is consistent with guidelines in 5 CFR 1320.6 without which the BLM would not be able to administer the Public

Land Laws. There are no assurances of confidentiality but the Privacy Act Notice is provided to inform the applicants of the uses to be made.

The annual cost to the Government is estimated to be \$120,000 based on \$10,000 for forms and processing and \$110,000 to review returned applications at \$20 per hour. Annual costs to the respondents is estimated at \$40,000 based on \$20 per hour to prepare the forms.

The respondents spend an average of 20 minutes (0.333 hours) to review, check records, make changes and sign, resulting in 2,000 burden hours based on approximately 6,000 forms that are submitted for BLM's consideration annually. Response time has been estimated from those respondents who have completed the form in the presence of BLM employees.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: October 8, 1998.

Shirlean Beshir,

*Acting Bureau of Land Management
Information Clearance Officer.*

[FR Doc. 98-27997 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-015-98-1610-00: GP9-004]

Emergency Closure of Public Lands to Firewood Gathering and Cutting

AGENCY: Lakeview District, Bureau of Land Management, Interior.

ACTION: Emergency closure of public lands to firewood gathering and cutting.

SUMMARY: Notice is hereby given that effective immediately all public lands in the Lost Forest/Sand Dunes Area of Critical Environmental Concern (ACEC), Lake County, Oregon, as legally described below are closed to all firewood gathering and cutting:

T. 25 S., R. 19 E., W. M., Oregon
Sec. 25: (South of BLM Road 6141-1-00);
Sec. 26, SE $\frac{1}{4}$; Sec. 34: All, Except the
N $\frac{1}{2}$ N $\frac{1}{2}$; Sec. 35: All, Except SW $\frac{1}{4}$ SE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 36: NE $\frac{1}{4}$, and the NE $\frac{1}{4}$
SE $\frac{1}{4}$.

T. 25 S., R. 20 E., W. M., Oregon
Sec. 20: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 21:
S $\frac{1}{2}$; Sec. 22: S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$; Sec.
23: All; Sec. 24: (South and West of BLM
Road 6121-0-00); Secs. 25, 26, 27, 28,
29, 30: All; Sec. 31: All, Except Lot 4;
Secs. 32, 33, 34, 35, 36: All.

T. 25 S., R. 21 E., W. M., Oregon

Sec. 19, 30, and 31: (South and West of
BLM Road 6121-0-00).

T. 26 S., R. 19 E., W. M., Oregon

Sec. 1: All, Except Lots 4 and 5; Sec. 2: All;
Sec. 3: Lots 1, 2, and 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 7: S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$
SE $\frac{1}{4}$; Sec. 8: All, Except the N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 9: All, Except the NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
NW $\frac{1}{4}$; Secs. 10, 11, 12, 13, 14, 15, and
17: All; Sec. 18: E1/3; Secs. 21, 22, 23,
and 24: All.

T. 26 S., R. 20 E., W. M., Oregon

Secs. 1, 2, 3, 4 and 5: All; Sec. 6: All,
Except Lots 4 and 5; Secs. 7, 8, 9, 16, 17
and 18: All; Sec. 19: All, Except E $\frac{1}{2}$
SE $\frac{1}{4}$.

T. 26 S., R. 21 E., W. M., Oregon

Sec. 6: (West of BLM Road 6121-0-00).

The purpose of this closure is to protect a designated ACEC. The authority for this closure is 43 CFR 1610.7-2 and 8364.1

DATES: This closure will take effect immediately and remain in effect until a Supplemental Rule has been implemented by the Lakeview Resource Area.

PENALTIES: Violation of this closure is punishable by a fine not to exceed \$100,000 and/or imprisonment not to exceed 12 months. Authority for this penalty is found in 43 CFR 8360.0-7

FOR FURTHER INFORMATION CONTACT:

Scott R. Florence, Manager, Lakeview Resource Area, PO Box 151, Lakeview, OR 97639, or telephone (541) 947-2177.

Dated: October 7, 1998.

Scott R. Florence,

Area Manager, Lakeview Resource Area.

[FR Doc. 98-27999 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-015-98-1610-00: GP9-005]

Pronghorn ACEC Subcommittee of the Southeast Oregon Resource Advisory Council

AGENCY: Lakeview District, Bureau of Land Management, Interior.

ACTION: Meeting Notice, Pronghorn ACEC Subcommittee of the Southeast Oregon Resource Advisory Council.

SUMMARY: The Pronghorn ACEC Subcommittee of the Southeast Oregon Resource Advisory Council is scheduled to meet to discuss and tour the proposed Pronghorn ACEC area. The meeting will start at the Lakeview District BLM Office on October 28th at 8 am. The field tour will occur on the afternoon of October 28th and most of the 29th.

DATES: October 28-29, 1998.

FOR FURTHER INFORMATION CONTACT:

Sonya Hickman, BLM, Lakeview

District, P.O. Box 151, Lakeview, OR 97630 (Telephone 541-947-2177).

Dated: October 7, 1998.

Scott R. Florence,

Area Manager, Lakeview District Manager.

[FR Doc. 98-27998 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability, Environmental Assessment of Impacts Associated With Access to a Mining Claim Outside Joshua Tree National Park

INTRODUCTION: Notice is hereby given in accordance with section 9.17 (a) of Title 36 of the Code of Federal Regulations, Part 9, Subpart A, that the National Park Service has received from the "First Class Miners Club" a proposed Plan of Operations for access through the park to mining claims outside the park.

SUMMARY: The group proposes 100 personal vehicle trips per year on park surfaced and unsurfaced roads.

The National Park Service has conducted an Environmental Assessment of the potential impacts of the proposed operation on vegetation, wildlife, air, water, cultural and scenery resources.

SUPPLEMENTARY INFORMATION: Copies of the Environmental Assessment, and proposed Plan are available upon request from: Superintendent, Joshua Tree National Park, 74485 National Park Drive, Twentynine Palms, California, 92277.

Dated: October 7, 1998.

Chris Holbeck,

Resource Management Specialist.

[FR Doc. 98-28021 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Meeting: Committee for the Preservation of the White House

In compliance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the Committee for the Preservation of the White House. The meeting will be held at the Old Executive Office Building, Washington, DC at 9 a.m., Friday, November 6, 1998. It is expected that the agenda will include policies, goals and long range plans. The meeting will be open, but subject to appointment and security clearance requirements.

Clearance information must be received by October 28, 1998.

Inquiries may be made by calling the Committee for the Preservation of the White House between 9 a.m. and 4 p.m., weekdays at (202) 619-6344. Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW, Washington, DC 20242.

Dated: October 5, 1998.

James I. McDaniel,

Executive Secretary, Committee for the Preservation of the White House.

[FR Doc. 98-28019 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of Subsistence Resource Commission Meeting

SUMMARY: The Superintendent of Wrangell-St. Elias National Park and Preserve and the Chairperson of the Subsistence Resource Commission for Wrangell-St. Elias National Park announce a forthcoming meeting of the Wrangell-St. Elias National Park Subsistence Resource Commission. The following agenda items will be discussed:

- (1) Call to Order (Chairman).
- (2) Roll Call; Confirmation of Quorum.
- (3) Introduction of Commission members and guests.
- (4) Review Agenda
- (5) Superintendent's welcome and review of the Commission purpose.
- (6) Commission membership status.
- (7) Public and other agency comments.
- (8) Review and approval of minutes from April 6-7, 1998 meeting.
- (9) Report on October 1998 Chair Workshop.
- (10) Superintendent's report: Wrangell-St. Elias National Park and Preserve Chief of Resources, Chief Ranger, and Chief of Interpretation positions.
- (11) Wrangell-St. Elias National Park and Preserve staff reports.
 - a. Mentasta Herd update.
 - b. Response to Jack Hession Sierra Club letter.
 - c. Response to Tom Carpenter Cordova letter.
 - d. Status of Malaspina Forelands ATV study project.
- (12) Old business:
 - a. Status of Environmental Assessment/rulemaking to add Northway, Tetlin, Tanacross, and Dot Lake as resident zone communities.

b. Subsistence Hunting Program Recommendation 97-01 (establish minimum residency requirement for resident zone communities).

c. Status report on draft subsistence plan, hunt maps, and subsistence brochure for Wrangell-St. Elias National Park and Preserve.

d. Status report on inclusion of Healy Lake as a resident zone community.

e. Review National Park Service response to Carl Morgan/Western Interior Regional Advisory Council request for customary trade and trapping regulation changes.

f. Status report on Hunting Plan Recommendations 96-1 and 96-2 (requesting a fall subsistence waterfowl season and authorization to take spring/summer migratory birds and eggs in Wrangell-St. Elias National Park response to Eastern Interior inquiry).

(13) New Business:

a. Inclusion of four wheeler's in draft subsistence plan (Chapter 5: access, page).

b. Maintenance of park lands (cleanup of antlers and horns).

c. Federal Subsistence Program update.

(1) Review actions taken by Federal Subsistence Board during Spring 1998 meeting on Federal Subsistence Program 1998-99 proposed regulation changes.

(2) Federal Subsistence Board Task Group request for customary and traditional process.

(3) Review National Park Service response to Dan O'Connor letter (status on individual customary and traditional).

(4) Review 1999-2000 Federal Subsistence Board proposals for Units 5, 6, 11, 12, and 13.

d. Update on federal fish management.

(14) Public and other agency comments.

(15) Subsistence Resource Commission work session to develop proposals and finalize recommendations.

(16) Set time and place of next Subsistence Resource Commission meeting.

(17) Adjourn meeting.

DATES: The meeting will begin at 1 p.m. on Tuesday, November 17, 1998, and conclude at approximately 9 p.m. The meeting will reconvene at 9 a.m. on Wednesday, November 18, 1998, and adjourn at approximately 5 p.m. The meeting will adjourn earlier if the agenda items are completed.

LOCATION: The meeting location is: Gulkana Community Hall, Gulkana, Alaska.

FOR FURTHER INFORMATION CONTACT: Jonathan B. Jarvis, Superintendent,

Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, Alaska 99573. Phone (907) 822-5234.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Robert D. Barbee,

Regional Director.

[FR Doc. 98-28020 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 10, 1998. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by November 4, 1998.

Carol D. Shull,

Keeper of the National Register.

COLORADO

Weld County
Ottesen Grain Company Feed Mill,
815 7th St.,
Fort Lupton, 98001320

FLORIDA

Hernando County
Saxon, Frank, House,
200 Saxon Ave.,
Brooksville, 98001321

IOWA

Cedar County
Hotel Tipton,
524-527 Cedar St.,
Tipton, 98001328
Cerro Gordo County
Parker's Opera House,
23 N. Federal Ave.,
Mason City, 98001325
Linn County
Consistory Building No. 2,
616 "A" Ave. NE,
Cedar Rapids, 98001327
Polk County
Benham, F. A., House
(Towards a Greater Des Moines MPS)
716 19th. St.,
Des Moines, 98001326
Savery Hotel,

401 Locust St.,
Des Moines, 98001324
Woodbury County
St. Boniface Historic District,
703 W. 5th St., 515 Cook St., 700 W.
6th St.,

Sioux City, 98001322
Wright County
Fillmore Block,
Jct. of Ellsworth and Garfield,
Dows, 98001323

KANSAS

Shawnee County
Ross Row Houses,
513, 515, 517, 517½, 519, 521 Van
Buren St.,
Topeka, 98001329

MASSACHUSETTS

Suffolk County
Roslindale Baptist Church,
52 Cummins Hwy.,
Boston, 98001330
Worcester County
Warren, Jonah, House,
64 Warren St.,
Westborough, 98001331

MISSISSIPPI

Bolivar County
Downtown Cleveland Historic
District,
Roughly bounded by, Bolivar Ave., 1
blk. N of First St., Commerce Ave.,
and Collins St.,

Cleveland, 98001332

Copiah County

Hazlehurst Historic District
(Copiah County MPS)
Roughly bounded by S. Extension,
Georgetown, Gallatin, and
Monticello Sts.,

Hazlehurst, 98001336

Madison County

Canton High School,
3380 N. Liberty St.,
Canton, 98001334

Marion County

Lampton—Thompson—Bourne
House,

423 Church St.,
Columbia, 98001335

Prentiss County

Downtown Booneville Historic
District,

Roughly bounded by Church, College,
Court, First, Hotel, Main, Market
and Mill Sts.,

Booneville, 98001337

Winston County

Legion State Park
(State Parks in Mississippi built by
the CCC MPS)
635 Legion State Park Rd.,
Louisville, 98001333

MONTANA

Blaine County
Scherlie, Anna, Homestead Shack,
MT 241, S. of the Canadian border,
Turner vicinity, 98001338
Broadwater County

St. Joseph's Catholic Mission Church,
3497 MT 284,
Townsend vicinity, 98001339
Gallatin County
Airway Radio Station,
Pogreba Field—Three Forks Airport,
Three Forks vicinity, 98001340

NEW YORK

Herkimer County
Bowen, Benjamin, House,
7482 Main St.,
Newport, 98001342
Orange County
Clark, Hulet, Farmstead,
207 S. Plank Rd.,
Westtown, 98001343

NORTH DAKOTA

Cavalier County
Roxy Theatre,
714 Third St.,
Langdon vicinity, 98001341

TEXAS

Harris County
Sessums—James House,
3802 Spencer,
Houston, 98001344
Lavaca County
Baker House,
211 Pecan St.,
Yoakum, 98001345

[FR Doc. 98-28119 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation,
Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions that are new, modified, discontinued, or completed since the last publication of this notice on July 27, 1998. The January 27, 1998, (63 FR 3913), notice should be used as a reference point to identify changes. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as

appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Alonzo Knapp, Manager, Reclamation Law, Contracts, and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225-0007; telephone 303-445-2889.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Revised Public Participation Procedures" for water resource-related contract negotiations, published in 47 FR 7763, Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 1998. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those

parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(BCP) Boulder Canyon Project
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(CRSP) Colorado River Storage Project
(D&MC) Drainage and Minor Construction
(FR) Federal Register
(IDD) Irrigation and Drainage District
(ID) Irrigation District
(M&I) Municipal and Industrial
(O&M) Operation and Maintenance
(P-SMBP) Pick-Sloan Missouri Basin Program
(R&B) Rehabilitation and Betterment
(PPR) Present Perfected Right
(RRA) Reclamation Reform Act
(NEPA) National Environmental Policy Act
(SOD) Safety of Dams
(SRPA) Small Reclamation Projects Act

(WCUA) Water Conservation and Utilization Act
(WD) Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Boise, Idaho 83706-1234, telephone 208-378-5346. Completed contract actions:

10. Lewiston Orchards ID, Lewiston Orchards Project, Idaho: Repayment contract for reimbursable cost of dam safety repairs to Reservoir "A." Contract was executed September 29, 1998.

Discontinued contract actions:

6. Douglas County, Milltown Hill Project, Oregon: SRPA loan repayment contract; proposed combination loan and grant obligation of approximately \$31 million. Douglas County Commissioners have tabled the project due to environmental considerations.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825-1898, telephone 916-979-2401.

New contract actions:

31. Solano County Water Agency and Solano ID, Solano Project, California: Contract to transfer responsibility for O&M of Monticello Dam, Putah Diversion Dam, Putah South Canal, Headworks of Putah South Canal, and Parshall Flume at Milepost 0.18 of Putah South Canal to Solano ID and provide that the Solano County Water Agency shall provide the funds necessary for O&M of the facilities.

32. Tuolumne Utility District (formerly Tuolumne Regional WD), CVP, California: Water service contract for up to 9,000 acre-feet from New Melones Reservoir.

33. Reno, Sparks, Washoe County, State of Nevada, State of California, Town of Fernley, Nevada, Truckee-Carson ID, and any other local interest or Native-American Tribal interest, who may have negotiated rights under Public Law 101-618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101-618 and consistent with the terms and conditions of the proposed Truckee River Operating Agreement.

Modified contract actions:

8. Sutter Extension WD, Biggs-West Gridley WD, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102-575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands.

23. Sierra Pacific Power Company and Washoe County Water Conservation

District, Washoe and Truckee Storage Projects, Nevada and California:

Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Pub. L. 101-618 and consistent with the terms and conditions of the proposed Truckee River Operating Agreement.

Completed contract actions:

8. Sutter Extension WD, Biggs-West Gridley WD, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Pub. L. 102-575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands. Two agreements with Glenn-Colusa ID executed on September 30, 1998 (no. 1425-98-FC-20-17630 for construction improvements to Glenn-Colusa ID's facilities and no. 1425-98-FC-20-17620 for a 50-year wheeling agreement).

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006-1470, telephone 702-293-8536.

New contract actions:

57. McMicken ID, CAP, Arizona: Assignment of 486 acre-feet of M&I water to the City of Peoria.

58. ASARCO INC., CAP, Arizona: Amendment to extend deadline for giving Notice of Termination on exchange subcontract.

59. BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving Notice of Termination on exchange subcontract.

60. Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving Notice of Termination on exchange subcontract.

61. San Carlos-Apache Tribe, CAP, Arizona: Agreement among the United States, San Carlos-Apache Tribe, Salt River Project Agricultural Improvement and Power District, and Salt River Valley Water Users' Association for exchange of up to 14,000 acre-feet of Black River Water for CAP water.

62. San Carlos-Apache Tribe, CAP, Arizona: Agreement among the United States, San Carlos-Apache Tribe, and Phelps Dodge Corporation for the lease of Black River water.

63. San Carlos Apache Tribe, CAP, Arizona: Amendatory contract to increase the Tribe's CAP water entitlement pursuant to the San Carlos Apache Tribe Water Rights Settlement Act.

64. United States, BCP, California/Arizona: Contracts to store water from the Colorado River and other sources for future Federal purposes.

Modified contract actions:

4. Brooke Water Co., Havasu Water Co., City of Quartzsite, and Arizona State Land Department, BCP, Arizona: Contracts for additional M&I allocations of Colorado River water to entities located along the Colorado River in Arizona for up to 2,657 acre-feet per year as recommended by the Arizona Department of Water Resources.

Completed contract actions:

4. McAllister Subdivision, BCP, Arizona: Contract for additional M&I allocation of Colorado River water for 40 acre-feet per year.

11. Windsor Beach State Park, Lake Havasu City, BCP, Arizona: Contract for 90 acre-feet entitlement to Colorado River domestic water.

20. Gila River Indian Community, CAP, Arizona: Master repayment/O&M contract for the CAP-funded distribution system to serve up to approximately 77,000 acres of land.

45. Arizona State Lands, CAP, Arizona: Assignment of 3,900 acre-feet of CAP water to the City of Scottsdale.

46. Town of Youngstown, CAP, Arizona: Assignment of 380 acre-feet of CAP water to Sun City Water Co.

47. Sun City Water Co., CAP, Arizona: Assignment of 9,654 acre-feet to Citizens Utilities, Aqua Fria Division.

49. City of Scottsdale, CAP, Arizona: Assignment of 3,232 acre-feet of CAP water annually from Cottonwood Water Works, Inc., and Camp Verde Water System, Inc.

52. City of Tucson, CAP, Arizona: Assignment of 9,500 acre-feet of M&I water to First Trust of Arizona.

53. First Trust of Arizona, CAP, Arizona: Partial assignment of 8,852 acre-feet of M&I water to Metropolitan Domestic Water Improvement District.

54. First Trust of Arizona, CAP, Arizona: Partial assignment of 642 acre-feet of M&I water to Oro Valley.

55. Camp Verde Water System, CAP, Arizona: Assignment of 1,443 acre-feet of M&I water to the City of Scottsdale.

56. Cottonwood Water Works, Inc., CAP, Arizona: Assignment of 1,789 acre-feet of M&I water to the City of Scottsdale.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138-1102, telephone 801-524-4419.

New contract actions:

1(i) Harrison F. Russell and Patricia E. Russell, Aspinall Unit, CRSP, Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 97CW39, Water Division Court No. 4, State of Colorado, to provide for single-family residential well, including home, lawn, and noncommercial livestock watering.

1(j) Frank M. Colman, Karen Edstrom, William and Lorena Gunn, Emily

Vernon, and Williams E. Williams, Aspinall Unit, CRSP, Colorado: Contract for 3 acre-feet to support augmentation plans, Water Division Court No. 4, State of Colorado, to provide for single-family residential use, irrigation, fire protection, and livestock watering.

Completed contract actions:

1(c) East Alum Creek Ranch Corporation, Aspinall Unit, CRSP, Colorado: Contract for 23 acre-feet to support an augmentation plan, Case No. 97CW198, Water Division Court No. 4, State of Colorado, to provide East Alum Creek Ranch Subdivision with domestic, lawn irrigation, pond evaporation, and livestock water.

1(d) Horizon Ranch Corporation, Aspinall Unit, CRSP, Colorado: Contract for 4 acre-feet to support an augmentation plan, Case No. 97CW201, Water Division Court No. 4, State of Colorado, to provide Horizon Ranch with domestic, lawn irrigation, pond evaporation, and livestock water.

1(g) TransColorado Gas Transmission Company, Aspinall Unit, CRSP, Colorado: One-year contract for 15 acre-feet of water to be used for hydrostatic testing of a natural gas pipeline and dust abatement in construction area.

25. Robbins Ranches, Mancos Project, Colorado: Long-term contract for the carriage of 2.5 cfs of water for irrigation purposes under the authority of the Warren Act of 1911.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107-6900, telephone 406-247-7730.

New contract actions:

34. Canadian River Project, Texas: Contract to allow correction of groundwater source to project pipeline. Pending NEPA completion and Regional Director signature.

35. Savage ID, P-SMBP: Contract with district has expired. Preparing an interim contract to continue district operations until a long-term contract can be negotiated.

Modified contract actions:

14. Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities. Negotiations are pending.

15. Fort Shaw and Greenfields IDs, Sun River Project, Montana: Contract for SOD costs for repairs to Willow Creek Dam. Greenfields ID has signed a 1-year repayment contract for its share of the SOD costs. The basis of negotiation is in the process of being revised to extend the repayment term.

Completed contract actions:

30. Fryingpan-Arkansas Project, Colorado: Repayment contract with Southeastern Colorado Water

Conservancy District for repayment of cost of SOD modifications to Pueblo Dam.

Dated: October 13, 1998.

Wayne O. Deason,

Deputy Director, Program Analysis Office.

[FR Doc. 98-28030 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-94-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Arrowrock Dam Outlet Works Rehabilitation, Boise, ID

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) intends to prepare an environmental impact statement (EIS) for the proposed rehabilitation of the outlet works at Arrowrock Dam on the Boise River near Boise, Idaho. The purpose of the proposed rehabilitation is to reduce the maintenance requirements of the existing outlet works, which are past their useful life, while meeting the operational needs of the dam for irrigation and flood control. The current proposal is to remove some of the existing outlet works and install 10 clamshell gates. This work will require operational changes during construction, including prolonged drawdown of Arrowrock Reservoir.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Dunn, telephone (208) 334-9844.

ADDRESSES: Bureau of Reclamation, Snake River Area Office, 214 Broadway Avenue, Boise, Idaho 83702.

SUPPLEMENTARY INFORMATION: Arrowrock Dam is located on the Boise River, about 13 miles east of Boise, Idaho. Reclamation completed construction of the dam in 1915, and at that time it was the highest dam in the world. The downstream face of the dam was resurfaced and the height was increased by 5 feet in 1937.

Arrowrock Dam is one of three instream storage dams on the Boise River. Anderson Ranch Dam is located upstream of Arrowrock Dam on the South Fork Boise River, and Lucky Peak Dam, constructed by the U.S. Army Corps of Engineers, is located on the Boise River downstream of Arrowrock and impounds water up against Arrowrock Dam when full. Arrowrock

Reservoir is operated for irrigation and flood control in combination with Anderson Ranch and Lucky Peak Reservoirs. In general, water is stored in Arrowrock Reservoir during the winter and spring according to predicted runoff and flood control requirements. Beginning in April water is released for irrigation from Arrowrock and Anderson Ranch Dams until early September when Lucky Peak Reservoir is drafted to meet irrigation demands. Lucky Peak water elevation is kept high through most of the summer for recreation.

The ensign valves controlling releases from Arrowrock Dam are the original valves installed in 1915. These valves have reached the end of their useful life, resulting in complex operational and maintenance concerns. Most of the valves have been damaged through prolonged use, and there is an increasing need for frequent inspection and repair. Three of the 10 ensign valves in the lower bank are no longer usable.

In order to ensure against malfunctioning valves, inspection and maintenance should be performed about every 5 years, which requires the reservoir level to be below the outlets. Under normal operations the upper row of ensign valves are out of the water by the end of summer and easily accessed. However, in order to dewater the lower bank of valves, the sluice gates must be used. There is some concern about use of the sluice gates since they too are over 80 years old and are in need of repair. If one of the sluice gates were to stick open, uncontrolled releases from Arrowrock would occur which could empty the reservoir.

The existing ensign valves also limit Arrowrock Dam's operational flexibility. The lower bank of ensign valves cannot be used under high water pressure when the reservoir is full. This reduces the dam's capability to release water for flood control operations in years with high runoff.

Reclamation has developed a proposal to replace the 10 lower ensign valves with "clamshell gates." The clamshell gates would allow releases at any reservoir level, providing more operational flexibility. The remaining upper row of 10 ensign valves and the sluice gates could be abandoned which would significantly reduce maintenance. The clamshell gates would be designed to allow inspection and maintenance without dewatering.

Reclamation has studied several other engineering alternatives to the proposal which involve different configurations of outlet control structures and rehabilitating the existing outlet works. Reclamation will also study operational

alternatives to be implemented during the construction phase. Other alternatives to the proposal may be developed through the public scoping process. It is expected that the presence of threatened bull trout in Arrowrock Reservoir and the requirements of the Endangered Species Act may also influence the range of alternatives. All reasonable alternatives which meet the purpose and need for the project will be evaluated in the EIS.

Federal, state and local agencies, tribes, and the general public are invited to participate in the EIS process. Scoping meetings to obtain input about concerns and issues associated with this proposal will be held but are not yet scheduled. Notification of meeting dates will be provided in a **Federal Register** notice, as well as through local media.

Anyone interested in more information concerning the EIS or who has information that may be useful in identifying significant environmental issues, should contact Mr. Dunn at the telephone number or address indicated above.

Dated: October 14, 1998.

Steven R. Clark,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 98-28031 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-94-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-776-779 (Final)]

Certain Preserved Mushrooms From Chile, China, India, and Indonesia; Notice of Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of respondents Nature's Farm Products, Inc. and Nature's Farm Products (Chile) S.A. (collectively "NFP"), the Commission has determined to conduct a portion of its hearing in the above-captioned investigations scheduled for October 15, 1998, in camera. See Commission rules 207.23(d), 201.13(m) and 201.35(b)(3) (19 CFR §§ 207.23(d), 201.13(m) and 201.35(b)(3)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT:

Marc A. Bernstein, Office of General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3087, e-mail mbernstein@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission believes that NFP has justified the need for a closed session. NFP seeks a closed session to provide a full discussion of NFP's relationships with its customers' and these customers' specific buying habits. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held in camera. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioners and by respondents, with questions from the Commission. In addition, the hearing will include an in camera session for a confidential presentation by respondents and for questions from the Commission relating to the BPI, followed by an in camera rebuttal presentation by petitioners. For any in camera session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR § 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the in camera session will be taken from their respective overall allotments for the hearing. All persons planning to attend the in camera portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Certain Preserved Mushrooms from Chile, China, India, and Indonesia, Inv. Nos. 731-TA-776-779 (Final), may be closed to the public to prevent the disclosure of BPI.

By order of the Commission.

Issued: October 14, 1998.

Donna R. Koehnke,
Secretary.

[FR Doc. 98-28072 Filed 10-19-98; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-111 (Review)]

Roller Chain From Japan; Antidumping Duty Order

AGENCY: International Trade Commission.

ACTION: Notice of Commission decision to conduct a full five-year review concerning the antidumping duty order on roller chain from Japan.

SUMMARY: On October 8, 1998, the Commission determined that a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) should proceed in the subject five-year review. The Commission ruled that interested party responses to the notice of institution (63 F.R. 36440, July 6, 1998) are adequate.¹ Accordingly, the Commission hereby gives notice of a full review to determine whether revocation of the antidumping duty order on roller chain from Japan would be likely to lead to continuation or recurrence of material injury. A schedule for the review will be established and announced at a later date.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at <http://www.usitc.gov/rules.htm>.

EFFECTIVE DATE: October 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Debra Baker (202-205-3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

¹ A record of the Commissioners' votes is available from the Office of the Secretary.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 9, 1998.

Donna R. Koehnke,
Secretary.

[FR Doc. 98-28073 Filed 10-19-98; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****Agency Information Collection****Activities: Approval of Information Collection**

ACTION: Paperwork Reduction Act Approval Notice; Screening Requirements of Carriers.

In accordance with the preamble to the final rule published in the **Federal Register** on April 30, 1998, at 63 FR 23643, the Immigration and Naturalization Service (INS) is issuing this notice to let the public know that the Office of Management and Budget (OMB) has approved the information collection requirement which allows carriers whose performance level (PL) is not better than the acceptable performance level (APL), to submit evidence to the INS so that they may receive fine reductions if certain conditions are met. Written evidence shall be submitted to the Assistant Commissioner for Inspections. Evidence may also be submitted electronically to: "Una. F. Brien@usdoj.gov".

The OMB approval number for this collection is 1115-0223.

Dated: October 13, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98-28026 Filed 10-19-98; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-153]

**NASA Advisory Council (NAC),
Aeronautics and Space Transportation
Technology Advisory Committee
(ASTTAC); Rotorcraft Subcommittee;
Meeting**

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Rotorcraft Subcommittee meeting.

DATES: Tuesday, December 1, 1998, 8:00 a.m. to 5:00 p.m., Wednesday, December 2, 1998, 8:00 a.m. to 5:00 p.m. and Thursday, December 3, 1998, 8:00 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, Lewis Research Center, Ohio Aerospace Institute, Room 2B205, Cleveland, OH.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Giffin, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650-604-2752.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda highlights for the meeting are as follows:

- Rotorcraft Program Overview
- Design for Efficient and Affordable Rotorcraft (DEAR)
- Safe all Weather Flight Operations for Rotorcraft (SAFOR)
- Select Integrated Low Noise Technology (SILNT)
- Fast Response Industry Assistance Request
- Health and Utilization and Monitoring Systems (HUMS)
- Short Haul Civil Tiltrotor (SHCT)

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: October 14, 1998.

Matthew M. Crouch,
*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 98-28076 Filed 10-19-1998; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-152]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS) Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Monday, November 9, 1998, 8:30 a.m. to 5:00 p.m.; and Tuesday, November 10, 1998, 8:30 a.m. to 5:00 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC 7, 300 E Street, SW, Washington, DC 20546

FOR FURTHER INFORMATION CONTACT: Dr. Harley Thronson, Code SR, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0362.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- ORIGINS Programmatic Update
- SIRTf Project Response
- SOFIA Status
- OSS "Grand Themes"
- Reports From Other Themes
- Status of Re-engineered Grants Program

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 13, 1998.

Matthew M. Crouch,
*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 98-28075 Filed 10-19-98; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-151]

Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Weider Nutrition International, of Salt Lake City Utah has applied for an exclusive patent license to practice the invention described and claimed in NASA Case No. ARC-11943-2GE, entitled "Hard-Ion Hydration Beverage," 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 Ames Research Center.

DATES: Responses to this notice must be received by December 21, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Dal Bon, Patent Counsel, NASA Ames Research Center, Mail Stop 202A-3, Moffett Field, CA 94035-1000, telephone (650) 604-5104.

Dated: October 14, 1998.

Edward A. Frankle,
General Counsel.

[FR Doc. 98-28074 Filed 10-19-98; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, October 22, 1998.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from a Credit Union to Convert Insurance.
 2. Request from a Federal Credit Union to Merge and Convert Insurance.
 3. Request from a Corporate Federal Credit Union for a National Field of Membership (FOM) Amendment.
 4. National Credit Union Share Insurance Fund (NCUSIF) Dividend for 1998 & NCUSIF Insurance Premium for 1999.
 5. Corporate Operating Fees.
 6. Advance Notice of Proposed Rulemaking: Part 701, NCUA's Rules & Regulations, Prompt Corrective Action.
 7. Proposed Rule: Amendment to Part 701, NCUA's Rules and Regulations, Statutory Liens.
 8. Proposed Rule: Amendment to Part 701, NCUA's Rules and Regulations, Authority of Federal Credit Unions to Make Charitable Donations.
 9. Proposed Rule: Amendment to Part 714, NCUA's Rules and Regulations, Permissible Leasing Activities for Federal Credit Unions.
 10. Proposed Rule: Amendment to Section 701.14(d)(1), NCUA's Rules and Regulations, Change in Credit Union Officials or Senior Staff.
 11. Proposed Rule: Amendment to Part 711, NCUA's Rules and Regulations, Management Official Interlocks.
- RECESS:** 11:15 a.m.
- TIME AND DATE:** 11:30 a.m., Thursday, October 22, 1998.
- PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.
- STATUS:** Closed.

MATTERS TO BE CONSIDERED:

1. Proposed Federal Credit Union Examination Program. Closed pursuant to exemptions (8) and (9)(B).
2. Corporate Credit Union Risk Rating System (CCURRS). Closed pursuant to exemption (8).
3. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (7), and (10).
4. Personnel Action. Closed pursuant to exemption (2).
5. Four (4) Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT:

Becky Baker, Secretary of the Board, Telephone (703) 518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 98-28178 Filed 10-16-98; 11:12 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power and Light Company; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 179 to Facility Operating License No. NPF-14 and Amendment No. 152 to Facility Operating License No. NPF-22 issued to Pennsylvania Power and Light Company (the licensee), which revised the Facility Operating Licenses for operation of the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania. The amendments are effective as of date of issuance.

The amendments authorize changes to the Final Safety Analysis Report to incorporate the increases in the main steam line radiation monitor setpoint and allowable values and the change to the design basis of the offgas system to a detonation resistant design.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

A notice was published in the **Federal Register** on May 20, 1998 (63 FR 27764). No request for a hearing or petition for

leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (63 FR 54738).

For further details with respect to the action see (1) the application for amendment dated March 16, 1998, as supplemented by letters dated May 22, August 10, and September 17, 1998, and also by letter dated February 9, 1998, (2) Amendment No. 179 to License No. NPF-14 and Amendment No. 152 to License No. NPF-22, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 13th day of October 1998.

For the Nuclear Regulatory Commission.

Victor Nerses,

Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98-28067 Filed 10-19-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**Sunshine Act Meeting**

DATE: Weeks of October 19, 26, November 2, and 9, 1998

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland

STATUS: Public and Closed

MATTERS TO BE CONSIDERED:

Week of October 19

Friday, October 23

11:45 a.m.—Affirmation Session (Public Meeting), a: Northeast Nuclear Energy Company, (Millstone Nuclear Power Station, Unit No. 3), Docket No. 50-423-LA-2 Memorandum and Order (Resolving Standing Issue), LBP-98-22 (Sept. 2, 1998), (Tentative) (Contact: Ken Hart, 301-415-1659)

Week of October 26—Tentative

Wednesday, October 28

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

Week of November 2—Tentative

Monday, November 2

2 p.m.—Briefing on Improvements to the Plant Assessment Process (Public Meeting)

3:30 p.m.—Affirmation Session (Public Meeting) (if needed)

Week of November 9—Tentative

Thursday, November 12

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

Friday, November 13

9 a.m.—Meeting on NRC Response to Stakeholders' Concerns (Public Meeting) (Contact: Bill Hill, 301-415-1661/1969)

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording). (301) 415-1292. Contact person for more information: Bill Hill (301) 415-1661.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: October 16, 1998.

William M. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary.

[FR Doc. 98-28224 Filed 10-16-98; 2:36 pm]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION**Sunshine Act Meetings**

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: 10:00 a.m., October 29, 1998.

PLACE: Commission Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268-0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel Issues.

CONTACT PERSON FOR MORE INFORMATION:
Stephen L. Sharfman, General Counsel,
Postal Rate Commission, Suite 300,
1333 H Street, NW, Washington, DC
20268-0001, (202) 789-6840.

Dated: October 16, 1998.

Margaret P. Crenshaw,
Secretary.

[FR Doc. 98-28225 Filed 10-16-98; 2:33 pm]

BILLING CODE 7710-FW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40547; File No. SR-OPRA-98-1]

Options Price Reporting Authority; Notice of Filing of Amendment to OPRA Plan Adopting a New Rider to OPRA's Vendor Agreement To Permit Vendors To Utilize Electronic Contracts

October 13, 1998.

Pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Exchange Act"),¹ notice is hereby given that on September 18, 1998, the Options Price Reporting Authority ("OPRA")² submitted to the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("Plan"). The amendment adds a new Electronic Contract Rider ("Rider") to OPRA's Vendor Agreement that would permit OPRA's vendors to utilize electronic contracts with certain categories of Internet or other on-line customers in satisfaction of the requirement of the Vendor Agreement for written agreements between vendors and their customers. The Commission is publishing this notice to solicit comments from interested persons on the proposed Plan amendment.

I. Description and Purpose of the Amendment

The purpose of the amendment is to allow OPRA vendors who wish to offer Internet or other on-line access to

options market information to Nonprofessional Subscribers or PC Dial-Up customers to make use of electronic contracts in satisfaction of the requirement of the Vendor Agreement that there be written agreements between OPRA's Vendors and those categories of customers. This amendment is proposed in response to requests from an increasing number of OPRA vendors (including some whose activities as vendors are in support of their primary function as electronic brokers) to be able to conduct all of their business with customers electronically, including contract administration.

The Rider imposes conditions on the use of these electronic contracts by vendors. As a threshold matter, a vendor is permitted to use these electronic contracts only if the vendor's other agreements with its customers may be entered into electronically. In addition, the vendor is required to submit for OPRA's approval an "Attachment A" that describes the procedures and systems the vendor intends to utilize in administering its electronic contracts. The Rider requires vendors to use the forms of electronic contracts (one for Nonprofessional Subscribers and one for Dial-Up Customers), except that vendors are permitted to use their own forms of electronic contracts for Dial-Up Customers, subject to the approval of OPRA. In this respect the Rider is comparable to the existing Vendor Agreement, which requires the use of a specified form of written Nonprofessional Subscriber Agreement and requires OPRA's approval of each form of Dial-Up Agreement.

The Rider imposes certain requirements on vendors concerning the manner in which they present electronic contracts to their customers and how customers indicate their assent to these contracts. These requirements are intended to assure that customers are given an opportunity to read the full text of each contract before they are asked to assent to it, and that procedures are in place to verify the identity of the customers who enter into agreements electronically and to confirm the terms of the electronic contracts to which they have agreed. Vendors are required to maintain detailed records of all electronic contracts entered into, and to make such records available for OPRA's inspection. Finally, each time a customer accesses the Options Information Service, the vendor must give the customer notice concerning the electronic contract and must make the text of that contract available for the customer's review. All of the above requirements are related to the dictates of current law or proposed

legislation governing electronic contracts.

Vendors are also required to indemnify OPRA against loss in the event electronic contracts are held to be invalid or unenforceable by reason of their having been entered into or administered electronically. Because the law on electronic contracts is still developing, OPRA believes it is reasonable to ask those vendors who wish to use electronic contracts to assume any risk that such contracts may be found to be unenforceable or invalid.

The Rider also provides OPRA with the right to modify or terminate the electronic contracts in the event of changes in the law or industry practice concerning electronic contracts or if OPRA determines that the required electronic contracts are likely to be held unenforceable or invalid for any reason. In light of the continuing evolution of the law of electronic contracts, OPRA should be able to amend or withdraw permission to use electronic contracts if such contracts are likely to be held invalid or unenforceable or are otherwise found to be deficient.

II. Implementation of the Plan Amendment

The proposed amendment is reflected in a Rider to the Vendor Agreement that will be made available to vendors who wish to utilize electronic contracts, subject to the Commission's approval of this filing.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Plan amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, and 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 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 the filing also will be available at the principal offices of OPRA. All submissions should refer to file number SR-OPRA-98-1 and should be submitted by November 10, 1998.

¹ 17 CFR 240.11Aa3-2.

² OPRA is a National Market System Plan approved by the Commission pursuant to Section 11A of the Exchange Act and Rule 11Aa3-2 thereunder. See Securities Exchange Act Release No. 17638 (Mar. 18, 1981).

The Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the member exchanges. The five exchanges which agreed to the OPRA Plan are the American Stock Exchange ("AMEX"), the Chicago Board Options Exchange ("CBOE"); the New York Stock Exchange ("NYSE"); the Pacific Exchange ("PCX"); and the Philadelphia Stock Exchange ("Phlx").

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-28000 Filed 10-19-98; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40537; File No. SR-Amex-98-12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Trading of Differential Index Options

October 8, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 5, 1998, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Exchange filed with the Commission amendments to the proposed rule change on April 21, 1998,³ and September 3, 1998.⁴ The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Amex proposes to trade Differential Index Options, a new type of standardized index option whose value at expiration is based on the relative performance of either a designated index versus a benchmark index, a designated stock versus a benchmark index or a designated stock versus a benchmark stock.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

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 and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to trade a new type of standardized index option, the Differential Index Option, which will offer new investment and hedging opportunities. Differential Index Options will have a value at expiration based on an index, called the "differential index," of the relative performance of a designated index versus a benchmark index over a

specific time period ("Index Differential Option"); of a designated stock versus a benchmark index over a specific time period ("Equity Differential Option"); or of a designated stock versus a benchmark stock ("Paired Stock Differential Option") over a specific time period. If the percent gain in the level of the designated index or stock during the period is greater than the percent gain in the underlying benchmark index or stock, then a Differential Put Option originally struck at the money will have a positive value at expiration and a Differential Put Option originally struck at the money will expire worthless. If the percentage gain in the level of the designated index or stock during the period is less than the percent gain in the underlying benchmark, then a Differential Put Option originally struck at the money will have a positive value at expiration and a Differential Call Option originally struck at the money will expire worthless. Thus, a Differential Index Option affords an investor the opportunity, through a single investment, to participate in the relative outperformance of a designated index or stock versus a benchmark index or stock (a Differential Call Option) or the relative underperformance of a designated index or stock versus a benchmark index or stock (a Differential Put Option) over the life of the option, regardless of the absolute performance of the designated index or stock.

For example, an investor may feel that pharmaceutical companies will outperform the broader market over the next several months, but is unsure whether the overall market will move higher or lower. If the investor were to buy an at-the-money standardized Pharmaceutical Index ("DRG") call option and the Index declined, the option would expire worthless even if the Index declined by a much smaller percentage than the overall market. On the other hand, if the investor were to purchase an at-the-money Index Differential Call Option on the relative performance of the Pharmaceutical Index versus the Standard & Poor's 500 Stock Index ("S&P 500"), a benchmark measure of large capitalization stock broad market performance, and DRG declined by a smaller percentage than the S&P 500, the Index Differential Call Option would have a positive value at expiration. Conversely, an investor who believes that DRG will underperform the S&P 500 may purchase at-the-money Index Differential Put Options, perhaps to hedge a portfolio of pharmaceutical stocks against such market underperformance. If DRG

³ 17 CFR 200.30-3(a)(29).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Letter to Michael Walinskas, Division of Market Regulation, Commission, from Claire P. McGrath, Amex, dated April 20, 1998 ("Amendment No. 1"). Amendment No. 1 amends the portion of the proposal that refers to settlement values for Differential Index Options where the designated or benchmark security is traded through the Nasdaq system. Amendment No. 1 provides that the price of a Nasdaq security used in determining the settlement value of a Differential Index Option will be equal to the first reported regular-way sale that occurs after the best bid and best offer for that security are unlocked and uncrossed and is greater than or equal to the best bid and less than or equal to the best offer at the time of the reported sale. For designated and benchmark indices, the settlement value of the Differential Index Option will continue to be used on the settlement value for standardized options on the index. Amendment No. 1 also indicates the Exchange's intent to trade flexible exchange-traded options on Differential Index options.

⁴ See Letter to Richard Strasser, Division of Market Regulation, Commission, from Claire P. McGrath, Amex, dated September 2, 1998 ("Amendment No. 2"). Amendment No. 2 provides information as to what the Exchange will do to make adjustments in value for differential index options contracts when certain corporate events take place in the case of Equity Differential and Paired Stock Differential options, or when significant action has been taken by the publisher of an index in the case of Index Differential options. Amendment No. 2 also clarifies that Differential Index options will open for trading at 10:00 a.m.

Furthermore, Amendment No. 2 states that transactions may be effected until 4:15 p.m. for Index Differential options where both the designated and benchmark indexes are broad stock index groups, unless the Board of Governors has established different hours of trading for certain Differential Index options. Amendment No. 2 also provides that, in consultation with the Commission, the Exchange will establish the appropriate option position limit for a Differential Index option, where the Exchange chooses as either a designated or benchmark index, a broad-based index that has been approved by the Commission for index warrant trading only. The position limit for a differential option using a narrow-based index warrant will be established using Amex's narrow-based index option rules. Amendment No. 2 also clarifies that the restrictions of Amex Rule 909I(b) will apply to designated or benchmark stock in Equity Differential or Paired Stock Differential options. Lastly, Amendment No. 2 provides the proposed rule language allowing for flexible exchange-traded options to be traded on Differential Index options.

underperforms the S&P 500, the Index Differential Put Options will have a positive value at expiration, regardless of whether the DRG index level itself has increased or decreased on an absolute basis.

a. *Differential Calculation.* The underlying security for a Differential Index Option is an index (called the "differential index") of the performance of the designated stock or index relative to the benchmark stock or index. The differential index is calculated as follows: on December 31 of each year, prior to the listing of a Differential Index Option series, base reference prices are established for the designated index or stock and the benchmark index or stock (typically, the closing levels on a designated business day). Thereafter, percent changes from the base values of both the designated index or stock and the benchmark index or stock are continuously calculated and the percent change in the benchmark is subtracted from the percent change in the designated index or stock, providing a positive number if the designated index or stock has either out-gained or suffered a lesser percentage decline than the benchmark, and a negative number if the benchmark has out-gained the designated index or stock or suffered a lesser percent loss.

The percentage differential in the relative gain or loss is then multiplied by 100 and added to a fixed base index value (typically 100) to yield the differential index which will underlie the Differential Index Options:

$$D_t = ((I_t/I_0) - (B_t/B_0)) \times 100 + F$$

Where:

D=differential index

I=designated index or security;

B=benchmark index or security;

t=current or settlement value of index or security;

0=base reference value of index or security;

F=a fixed base index value, typically 100.

Thus, if the designated index or security has outperformed the benchmark by 7%, and the fixed value, F, is set at 100, the differential index value will be 107; if it has underperformed by 7%, the differential index value would be 93. The base reference values will remain in effect for a predetermined, fixed period (expected to be between six months and two years). Similar to other index values published by the Exchange, the value of each differential index will be calculated continuously and disseminated under separate symbol every 15 seconds over the Consolidated Tape Association's Network B.

b. *Designated Indexes, Designated Stocks, Benchmark Indexes and Benchmark Stocks.* Only stocks which meet the current Exchange Rules for listing standardized equity options will be eligible designated stocks in Equity Differential Options. Only stocks which meet the current Exchange Rules for listing standardized equity options will be eligible designated stocks or benchmark stocks in Paired Stock Differential Options. In this way, only the most liquid, actively traded stocks will be considered.

Similarly, only indexes which meet the current Exchange Rules for listing standardized index options and have been approved for options or warrant trading by the Commission will be eligible for designation either as designated indexes or benchmark indexes in Equity and Index Differential Options. In this way, only those indexes already deemed by the Commission to be suitable for options trading will be considered.

c. *Expiration and Settlement.* The proposed Differential Index Options will be European style (i.e., exercises permitted at expiration only), and cash settled. Index Differential Options in which both the designated or benchmark indexes are broad-based will trade between the hours of 10:00 a.m. and 4:15 p.m., New York time.⁵ All other Differential Index Options will trade between 10:00 a.m. and 4:02 p.m., New York time. Differential Index Options will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). The last trading day in an expiring option series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday). Trading in expiring options will cease at the close of trading on the last trading day.

While the Exchange seeks approval to list series of Differential Index Options as set forth in Rule 9031(a)(i), (ii) and (iii), it is anticipated that the Exchange will initially list only five series with expirations corresponding to the four calendar months in the March cycle in the current calendar year, and a fifth series expiring in March of the following calendar year.

The exercise settlement value for Differential Index Options will be calculated based on the respective exercise settlement values for standardized options on each of the designated and benchmark indexes expiring on the same day. The exercise settlement value for Equity Differential

Options will be calculated based on the primary exchange regular-way opening sale price of the designated stock, or, if the stock is traded through the Nasdaq system, the first reported regular-way sale that occurs after the best bid and best offer for that security are unlocked and uncrossed and is greater than or equal to the best bid and less than or equal to the best offer at the time of the reported sale,⁶ and the exercise settlement value for standardized options on the benchmark index expiring on the same day. The exercise settlement value for Paired Stock Differential Options will be calculated based on the primary exchange regular-way opening sale prices of the designated and benchmark stocks, or, if the stock is traded through the Nasdaq system, the first reported regular-way sale that occurs after the best bid and best offer for that security are unlocked and uncrossed and is greater than or equal to the best bid and less than or equal to the best offer at the time of the reported sale.⁷

d. *Applicable Exchange Rules.* AMEX Rules 900I through 9800I will apply to the trading of Differential Index Option contracts. These Rules cover issues such as surveillance, exercise prices, and position limits. Surveillance procedures currently used to monitor trading in each of the Exchange's options will also be used to monitor trading in Differential Index Options. In addition, Differential Index Options will be subject to the Exchange's sales practice and suitability rules applicable to standardized options.

The Exchange currently intends to create Differential Index Options using, among others, indexes it has licensed from the Standard & Poor's Corporation. Thus, Rule 902I includes in paragraph (c) a limitation of liability for the Standard & Poor's Corporation. If the Exchange enters into license arrangements with other organizations it may amend Rule 902I to include a similar limitation of liability for other organizations.

Differential Index Options are "securities" under Section 3(a)(10) of the Exchange Act, and therefore are exempt pursuant to Section 28(a) of the Exchange Act from any state law that prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of "bucket shops" or other similar or related activities. Differential Index Options will be traded pursuant to the Exchange's rules and rule amendments

⁶ See Amendment No. 1, *supra*, note 3.

⁷ See Amendment No. 1, *supra*, note 3.

⁵ See also Amendment No. 2, *supra*, note 4.

discussed herein, which are subject to prior approval by the Commission.

e. *Position Limits.* The Exchange proposes that the position limits for Index Differential Options be set at the lower of the separate positions limits for standardized index options trading on the designated index and the benchmark index. In the event that one or both of the indexes is not currently the subject of standardized index options trading, but rather has been approved for index warrant trading only, then the Exchange will establish position limits as the lesser of those that would be in effect for standardized options on the indexes if such options were trading.⁸ For Equity Differential Options, the Exchange proposes that the position limits be set at the position limit of standardized equity options trading on the designated stock. In the event that standardized options currently do not trade on the designated stock, then the Exchange will establish a position limit at the level that would be in effect if standardized options did trade on such stock. For Paired Stock Differential Options, the Exchange proposes that the position limits be set at the lower of the separate position limits of standardized equity options trading on the designated and benchmark stocks. In the event that one or both of the stocks is not currently the subject of standardized options trading, then the Exchange will establish positions limits as the lesser of those that would be in effect for standardized options on the stocks if such options were trading.

The Exchange also proposes, for position and exercise limit purposes, to require that positions in Differentials with the same designated or benchmark stock or narrow-based index be aggregated. For example, if a Paired Stock Differential option has been created using Intel Corporation stock as the benchmark and Motorola, Inc. as the designated stock, positions in that differential option will be aggregated for position and exercise limit compliance purposes with positions in other Paired Stock Differentials that use one of these two stocks. Furthermore, Equity Differential options using narrow-based indexes versus either Intel or Motorola

as the benchmark or designated stocks also will be aggregated for position and exercise limit compliance purposes with positions in Paired Stock Differential options using one of those two stocks. However, with respect to the use of board-based indexes as either the benchmark or designated index in an Equity or Index Differential, no aggregation of positions will be required. For example, if Equity Differentials are created using the S&P 500 Index as the benchmark index and Apple Computer, Inc., Philip Morris Companies, Inc. and Telecommunications, Inc. as designated stocks, members will not be required to aggregate positions in those differentials to determine whether an account is in compliance with position and exercise limit rules.

The Exchange further proposes that Differential Index Options not be aggregated with other standardized options on the underlying designated stock or index nor on the underlying benchmark stock or index for purposes of determining whether an account is in compliance with position and exercise limit rules. The Exchange believes this policy is appropriate for the following reasons. First and foremost, the value Differential Index Options will be calculated in a different manner from the value of other currently trading standardized equity and index options. In fact, because of the subtraction of the benchmark from the designated stock or index, the value of a Differential Index Options may appreciate (depreciate) even as the value of the corresponding standardized option on the designated stock or index decreases (increases). Further, the value of a Differential Index Option is in part a function of the correlation between the designated stock or index and the benchmark (*i.e.*, the tendency of the designated stock or index and the benchmark to move currently). This correlation component of the Differential Index Option price is not considered in determining the value of other standardized options on either the designated or benchmark stock or index. As a result, the Differential Index Options is likely to be more or less sensitive to movements in the designated stock or index than the other standardized options on that stock or index, and changes in the Differential Index Option may be in the opposite direction from changes in other standardized options prices. Therefore, any attempt to aggregate Differential Index Options with other standardized options for determination of position limits would be combining contracts

which, by nature, can change in value quite differently.

Differential Index Options also have certain terms not found in many other standard equity and index options. Differential Index Options are cash settled, based on opening prices of the designated stock or index and the benchmark and feature European exercise. Each Differential Index Option contract changes in value as a function of the differential performance of a \$10,000 long position in the designated stock or index and a \$10,000 short position in the benchmark. Many standardized equity options are settled by physical delivery of 100 shares of the underlying stock, worth \$5,000 per contract for a \$50 stock, and feature American exercise. Standardized index options typically feature European exercise, cash settlement and represent approximately \$25,000 worth of a basket of stocks (with the index at the 250 level). Any meaningful aggregation of positions in contracts with different terms would be difficult to established as a simple rule, and would require a case-by-case analysis of the terms for each Differential Index Option contract compared to other standardized contracts on the designated and/or benchmark stock or index.

The Exchange also believes that the aggregation of position limits hinders the probability of success of any new product. The aggregation of positions in Differential Options with positions in standardized options will result in the new product competing with the establishing product for a limited amount of potential volume. Thus, in the Exchange's view, with aggregated position limits, new products cannot "grow the pie" and increase overall liquidity in all the products; they start at a disadvantage which may be impossible to overcome.

f. *Customer Margin.* Since Differential Index Options are similar to other index options, the Exchange proposed to apply standard index options margin treatment to Differential Index Options. Index Differential Options on the relative performance of one broad-based index versus another will be margined as broad-based index options and short positions therein will require margin equal to the current market value of the Differential Index Options plus an amount equal to 15% of the market value of the Differential Index reduced by any out of the money amount to a minimum of the current market value of the option plus 10% of the Index. All other Index Differential Options, Equity Differential Options and Paired Stock Differential Options will be margined as narrow-based index options and short

⁸ In the event that one or both of the indexes is the subject of index warrant trading only, the position limit for a differential option using a narrow-based index warrant will be established using Amex's narrow-based index option rules. See Amex Rule 904C(c). The Exchange will consult with the Commission to establish a position limit for a differential option using a broad-based index warrant. Telephone call between Claire P. McGrath, Vice President and Special Counsel, Amex, and Christine Richardson, Attorney, Commission, September 29, 1998. See also Amendment No. 2, *supra*, note 4.

positions therein will require an amount equal to the current market value of the Differential Index Option plus an amount equal to 20% of the market value of the Differential Index reduced by any out of the money amount to a minimum of the current market price of the options plus 10% of the Index.

The Exchange believes that this method of determining customer margin is appropriate since the range of volatilities expected for Differential Indexes should not be significantly different than the expected range for other indexes and equities. The volatility of a Differential Index is based upon the volatilities of the designated and benchmark indexes or stock and the correlation of these components. The Exchange has constructed two-year Differential Index series for 44 of its most actively traded equity option stocks versus the S&P 500 and for two different index pairs. These combinations cover the range for negatively correlated pairs through uncorrelated pairs to highly correlated pairs. The table included in the Exchange's proposal demonstrates that the volatilities of the Differential Indexes are not significantly different than the underlying indexes and equities, and thus should be margined similarly.

2. Basis

The Exchange believes that the proposal is consistent with Section 6(b)⁹ of the Act, in general, and Section 6(b)(5)¹⁰ of the Act, in particular, in that it is 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 self-regulatory organization 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 proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, located at the above address. Copies of such filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All submissions should refer to File No. SR-Amex-98-12 and should be submitted by November 10, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-28002 Filed 10-19-98; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40546; File No. SR-NASD-98-73]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Fees for Subscribers Who Receive Nasdaq Level 1 and Last Sale Data Through Automated Voice Response Services

October 13, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 1, 1998, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly-owned subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the NASD. 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

Nasdaq is proposing to amend Rule 7010 of the NASD to make permanent its current monthly pilot fee for subscribers who receive Nasdaq Level 1 and Last Sale data through automated voice response services. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

(p) Automated Voice Response Service Fee

The monthly charge to be paid by the subscriber for access to Nasdaq Level 1 Service and Last Sale Information Service through automated voice response services shall be \$21.25 for each voice port.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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

Nasdaq is proposing to make permanent its \$21.25 monthly per port fee for subscribers who receive Nasdaq Level 1 service through automated voice response services.³ These services provide callers with automated voice access to real-time Nasdaq pricing information. The monthly \$21.25 fee has been in effect as a pilot fee for over 11 years and was originally based on a formulation of a \$5.00 premium above the combined \$16.25 Level 1/Last Sale rate in effect at that time. This fee has not increased despite a subsequent increase of Level 1/Last Sale rates to the current \$20.00 per month level. Given the continued usage of voice-based quote access services,⁴ Nasdaq believes that the charge for such services should not be made a permanent part of its fee structure.

Nasdaq believes that the proposed rule change is consistent with the provisions of Sections 15A(b)(5)⁵ and 15A(b)(6)⁶ of the Act in that the proposal is designed to provide for the equitable allocation of reasonable fees among members and other persons using any facility or system which the Association operates or controls and is not designed to permit unfair discrimination between customers, issues, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such long period (i) as the Commission may designate up to 90 days of such date if it finds such long period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the 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 at 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 File No. SR-NASD-98-73 and should be submitted by November 10, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-28109 Filed 10-19-98; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40541; File No. SR-PHLX-98-04]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Amending Rule 783, Report of Financial Arrangements and Floor Procedure Advice F-11, Splitting Orders

October 9, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4² thereunder, notice is hereby given that on April 27, 1998, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On October 2, 1998, the PHLX submitted Amendment No. 1 to the proposed rule change.³ 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 Exchange proposes to amend its financial arrangements rule, Rule 783, to require that members, member organizations, foreign currency options ("FCO") participants, participant organizations and general partners or voting stockholders thereof report to the Exchange financial arrangements for amounts greater than \$5,000. In addition, the Exchange proposes to amend Options Floor Procedure Advice ("Advice") F-11⁴ regarding the Splitting of Orders by adding that dually and financially affiliated Registered Option Traders ("ROTs") will be treated

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Letter from Nandita Yagnik, Esquire, PHLX, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation, SEC dated September 30, 1998. In Amendment No. 1, the PHLX added a requirement that members, member organizations, participants and participant organizations disclose loans and financial arrangements with non-members.

⁴ The PHLX's minor rule violation enforcement and reporting plan ("minor rule plan"), codified in PHLX Rule 970, contains floor procedure advices with accompanying fine schedules. Rule 19d-1(c)(2) under the Act authorizes national securities exchanges to adopt minor rule violation plans for summary discipline and abbreviated reporting; Rule 19d-1(c)(1) under the Act requires prompt filing with the Commission of any final disciplinary action. However, minor rule violation not exceeding \$2,500 are deemed not final, thereby permitting periodic, as opposed to immediate, reporting.

³ A vendor's voice port count is defined as the maximum number of callers capable of accessing Nasdaq data at any given time. For example, if a vendor's voice port count is 100 (i.e., capable of handling a maximum of 100 callers at any given time) then the fee accessed would be \$2,125 (\$21.25 × 100). Conference call on October 6, 1998, between Thomas P. Moran, Senior Attorney, Office of General Counsel, Nasdaq, and Mignon McLemore, Attorney and Robert B. Long, Division of Market Regulation, Commission.

⁴ There are currently 7,629 voice ports in service.

⁵ 15 U.S.C. 78o-3(b)(5).

⁶ 15 U.S.C. 78o-3(b)(6).

⁷ 17 CFR 200.30-3(a)(12).

as one interest in the trading crowd. The fine schedule for failing to report dual or financial affiliations is also proposed to be increased from \$100.00 to \$500.00 for the first offense; \$250.00 to \$1,000.00 for the second offense; and from \$500.00 to a sanction discretionary with the Business Conduct Committee for the third offense and thereafter. A corresponding change to the minor rule plan is also proposed. The proposed rule language 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 PHLX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PHLX 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

Currently, PHLX Rule 783 requires that members and member organizations report to the Exchange the obtaining and making of a loan over \$2,500, including loans to non-members. Paragraph (b) provides exceptions for certain member-to-member loans. The Exchange proposes to amend Rule 783 to require that all members, member organizations, FCO participants and participant organization as well as general partners or voting stockholders thereof, report financial arrangements with other members, member organizations, FCO participants and participant organizations, general partners or voting stockholders or persons associated therewith, or non-members.

Included in the proposed definition of financial arrangements is any consideration over \$5,000 that constitutes a loan, gift, salary or bonus; the direct financing of a member or participant organization (except clearing arrangements);⁵ any direct equity investment or profit sharing arrangement; and the guarantee of a trading account (except a clearing arrangement). Proposed exceptions to the rule are outlined in proposed

paragraph (c) of PHLX Rule 783. The amended rule would not apply to stock loan arrangements⁶ or transactions between members affiliated with the same member organization or participants affiliated with the same participant organization or transaction in publicly traded securities of a member organization. All parties involved in the financial arrangement are required to notify the Exchange of eligible financial arrangements within ten (10) business days of the effective date of such arrangements. In the event of termination of the financial arrangement, the parties involved must similarly notify the Exchange of the termination. Thus, the purpose of the proposal is to revise Rule 783 to focus on prompt and complete reporting of financial arrangements of members.

In addition, the PHLX proposes to amend Advice F-11 such that dually affiliated and financially affiliated ROTs would be treated as one interest for the purpose of splitting an order in the trading crowd. Currently, Advice F-11 requires ROTs of the same firm when bidding or offering at the same price and for the same option to be treated as one interest for the purpose of splitting an order in the trading crowd. Advice F-11 prevents one firm from garnering all of the executions in a particular option. The proposal would extend the Advice to dually and financially affiliated ROTs further ensuring fairness in the order splitting process. Advice F-11 defines "dually affiliated" as those ROTs required to report pursuant to Exchange Rule 793;⁷ and "financially affiliated" as those ROTs required to report pursuant to Exchange Rule 783. The Exchange also proposes to increase fines for failure to report dual or financial affiliations from \$100.00 to \$500.00 for the first offense; from \$250.00 to \$1,000.00 for the second offense; and from \$500.00 to a sanction discretionary with the Business Conduct Committee for the third offense and thereafter.

⁶ A stock loan arrangement shall mean an agreement for the lending and borrowing of securities and shall include a securities contract or other agreement, including related terms, for the transfer of securities against the transfer of funds, securities, or other collateral, with simultaneous agreement by the transferee to transfer to the transferor against the transfer of funds, securities, or other collateral upon notice, at date certain, upon demand, the same or substituted securities.

⁷ PHLX Rule 793 requires persons who are general or limited partners, or an officer, director, stockholder or associated person of more than one member or participant organization or who are affiliated in any manner with a non-member, or non-participant organization which is engaged in the securities business, to disclose this affiliation in writing and to have such affiliation approved in writing by the member or participant organization.

In summary, requiring disclosure of financial arrangements between members and participant organizations is intended to increase the ability of the Exchange to monitor the financial status of its own membership. In addition, notification is intended to facilitate monitoring by the Exchange and to prevent the splitting of orders in the trading crowd between members who are either dually or financially affiliated.

Thus, the PHLX believes that the proposed rule change is consistent with Section 6 of the Act and more specifically with Section 6(b)(5) in that it promotes just and equitable principles of trade and protects investors and the public interest by revising the Exchange's financial arrangement rule and strengthening the trade splitting provision.

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 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 self-regulatory organization consents, the Commission will:

(A) by order approve the 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 proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

⁵ Clearing arrangements are defined as those arrangements in which a company acts as an intermediary in making payments, deliveries or both in connection with transactions in securities, or who provides facilities for comparison of data respecting the terms of settlement of securities.

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 the filing will also be available for inspection and copying at the PHLX's principal offices. All submissions should refer to File No. SR-PHLX-98-04 and should be submitted by November 10, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,
Deputy Secretary.

Exhibit A

Additions are italicized, deletions are bracketed.

Report of Financial Arrangements

Rule 783. (a) *Financial Arrangements*—Each member, member organization, participant, participant organization, general partner or voting shareholder therein shall report to the Exchange, forthwith [upon the obtaining or the making thereof;

(a) Each loan in the amount of \$2,500 or more (whether of cash or securities) obtained by such member, member organization, general partner or voting shareholder:] *in a form prescribed by the Exchange, any financial arrangement entered into, either directly or indirectly, with another member or member organization, participant or participant organization or general partner, voting shareholder, or any associated person thereof or a non-member. For the purposes of*

this rule, a financial arrangement shall be defined as:

1. *the direct financing of a member or participant organization's dealings upon the Exchange with the exception of clearing arrangements;*

2. *any direct equity investment or profit sharing arrangement;*

3. *any consideration over the amount of \$5,000 that constitutes a gift, loan, salary, or bonus; and*

4. *the guarantee of a trading account with the exception of clearing arrangements.*

(b) *The disclosure of such financial arrangements shall be the responsibility of all members involved. The member or participant organization shall submit to the Exchange notification of the initiation or termination of such financial arrangements within ten (10) business days of the effective date of such arrangements. The notice of termination will constitute the end of the financial arrangement.*

[Exceptions

(b) Each loan in the amount of \$2,500 or more (whether in cash or securities) to any member, member organization, general partner or voting stockholder made by a member, member organization, general partner or voting stockholder, provided however, that no report shall be required with respect to:

(1) Any loan fully secured by readily marketable collateral so long as such loan remains secured;

(2) Any loan of securities made by the borrower for the purpose of effecting delivery against a sale where money payment equivalent to the market value of the securities is made to the lender and such contract is marked approximately to the market;

(3) Any loan on a life insurance policy which is not in excess of the cash surrender value of such policy;

(4) Any loan obtained from a bank, trust company, monied corporation, or fiduciary on the security of real estate;

(5) Any loan transaction between members, general partners, or voting stockholders in the same member organizations.]

(c) *Nothing in this rule would require the reporting of agreements for the lending and borrowing of securities, financial arrangements between members affiliated with the same member organization or participants affiliated with the same participant organization or transactions in publicly traded securities of a member organization.*

Supplementary Material

.01 *As used herein, an agreement for the lending and borrowing of securities shall mean a securities contract or other agreement, including related terms, for the transfer of securities against the transfer of funds, securities or other collateral, with a simultaneous agreement by the transferee to transfer to the transferor against the transfer of funds, securities, or other collateral, upon notice, at a date certain, upon demand, the same or substituted securities.*

F-11 Splitting Orders

ROTs of the same firm, *dually affiliated or financially affiliated* ROTs, when bidding or offering at the same price for the same option, are to be treated as one interest for purpose of splitting an order in the trading crowd.

For the purposes of this Advice, dually affiliated ROTs are ROTs required to report dual affiliations pursuant to Rule 793 and financially affiliated ROTs are ROTs required to report financial arrangements pursuant to Rule 783.

FINE SCHEDULE

Implemented on a one year running calendar basis

F-11

1st Occurrence	[\$100.00]	\$500.00
2nd Occurrence	[\$250.00]	\$1,000.000 Sanction is Discretionary with the Business Conduct Committee
3rd Occurrence	[\$500.00]	
[4th Occurrence and thereafter		Sanction is Discretionary with the Business Conduct Committee]

[FR Doc. 98-28001 Filed 10-19-98; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Air Ketchum, Idaho, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 98-10-14, Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding that Air Ketchum, Idaho, Inc., is fit, willing, and able to provide scheduled passenger operations as a commuter air carrier.
RESPONSES: All interested persons wishing to respond to the Department of

Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, X-56, Department of Transportation, 400 Seventh Street, SW., Room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 28, 1998.

FOR FURTHER INFORMATION CONTACT: Galvin Coimbre, Air Carrier Fitness

⁸ 17 CFR 200.30-3(a)(12).

Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-5347.

Dated: October 14, 1998.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 98-28034 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25.803-1A, Emergency Evacuation Demonstrations

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Availability of Proposed Advisory Circular (AC) 25.803-1A and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance on a means, but not the only means, of compliance with the Federal Aviation Regulations (FAR) concerning (1) conduct of full-scale emergency evacuation demonstrations, and (2) use of analysis and tests in lieu of conducting an actual demonstration. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before December 21, 1998.

ADDRESSES: Send all comments on proposed AC to: Federal Aviation Administration, Attention: Frank Tiangsing, Propulsion, Mechanical Systems and Crashworthiness Branch, ANM-112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055-4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Katherine Burks, Transport Standards Staff, at the address above, telephone (206) 227-2114.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may

desire. Commenters should identify AC 25.803-1A and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Discussion

Section 25.803(c) requires that for airplanes with a passenger seating capacity of more than 44 passengers, it must be shown that the passengers and required crewmembers can be evacuated to the ground in 90 seconds under simulated emergency conditions. Compliance can be shown by conducting a full-scale emergency evacuation demonstration under the test conditions specified in Appendix J of part 25 or a combination of analysis and testing found acceptable by the FAA. Advisory Circular 25.803-1, issued on November 13, 1989, provided guidance on how to conduct a full-scale emergency evacuation demonstration and the use of analysis and testing in lieu of conducting a full-scale demonstration. This proposed revision to the AC provides additional guidance on how to conduct a full-scale demonstration, including information on the test start signal, briefing of test participants, obtaining informed consent, and flight attendant training. In addition, the proposed revision expands the discussion on the determination on whether a combination of analysis and testing may be used in lieu of the full-scale demonstration, including the types of testing which may be necessary to support an analysis. Finally, additional guidance is provided on what and how information and test data should be provided in an analysis.

Issued in Renton, Washington, on October 8, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 98-28040 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Tasks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignments for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given of new tasks assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT:

Stewart R. Miller, Transport Standards Staff (ANM-110), Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056; phone (425) 227-1255; fax (425) 227-1320.

SUPPLEMENTARY INFORMATION:

Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize its Federal Aviation Regulations (FAR) and practices with its trading partners in Europe and Canada.

One area ARAC deals with is Transport Airplane and Engine Issues. These issues involve the airworthiness standards for transport category airplanes and engines in 14 CFR parts 25, 33, and 35 and parallel provisions in 14 CFR parts 121 and 135.

The Tasks

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following harmonization tasks:

Task 11: Safety and Failure Analysis

1. JAR-E requires a summary listing of all failures which result in major or hazardous effects and an estimate of the probability of occurrence of these major and hazardous effects. Part 33 requires an assessment of failures which lead to four specified hazards.

2. JAR requires a list of assumptions and the substantiation of those assumptions. Most of the JAR-E assumptions are covered by other Part 33 paragraphs.

3. JAR-E includes a unique hazard, "toxic bleed air".

4. While both regulations require analysis to examine malfunctions and single and multiple failures. Part 33 also requires an examination of improper operation.

The FAA expects ARAC to submit its recommendation(s) resulting from this task by January 31, 2000.

Task 12: Endurance Test Requirements Study

Review and evaluate the feasibility and adequacy of harmonizing: (1) FAR 33.87 and JAR-E 740 endurance test requirements, including thrust reverser operation during endurance testing, in consideration of changes in engine technology; and (2) FAR 33.88 and JAR-E 700 overtemperature/excess operating conditions. The Aviation Rulemaking Advisory Committee (ARAC) is specifically tasked to study these issues and document findings in the form of a report.

The FAA expects ARAC to submit the report by December 31, 1999.

The report must include industry-provided data for an FAA economic analysis. This data should include the effects on small operators and small businesses. The report also should include industry-provided data regarding the record-keeping burden on the public.

Task 13: Fatigue Pressure Test/Analysis

JAR-E 640(b)(2) requires fatigue pressure testing of major engine casings. The FAR's do not have a specific requirement for fatigue pressure tests of major engine casings.

The FAA expects ARAC to submit its recommendation(s) resulting from this task by January 31, 1999.

Task 14: Overtorque

JAR-E 820 requires testing at maximum over-torque in combination with maximum turbine-entry and the most critical oil-inlet temperatures for the power turbine to validate transient overtorque values. The FAA does not have a specific requirement. Note: The 33.87 endurance test includes requirements that can be used to satisfy JAR-E requirements.

The FAA expects ARAC to submit its recommendation(s) resulting from this task by January 31, 1999.

Task 15: Compressor/Fan and Turbine Shafts

1. JAR-E 850 establishes probability limits for shaft failures based on the consequences of the failure. If the consequences of a shaft failure are not readily predictable, a test is required to determine the consequences. FAR 33.27(c)(2)(vi) requires all shaft failures, regardless of failure probability, to be considered when determining rotor integrity requirements.

2. ACJ E 850 provides guidance to determine the likelihood of a failure at a given location on a shaft and also provides guidance for conducting tests to determine the dynamic characteristics and fatigue capability of

the shaft. The FAR's do not provide any guidance material.

The FAA expects ARAC to submit its recommendation(s) resulting from this task by January 31, 2000.

Task 16: Electrical and Electronic Engine Control Systems

1. Advisory material exists for JAR-E (AMJ 20X-1). Advisory material does not exist for Part 33, which has caused difficulty during certification programs.

2. AMJ 20X-1 clearly defines the engine/airframe substantiation responsibilities, while FAR material does not define these requirements.

3. JAR-E states that an electronic control system "should provide for the aircraft at least the equivalent safety, and the related reliability level, as achieved by Engines/Propellers equipped with hydromechanical control and protection systems." Part 33 does not state a desired reliability level. Part 33 states that failures must not result in unsafe conditions.

The FAA expects ARAC to submit its recommendation(s) resulting from this task by January 31, 2000.

For the above tasks the working group is to review airworthiness, safety, cost, and other relevant factors related to the specified difference, and reach consensus on harmonization of current Part 33/JAR-E regulations and guidance material.

The FAA requests that ARAC draft appropriate regulatory documents with supporting economic and other required analyses, and any other related guidance material or collateral documents to support its recommendations. If the resulting recommendation(s) are one or more notices of proposed rulemaking (NPRM) published by the FAA, the FAA may ask ARAC to recommend disposition of any substantive comments the FAA receives.

Working Group Activity

The Engine Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the tasks, including the rationale supporting such a plan, for consideration at the meeting of ARAC to consider transport airplane and engine issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.

3. Draft appropriate regulatory documents with supporting economic and other required analyses, and/or any

other related guidance material or collateral documents the working group determines to be appropriate; or, if new or revised requirements or compliance methods are not recommended, a draft report stating the rationale for not making such recommendations. If the resulting recommendation is one or more notices of proposed rulemaking (NPRM) published by the FAA, the FAA may ask ARAC to recommend disposition of any substantive comments the FAA receives.

4. Provide a status report at each meeting of ARAC held to consider transport airplane and engine issues.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC will be open to the public. Meetings of the Engine Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 13, 1998.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 98-28038 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Approval of the Record of Decision for Proposed Development at the Minneapolis-St. Paul International Airport, Minneapolis, Minnesota**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Approval of the Record of Decision (ROD).

SUMMARY: The FAA is announcing approval of the Record of Decision on the Final Environmental Impact Statement for proposed development at the Minneapolis-St. Paul International Airport (MSP), Minneapolis, Minnesota.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Orcutt, FAA, Airports District Office, 6020—28th Avenue South, Suite 102, Minneapolis, MN 55450, telephone (612) 713-4354; fax: (612) 713-4364.

SUPPLEMENTARY INFORMATION: The ROD is for the approval of the Minneapolis-St. Paul Dual Track Airport Planning Process and, for the Airport Layout Plan depicting the MSP 2010 Long Term

comprehensive Plan (LTCP), including the construction and operation of new Runway 17/35, an 8,000-foot-north-south runway to be located on the west side of the airport. It also provides for other FAA approvals and actions necessary to implement the MSP 2010 LTCP, as well as environmental mitigation measures. The development plan also includes: taxiway improvements; new holding/deicing pad on the new runway; new holding/deicing pads for existing Runways 12R, 30R and 30L; enhanced storm water detention basins; expansion and improvements of passenger concourses; roadway and interchange improvements; reconstruction/construction of maintenance, aircraft hanger and air cargo facilities; and new apron pavement.

The ROD indicates the project is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act (NEPA) of 1969, as amended, and will significantly affect the quality of the environment.

In reaching this decision, the FAA has given careful consideration to: (a) the role of MSP in the national air transportation system, and the airport capacity/delay reduction needs, (b) aviation safety, (c) preferences of the airport owner, (d) anticipated environmental impact, and (e) the decisions of the Minnesota State Legislature. Discussion of these factors are documented in the Draft Environmental Impact Statement, the Section 4(f) Evaluation, and the Final Environmental Impact Statement (FEIS) for the project. The notice of availability of the FEIS appeared in the Federal Register on May 15, 1998 (63 FR 27083), and the comment period ran for thirty (30) days until June 15, 1998. The FAA's determinations on the project are outlined in the ROD, which was approved on September 23, 1998.

Issued in Minneapolis, Minnesota on October 7, 1998.

Robert Huber,

Acting Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.
[FR Doc. 98-28037 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Federal Aviation Administration (FAA) Satellite Operational Implementation Team (SOIT): Forum on the Capabilities of the Global Positioning System (GPS)/Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA SOIT will be hosting a public forum to discuss the FAA's GPS approval and WAAS/LAAS operational implementation plans. This meeting will be held in conjunction with a regularly scheduled meeting of the FAA SOIT and in response to aviation industry requests to the FAA Administrator. Formal presentations by the FAA will be followed by a question and answer session. Those planning to attend are invited to submit proposed discussion topics. Requests to make presentations to the assembled forum should be made to the point of contact listed.

DATES: November 16-17, 1998, 9:00 a.m.-5:00 p.m.

ADDRESSES: Washington, D.C. The specific location will be selected based on number of registrants. Meeting details will be sent to all registrants in October. Tentative location is the FAA Building, 800 Independence Avenue, SW, Washington DC.

POINT OF CONTACT: Registration, submission of suggested discussion topics and requests to make presentations may be made to Mr. Steven Albers, phone (202) 267-7301, fax (202) 267-5086, or email at steven.albers@faa.gov.

SUPPLEMENTARY INFORMATION: Open to the aviation industry with attendance limited to space available. Participants are requested to register their intent to attend this meeting by October 30, 1998. Names, affiliations, telephone and facsimile numbers should be sent to the point of contact listed.

Dated: September 22, 1998.

Hank Cabler,

SOIT Co-Chairman.

[FR Doc. 98-28052 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

The Federal Aviation Administration (FAA) Communications/Surveillance Operational Implementation Team (C/SOIT): Forum on the Operational Implementation of Satellite Communications, Surface Movement Surveillance Systems, and Data Link Technologies for Aviation Applications in the National Airspace System (NAS)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA C/SOIT will be hosting a public forum to discuss the FAA's data link and surface movement surveillance systems. This meeting will be held in response to aviation industry requests to the FAA Administrator. Formal presentations will be provided followed by a question and answer session. In subsequent days, working group sessions will be held to discuss such topics as Controller-Pilot Data Link Communications, High Frequency Data Link, Human Factors, and Flight Information Services. Those who plan to attend are invited to submit proposed discussion topics. Requests to make presentations to the assembled forum should be made to the point of contact listed.

DATES: November 17-20, 1998, 9:00 a.m.-5:00 p.m.

ADDRESSES: Baltimore, MD.

POINT OF CONTACT: Registration and submission of suggested discussion topics may be made to Ms. Regina Porzio, phone (202) 554-8804 x 3003, fax (202) 554-7593 or email at regina.porzio@faa.gov.

SUPPLEMENTARY INFORMATION: Open to the aviation industry with attendance limited to space available. Participants are requested to register their intent to attend this meeting by October 30, 1998. Names, affiliations, telephone and facsimile numbers should be set to the point of contact listed.

Dated: October 14, 1998.

Donald W. Streeter,

C/SOIT Co-Chairman.

[FR Doc. 98-28051 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****RTCA Special Committee 159;
Minimum Operational Performance
Standards for Airborne Navigation
Equipment Using Global Positioning
System (GPS)**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 159 meeting to be held November 2-6, 1998, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Washington, DC 20036.

The agenda will be as follows:

Specific Working Group Sessions:

November 2: Working Group (WG)-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-6, Interference, Room C; *November 3:* WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-6, Interference, Room C, 9:00 a.m.-12:00 noon; WG-1, Second Civil Frequency, Room C, 1:30-4:30 p.m.; *November 4:* WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-2C, GPO/Inertial, Room C; *November 5:* WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-2, WAAS, Room C; WG-4B, Airport Surface Surveillance, Room D.

Plenary Session, November 6, 9:00 a.m.-4:30 p.m., Rooms A and B: (1) Chairman's Introductory Remarks; (2) Review/Approval of Minutes of Previous Meeting; (3) Review WG Progress and Identify Issues for Resolution: (a) GPS/Second Civil Frequency (WG-1); (b) GPS/WAAS (WG-2); (c) GPS/GLONASS (WG-2A); (d) GPS/Inertial (WG-2C); (e) GPS/Precision Landing Guidance and Airport Surface Surveillance (WG-4A & WG-4B); (f) GPS/Interference (WG-6); (4) Review of EUROCAE Activities; (5) Review/Approval of the Proposed Final Draft *RTCA Report on the Role of the Global Navigation Satellite System (GNSS) in Supporting Airport Surface Operations*, RTCA Paper No. 162-98/SC159-789; (6) Assignment/Review of Future Work; (7) Other Business; (8) Date and Location of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. Harold Moses, RTCA Program Director, at (202) 833-9339 (phone), (2) 833-9434 (fax), or hmoses@rtca.org (electronic mail). Members of the public may present a

written statement to the committee at any time.

Issued in Washington, DC, on October 14, 1998.

Jane P. Caldwell,

Designated Official.

[FR Doc. 98-28042 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent To Rule on Application
To Impose and Use the Revenue From
a Passenger Facility Charge (PFC) at
Midland International Airport, Midland,
TX**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ken A. Day, Director of Midland International Airport at the following address: Mr. Ken A. Day, Director of Airports, City of Midland, P.O. Box 60305, Midland, Texas 79711.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT:

Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610, (817) 222-5614. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 5, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 20, 1999.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: January 1, 1993.

Proposed charge expiration date: January 1, 2018.

Total estimated PFC revenue: \$2,250,000.00.

PFC application number: 99-03-C-00-MAF.

Brief description of proposed project:

Project to Impose and Use PFCs

6. Construct Air Cargo Taxiway/Ramp and Access.

Proposed class or classes of air carriers to be exempted from collecting PFC's:

FAR Part 135 air charters who operate aircraft with seating capacity of less than 10 passengers.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, 2601 Meacham Blvd., Fort Worth, Texas 76137-4298. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Midland International Airport.

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

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 98-28039 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4546]

Notice of Receipt of Petition for Decision That Nonconforming 1986-1998 Suzuki GSXR 750 Motorcycles Are Eligible for Importation**AGENCY:** National Highway Traffic Safety Administration, DOT.**ACTION:** Notice of receipt of petition for decision that nonconforming 1986-1998 Suzuki GSXR 750 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1986-1998 Suzuki GSXR 750 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 19, 1998.**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 10 am to 5 pm)**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).**SUPPLEMENTARY INFORMATION:****Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or

importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Kingsville, Maryland ("J.K.") (Registered Importer 90-006) has petitioned NHTSA to decide whether non-U.S. certified 1986-1998 Suzuki GSXR 750 motorcycles are eligible for importation into the United States. The vehicles which J.K. believes are substantially similar are 1986-1998 Suzuki GSXR 750 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1986-1998 Suzuki GSXR 750 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1986-1998 Suzuki GSXR 750 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1986-1998 Suzuki GSXR 750 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 122 *Motorcycle Brake Systems*, and 205 *Glazing Materials*.

The petitioner also states that non-U.S. certified 1986-1998 Suzuki GSXR 750 motorcycles are equipped with vehicle identification number plates meeting the requirements of 49 CFR part 565.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standard, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamps and front reflectors; (b) installation of

U.S. model taillamp assemblies which incorporate rear reflectors.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: Installation of a tire information label.

Standard No. 123 *Motorcycle Controls and Displays*: Recalibration of the speedometer/odometer from kilometers to miles per hour or the replacement of the speedometer/odometer with a U.S.-model component.

The petitioner also states that a vehicle identification number plate will be affixed to the vehicle to meet the requirements of 49 CFR part 565.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 15, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 98-28124 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4547]

Notice of Receipt of Petition for Decision That Nonconforming 1996 Chrysler LHS Passenger Cars Are Eligible for Importation**AGENCY:** National Highway Traffic Safety Administration, DOT**ACTION:** Notice of receipt of petition for decision that nonconforming 1996 Chrysler LHS passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1996 Chrysler LHS that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is

eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 19, 1998.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 10 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas ("Wallace") (Registered Importer 90-005) has petitioned NHTSA to decide whether 1996 Chrysler LHS passenger cars manufactured in Mexico for the Mexican and other foreign markets are eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1996 Chrysler LHS that was

manufactured for sale in the United States and certified by its manufacturer, Chrysler Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1996 Chrysler LHS to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1996 Chrysler LHS, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1996 Chrysler LHS is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 101 *Controls and Displays*, 102 *Transmission Shift Lever Sequence*, . . . , 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 108 *Lamps, Reflective Devices and Associated Equipment*, 109 *New Pneumatic Tires*, 111 *Rearview Mirror*, 113 *Hood Latch Systems*, 114 *Theft Protection*, 116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection* (on basis that vehicles are equipped with factory-installed driver's and passenger's side air bags, with Type II seat belts in front and rear outboard seating positions, and with a lap belt in the rear center designated seating position), 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 301 *Fuel System Integrity*, 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that the non-U.S. certified 1996 Chrysler LHS complies with the Bumper Standard found in 49 CFR part 581.

The petitioner also states that a vehicle identification number plate is affixed to the vehicle that meets the requirements of 49 CFR part 565.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

The petitioner finally states that all vehicles will be inspected prior to importation to assure compliance with the Theft Prevention Standard found in 49 CFR part 541.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 10 a.m. to 5 p.m.). It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 15, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 98-28125 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-59-P

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Advisory Commission on Public Diplomacy will meet on October 21, in Room 600, 301 4th Street, SW., Washington DC, from 10:00 a.m. to 11:00 a.m.

At 10:00 a.m. the Commission will meet with Ambassador William Courtney, Special Advisor to the Under Secretary of State for Management, to discuss consolidation from the perspective of the State Department and his role as State Department liaison to USIA.

FOR FURTHER INFORMATION CONTACT: Please call Betty Hayes, (202) 619-4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: October 13, 1998.

Cathy Brown,

*Management Analyst, Federal Register
Liaison.*

[FR Doc. 98-28126 Filed 10-19-98; 8:45 am]

BILLING CODE 8230-01-M

Corrections

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

Wednesday, October 14, 1998, make the following correction:

On page 55109, in the second column, the docket number is corrected to read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 199

[CGD 84-069]

RIN 2115-AB72

Lifesaving Equipment

Correction

In rule document 98-25929, beginning on page 52802, in the issue of Thursday, October 1, 1998, make the following corrections.

§ 199.10 [Corrected]

1. On page 52817, the table to § 199.10 is corrected to read as follows:

TABLE 199.10(a).—LIFESAVING REQUIREMENTS FOR INSPECTED VESSELS.

46 CFR Subchapter	Vessel Type	Vessel Service	Subchapter W Subparts applicable ¹						Other ²
			A	B	C	D	E	F	
D	Tank > 500 tons	International voyage ³	X	X	.....	X			
D	Tank > 500 tons	International voyage ³	X	X	.....	X	X	X	
D	Tank > 500 tons	All other services	X	X	.....	X	X	X	
H	Passenger	International voyage ³	X	X	X				
H	Passenger	Short Inter'l voyage ³	X	X	X				
H	Passenger	All other services	X	X	X		X	X	
I	Cargo > 500 tons	International voyage ³	X	X	.....	X			
I	Cargo < 500 tons	International voyage ³	X	X	.....	X	X	X	
I	Cargo	All other services	X	X	.....	X	X	X	
I-A	MODU	All .....	.....	.....	.....	.....	.....	.....	46 CFR 108
K	Small Passenger	International voyage ³	X	X	X				
K	Small Passenger	Short Inter'l voyage ³	X	X	X				
K	Small Passenger	All other services .....	.....	.....	.....	.....	.....	.....	46 CFR 117 46 CFR 133
L	Offshore Supply	All .....	.....	.....	.....	.....	.....	.....
R—Part 167	Public Nautical School	International voyage ³	X	X	X ⁴	X ⁵			
R—Part 167	Public Nautical School	All other services	X	X	X ⁴	X ⁵	X	X	
R—Part 168	Civilian Nautical School	International voyage ³	X	X	X ⁴	X ⁵			
R—Part 168	Civilian Nautical School	All other services	X	X	X ⁴	X ⁵	X	X	
R—Part 169	Sailing School	All services .....	.....	.....	.....	.....	.....	.....	46 CFR 169.500
T	Small Passenger	International voyage ³	X	X	X				
T	Small Passenger	Short Int'l voyage ³	X	X	X				
T	Small Passenger	All other services .....	.....	.....	.....	.....	.....	.....	46 CFR 180
U	Oceanographic Res.	International voyage ³	X	X	X ⁴	X ⁵			
U	Oceanographic Res.	All other services	X	X	X ⁴	X ⁵	X	X	

Notes:

¹ Subchapter W does not apply to inspected nonself-propelled vessels without accommodations or work stations on board.

² Indicates section where primary lifesaving system requirements are located. Other regulations may also apply.

³ Not including vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side Anticosti Island, the 63rd meridian.

⁴ Applies to vessels carrying more than 50 special personnel, or vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

⁵ Applies to vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

§ 199.70 [Corrected]

2. On page 52818, in the third column, in § 199.70(a)(2), in the fifth

line, “§§ 67.123” should read “§ 67.123”.

§ 199.620 [Corrected]

3. On page 52820, in § 199.620, in the heading to the table, “(A)” should read “(a)”.

§ 199.630 [Corrected]

4. On page 52821, in the table to
§ 199.630, in the fourth column, under
“Great Lakes” in the seventh line,
“199.630(f)2” should read “199.630(f)2”.

BILLING CODE 1505-01-D



**Tuesday
October 20, 1998**

Part II

**Department of
Education**

**Pre-Application Technical Assistance
Workshops for Those Submitting a Fiscal
Year 1999 Planning Grant or
Development Grant Application Under the
Strengthening Institutions Program and
the Hispanic-Serving Institutions Program;
Notice**

DEPARTMENT OF EDUCATION

[CFDA Nos: 84.031A–84.031S]

Notice Inviting Participants to Pre-Application Technical Assistance Workshops for Those Submitting a Fiscal Year (FY) 1999 Planning Grant or Development Grant Application Under the Strengthening Institutions Program and the Hispanic-Serving Institutions Program

SUMMARY: The Department of Education will conduct three pre-application technical assistance workshops for those intending to submit Fiscal Year 1999 applications under the Strengthening Institutions Program, and the Hispanic-Serving Institutions Program. At these workshops, Department of Education staff will assist prospective planning grant or developing grant applicants in preparing eligibility data and in developing a project design in the form of an application. They will provide budget information as well as deal with project design issues.

The Department is holding these workshops to give early assistance to potential applicants even though we have not yet officially announced a closing date for receipt of applications. However, Congress recently reauthorized the Higher Education Act (HEA) and both programs were modified. The Department will discuss those modifications and their impact on the development of institutional applications for funding.

The technical assistance workshops will be held as follows:

1. East Coast Region

Date: Friday, October 30, 1998.

Time: 9:00 a.m. to 5:00 p.m.

Location: Valencia Community College, East Campus, Performing Arts Center, 701 North Econlockhatchee Trail, Orlando FL 32825.

Contact: e:mail
lwipple@valencia.cc.fl.us Fax 407-426-8970 Lorraine Whipple.

Telephone: 407-299-5000 Ext. 3417.
Please Contact Valencia Community College.

2. Middle States Region

Date: Friday, November 6, 1998.

Time: 9:00 a.m. to 5:00 p.m.

Location: University of Missouri, JC Penney Building, Main Auditorium, 8001 National Bridge Road, St. Louis, MO 63121.

Contact: e:mail
karl_beeler@UMSL.edu
Telephone: 314-516-5211.
Please Contact Ms. Anne Young.

3. West Coast Region

Date: Saturday, November 21, 1998.

Time: 9:00 a.m. to 5:00 p.m.

Location: Portland State University, Smith Memorial Center, Rooms 294-8, 1825 SW Broadway, Portland, OR.

Contact: e:mail
ostrogorskyt@nh1.nh.pdx.edu
Telephone: 503-725-8545.

Please Contact Ms. Anne Young.

SUPPLEMENTARY INFORMATION: While the Department is publishing the name of a contact person at the hosting institutions, we ask that you contact that person only if it is an emergency. Instead, please contact the Department of Education Contact person cited below if you have any questions about the details of the meetings. You do not need to pre-register and there is no registration fee.

FOR FURTHER INFORMATION CONTACT:

Anne S. Young, Institutional Development Undergraduate Education Service, U.S. Department of Education, 600 Independence Ave. S.W., The Portals Building, Courtyard 80, Washington, D.C. 20202-5335. Telephone number (202 260-3362 or by e:mail to Anne_Young@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Services (FIRS) at 1-800-877-8330 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g. Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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 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**.

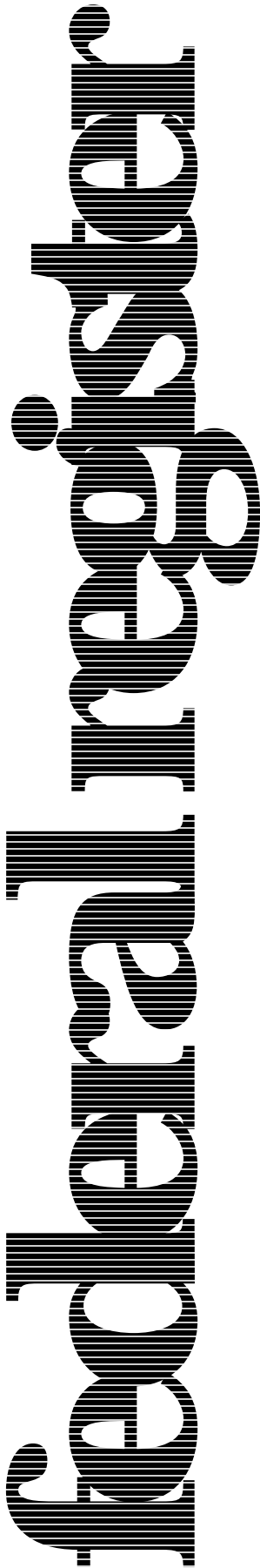
Program Authority: 20 U.S.C. 1057.

Dated: October 16, 1998.

David A. Longanecker,
Assistant Secretary for Postsecondary Education.

[FR Doc. 98-28223 Filed 10-19-98; 8:45 am]

BILLING CODE 4000-01-M



Tuesday
October 20, 1998

Part III

The President

**Proclamation 7141—National Character
Counts Week, 1998**

**Proclamation 7142—National Forest
Products Week, 1998**

Presidential Documents

Title 3—**Proclamation 7141 of October 16, 1998****The President****National Character Counts Week, 1998****By the President of the United States of America****A Proclamation**

As Americans, we are a people full of hope, confident in our capacity to make life better for ourselves and others. We look forward to the promise of the future, and we have high goals for the 21st century: to remain the world's leading force for peace, freedom, prosperity, and security; to keep the American Dream alive for everyone willing to work for it; to come together across lines of race, religion, and other individual differences to become one America. But everything we hope to accomplish depends, as it always has, on the hearts and minds of the American people.

One of the greatest building blocks of character is citizen service. We must do more as individuals and as a society to encourage all Americans—especially our young people—to share their time, skills, enthusiasm, and energy with their communities. Whether we teach children to read, mentor young people, work at a food bank or homeless shelter, or care for people living with AIDS, citizen service calls forth the best from each of us. It builds a sense of community, compassion, acceptance of others, and a willingness to do the right thing—all hallmarks of character.

We can take great pride today in the numbers of energetic, idealistic Americans who are participating in service activities across our country and around the world. Almost 90,000 young men and women have served their communities through AmeriCorps during the past 4 years, tutoring students, mentoring children, building homes, fighting drug abuse. Through our America Reads initiative, Americans of all ages are volunteering their time to help children learn to read independently by the end of the third grade. Through Learn and Serve America, the Corporation for National and Community Service encourages America's schools to add service learning to their curricula so that all students—from kindergarten through graduate school—can develop their character, skills, and self-confidence while making their own unique contributions to the life of their communities. In the National Senior Service Corps and the Peace Corps, in religious, school, community, and charitable organizations, Americans strengthen the character of our Nation by volunteering to improve the quality of life for their fellow human beings. During National Character Counts Week, let us reaffirm to our children that the future belongs to those who have the strength of character to live a life of service to others.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 18 through October 24, 1998, as National Character Counts Week. I call upon the people of the United States, government officials, educators, religious, community, and business leaders, and the States to commemorate this week with appropriate ceremonies, activities, and programs.

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

William Clinton

[FR Doc. 98-28323

Filed 10-19-98; 12:05 pm]

Billing code 3195-01-P

Presidential Documents

Proclamation 7142 of October 16, 1998

National Forest Products Week, 1998

By the President of the United States of America

A Proclamation

Our Nation has been blessed with abundant natural resources, and among the most precious of these are our forests. Because forests cover about one-third of the land area of the United States, their splendor is not limited to one region, but is shared by our entire country. All Americans can experience the variety and beauty of our forests, parks, and woodlands and share the joys of hiking, camping, bird watching, and other recreational activities. Likewise, all Americans benefit from the essentials for life that forests provide: clean water, clean air, soil stability, pollution reduction, and a rich habitat for plants and animals. Forests also supply us with products vital to our society and economy, from building materials to paper products to medicines.

Maintaining the health of our Nation's forests is an important and delicate task. As we continue to grow, both in terms of population and in land developed, we put increased pressure on our forests and woodland areas. In the past, such growth occurred without regard to its impact and often threatened the very existence of our forests and the diverse wildlife they support. Learning from our mistakes, today we use wise forest management strategies and careful stewardship to ensure that our forests will remain both healthy and productive.

Such management requires strong cooperation among private citizens, government agencies, and the forestry industry. Half of our Nation's forestlands belong to private landowners, the Federal Government and State governments own 40 percent, and the forest products industry owns the remaining 10 percent. All three groups have been working together to ensure the sustainable development of our forests and woodlands. State Foresters and Cooperative State Extension Agents, with assistance from the U.S. Department of Agriculture, play a vital role in this endeavor, helping private landowners properly manage their forestlands through technical assistance, educational programs, and voluntary incentives. Working in partnership, government, industry, and private citizens are making progress in the vital task of preserving the health of America's forests and woodlands while providing essential products to the American people.

To recognize the importance of our forests in ensuring the long-term welfare of our Nation, the Congress, by Public Law 86-753 (36 U.S.C. 163), has designated the week beginning on the third Sunday in October of each year as "National Forest Products Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 18 through October 24, 1998, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities.

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

William Clinton

[FR Doc. 98-28324

Filed 10-19-98; 12:05 pm]

Billing code 3195-01-P

October 20, 1998

Tuesday
October 20, 1998

Part IV

The President

Notice of October 19, 1998—Continuation
of Emergency With Respect to Significant
Narcotics Traffickers Centered in
Colombia

Presidential Documents

Title 3—

Notice of October 19, 1998

The President

Continuation of Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant foreign narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The order blocks all property and interests in property of foreign persons listed in an Annex to the order, as well as foreign persons determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the order, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property. Because the activities of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 1998. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to significant narcotics traffickers centered in Colombia.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
October 19, 1998.

Reader Aids

Federal Register

Vol. 63, No. 202

Tuesday, October 20, 1998

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-523-5227****Laws** **523-5227**

Presidential Documents

Executive orders and proclamations **523-5227****The United States Government Manual** **523-5227**

Other Services

Electronic and on-line services (voice) **523-4534**Privacy Act Compilation **523-3187**Public Laws Update Service (numbers, dates, etc.) **523-6641**TTY for the deaf-and-hard-of-hearing **523-5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

<http://www.access.gpo.gov/nara>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

<http://www.nara.gov/fedreg>

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail tolistproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, OCTOBER

52579-52956.....	1
52957-53270.....	2
53271-53542.....	5
53543-53778.....	6
53779-54026.....	7
54027-54340.....	8
54341-54552.....	9
54553-55004.....	13
55005-55320.....	14
55321-55496.....	15
55497-55778.....	16
55779-55934.....	19
55935-56080.....	20

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

7128.....	52957
7129.....	53271
7130.....	53541
7131.....	53777
7132.....	54027
7133.....	54029
7134.....	54551
7135.....	55309
7136.....	55311
7137.....	55315
7138.....	55317
7139.....	55319
7140.....	55935
7141.....	56073
7142.....	56075

Executive Orders:

13011 (See EO	
13103).....	53273
13103.....	53273
12978 (See Notice of	
October 19, 1998).....	56079

Administrative Orders:

Presidential Determinations:

No. 98-37 of	
September 29,	
1998.....	54031
No. 98-38 of	
September 29,	
1998.....	54033
No. 98-39 of	
September 30,	
1998.....	55001
No. 98-40 of	
September 30,	
1998.....	55003
No. 98-41 of	
September 30,	
1998.....	54035
Notice of October 19,	
1998.....	56079

5 CFR

430.....	53275
534.....	53275

Proposed Rules:

532.....	54616
----------	-------

7 CFR

25.....	53779
301.....	52579, 54037
319.....	54553
354.....	54553
457.....	55497, 55779
723.....	55937, 55939
800.....	55321
905.....	55497
906.....	54553
922.....	54341
931.....	55005
948.....	54342

958.....	55779
966.....	54556
987.....	54344
993.....	52959
1207.....	53543
1464.....	55937, 55939
1710.....	53276

Proposed Rules:

1.....	53852
201.....	55964
225.....	54617
246.....	54629
300.....	55559
319.....	55559
800.....	52987
967.....	54382
1065.....	54383
1788.....	54385
1924.....	53616

8 CFR

212.....	55007
245.....	55007
286.....	54526

9 CFR

3.....	55012
50.....	53546
77.....	53547
78.....	53548, 53780, 53781
93.....	53783
130.....	53783

10 CFR

72.....	54559
625.....	54196

Proposed Rules:

35.....	55559
50.....	52990, 54080, 54389
63.....	55056

11 CFR

Proposed Rules:

102.....	55056
103.....	55056
106.....	55056

12 CFR

30.....	55462, 55468
208.....	55462
263.....	55468
364.....	55462, 55468
570.....	55462, 55468

14 CFR

23.....	53278, 55012
25.....	53278
33.....	53278
39.....	52579, 52583, 52585,
	52587, 52961, 53549, 53550,
	53552, 53553, 53555, 53556,
	53558, 53560, 53562, 53798,

53800, 54938, 54039, 54347, 54562, 54564, 54565, 54567, 54569, 54570, 55015, 55321, 55324, 55325, 55327, 55500, 55503, 55504, 55506, 55515, 55517, 55520, 55522, 55524, 55527, 55528, 55783, 55918, 55940	416.....54417 654.....53244 655.....53244	943.....53003	745.....55547
61.....53532	21 CFR	31 CFR	Proposed Rules:
67.....53532	177.....55942	586.....54575	52.....53350, 54089, 54645, 55812, 55983
71.....52589, 52590, 52591, 52963, 52964, 52965, 52966, 53279, 53802, 54349, 54350, 55329, 55330, 55331, 55530, 55531, 55532, 55942	178.....55944, 55945 520.....52968 522.....53577, 53578 556.....53578, 54352 558.....52968, 52969, 54352 573.....53579 814.....54042	Proposed Rules: 212.....54426	62.....54090
73.....53279, 53804	Proposed Rules:	32 CFR	63.....54646, 55178, 55812
97.....54572, 54573	216.....54082, 55564	655.....53809	68.....55983
135.....53804	315.....55067	33 CFR	81.....53350
141.....53532	601.....55067	66.....55946	180.....55565
142.....53532	872.....53859	100.....53586	185.....55565
440.....55175	1310.....55811	110.....55027	300.....53005, 55985, 55986
Proposed Rules:	22 CFR	117.....53281, 54353, 55029, 55030, 55947	745.....52662
39.....52992, 52994, 54080, 54391, 54393, 54395, 54399, 54401, 54635, 55056, 55059, 55061, 55063, 55065, 55343, 55345, 55346, 55348, 55350, 55352, 55560	41.....52969	Proposed Rules:	799.....54646, 54649
65.....55290, 55920	23 CFR	165.....54639	42 CFR
66.....55290	1270.....53580	34 CFR	400.....52610
71.....52996, 52997, 52998, 52999, 53000, 53001, 53002, 53319, 53320, 53321, 53322, 53323, 53324, 53325, 53747, 54403, 54637, 55354, 55971, 55972, 55973, 55974, 55975, 55976, 55977, 55978	1275.....55796 1335.....54044 1345.....52592	200.....54996	403.....52610
147.....55290	24 CFR	674.....55948	405.....52614
15 CFR	401.....55333	675.....52854	409.....53301
29.....53564	402.....55333	Proposed Rules:	410.....52610, 53301
740.....55017	598.....53262	361.....55292	411.....52610, 53301
743.....55017	888.....52858	36 CFR	412.....52614
Proposed Rules:	1710.....54332	200.....53811	413.....52614, 53301
Ch. VII.....54638	Proposed Rules:	811.....54354	417.....52610
17 CFR	35.....54422	37 CFR	422.....52610, 54526
10.....55784	36.....54422	1.....52609	424.....53301
275.....54308	37.....54422	Proposed Rules:	483.....53301
279.....54308	3282.....54528	1.....53498	489.....53301
Proposed Rules:	26 CFR	38 CFR	493.....55031
240.....54404	1.....52600, 52971, 55020, 55333	3.....53593	Proposed Rules:
405.....53326	602.....52971, 55020	Proposed Rules:	416.....52663
18 CFR	Proposed Rules:	17.....54756	488.....52663
35.....53805	1.....52660, 55355, 55564, 55918	39 CFR	43 CFR
37.....54258	53.....53862	111.....55454	2200.....52615
284.....53565	27 CFR	501.....53812	2210.....52615
Proposed Rules:	53.....52601	40 CFR	2240.....52615
2.....55682	28 CFR	9.....53980	2250.....52615
4.....53853	500.....55774	52.....52983, 53282, 53596, 54050, 54053, 54358, 54585, 55804, 55949	2270.....52615
153.....53853, 55682	503.....55774	59.....55175	3100.....52946
157.....53853, 55682	551.....55774	60.....53288	3150.....52946
161.....55562, 55563	Proposed Rules:	62.....54055, 54058	3160.....52946
250.....55562, 55563	31.....55069	63.....53980	3180.....52946
284.....55562, 55563	29 CFR	68.....55954	3200.....52946
375.....53853, 55682	1952.....53280	80.....54753	3500.....52946
380.....55682, 55715	4044.....55333	81.....53282	3510.....52946
385.....55682	30 CFR	82.....53290	3520.....52946
19 CFR	48.....53750	148.....54356	3530.....52946
4.....52967	75.....53750	180.....53291, 53294, 53813, 53815, 53818, 53820, 53826, 53829, 53835, 53837, 54058, 54066, 54357, 54360, 54362, 54587, 54594, 55533, 55540	3540.....52946
24.....55332	77.....53750	261.....54356	3550.....52946
20 CFR	915.....55025	264.....53844	3580.....52946
Proposed Rules:	917.....53252	265.....53844	3590.....52946
404.....54417	Proposed Rules:	266.....54356	3600.....52946
	72.....55811	268.....54356	3800.....52946
	75.....55811	271.....54356	3860.....52946
	936.....55979	300.....53847, 53848	4300.....55548
	935.....53618	302.....54356	44 CFR
			64.....54369, 54371, 55956
			65.....54373, 54376, 55035
			67.....54378, 55037
			Proposed Rules:
			67.....54427, 55072
			46 CFR
			28.....52802
			107.....52802
			108.....52802
			109.....52802
			133.....52802
			168.....52802
			199.....52802, 56066
			351.....55039
			503.....53308
			47 CFR
			0.....52617

1.....52983, 54073	48 CFR	173.....52844	55553
2.....54073	212.....55040	175.....52844	20.....54016, 54022
20.....54073	215.....55040	176.....52844	21.....52632
64.....54379	217.....55040	177.....52844	22.....52632
69.....55334	225.....55040	178.....52844	23.....52632
73.....52983, 54380, 54599, 54600, 55807, 55808, 55809, 55958	227.....55040	179.....52844	216.....52984
79.....55959	230.....55040	180.....52844	217.....55053
80.....53312	237.....54078, 55040	213.....54078	227.....52984, 55053
95.....54073	242.....55040	268.....54600	285.....54078, 55339
97.....54073	247.....55040	Proposed Rules:	600.....52984, 53313
Proposed Rules:	252.....55040	229.....54104	630.....55998
0.....53619	253.....55040	231.....54104	648.....52639
1.....53350, 54090	1609.....55336	232.....54104	660.....53313, 53317, 55558, 55809
20.....52665	1632.....55336	395.....54432	679.....52642, 52658, 52659, 52985, 52986, 53318, 54381, 54610, 54753, 55340, 55341, 55342
22.....53350	1652.....55336	396.....54432	Proposed Rules:
25.....54100	Proposed Rules:	571.....52626, 53848, 54652	17.....53010, 53620, 53623, 53631, 54660, 55839
43.....54090	1201.....52666	572.....53848	20.....53635, 54753, 55840
52.....54090	1205.....52666	574.....55832	222.....53635
54.....54090	1206.....52666	580.....52630	227.....53635
61.....54430	1211.....52666	1146.....55996	600.....52676
64.....54090, 55077	1213.....52666	50 CFR	630.....54661, 55572
65.....55988	1215.....52666	2.....52632	644.....54433
69.....54430	1237.....52666	10.....52632	648.....52676, 55355, 55357
73.....53008, 53009, 54431, 55831	1252.....52666	13.....52632	649.....55357
101.....53350	1253.....52666	14.....52632	660.....53636
	49 CFR	15.....52632	
	107.....52844	16.....52632	
	171.....52844	17.....52632, 52824, 53596, 54938, 54956, 54972, 54975,	
	172.....52844		

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT OCTOBER 20, 1998**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:
California; published 8-21-98

Water pollution; effluent guidelines for point source categories:

Organic pesticide chemicals manufacturing industry; published 7-22-98

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Alaska et al.; published 10-20-98

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Food additives:

Adjuvants, production aids, and sanitizers—

2-9-Dimethylantra, etc.; published 10-20-98

2-Methyl-4,6-bis[(octylthio)methyl]phenol; published 10-20-98

Polymers—

Polyester-polyurethane resin-acid dianhydride adhesive; published 10-20-98

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

Aerospatiale; published 9-15-98

Airbus; published 9-15-98

Boeing; published 9-15-98

Construcciones Aeronauticas, S.A.; published 9-15-98

Fokker; published 9-15-98

McDonnell Douglas; published 9-15-98

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Beef promotion and research; comments due by 10-27-98; published 8-28-98

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:
Mediterranean fruit fly; comments due by 10-26-98; published 8-26-98

AGRICULTURE DEPARTMENT**Commodity Credit Corporation**

Loan and purchase programs:
Tobacco; importer assessments; comments due by 10-29-98; published 9-29-98

AGRICULTURE DEPARTMENT**Farm Service Agency**

Program regulations:
Guaranteed farm loan programs; regulatory streamlining; and preferred lender program; implementation; comments due by 10-26-98; published 9-25-98

AGRICULTURE DEPARTMENT**Food Safety and Inspection Service**

Eggs and egg products:
Shell eggs; refrigeration and labeling requirements; comments due by 10-26-98; published 8-27-98

AGRICULTURE DEPARTMENT**Rural Business-Cooperative Service**

Program regulations:
Guaranteed farm loan programs; regulatory streamlining; and preferred lender program; implementation; comments due by 10-26-98; published 9-25-98

AGRICULTURE DEPARTMENT**Rural Housing Service**

Program regulations:
Guaranteed farm loan programs; regulatory streamlining; and preferred lender program;

implementation; comments due by 10-26-98; published 9-25-98

AGRICULTURE DEPARTMENT**Rural Utilities Service**

Program regulations:

Guaranteed farm loan programs; regulatory streamlining; and preferred lender program; implementation; comments due by 10-26-98; published 9-25-98

COMMERCE DEPARTMENT**National Institute of Standards and Technology**

Advanced technology program; revisions; comments due by 10-26-98; published 9-25-98

COMMODITY FUTURES TRADING COMMISSION

Registration:

Associated persons, floor brokers, floor traders and guaranteed introducing brokers; temporary licenses; comments due by 10-26-98; published 9-24-98

CONSUMER PRODUCT SAFETY COMMISSION

Consumer Product Safety Act:

Multi-purpose lighters; child resistance standard; comments due by 10-30-98; published 9-30-98

DEFENSE DEPARTMENT**Army Department**

Personnel:

Army Board for Correction of Military Records; comments due by 10-29-98; published 9-29-98

DEFENSE DEPARTMENT

Personnel:

Ready Reserve screening; comments due by 10-27-98; published 8-28-98

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 10-26-98; published 9-25-98

Hazardous waste program authorizations:

Massachusetts; comments due by 10-30-98; published 9-30-98

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Deltamethrin; comments due by 10-26-98; published 8-26-98

Triclopyr; comments due by 10-26-98; published 8-26-98

Solid wastes:

Products containing recovered materials; comprehensive procurement guideline; comments due by 10-26-98; published 8-26-98

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Access charges—
Incumbent local exchange carriers; reform and pricing flexibility; rulemaking petitions; comments due by 10-26-98; published 10-9-98

Streamlined contributor reporting requirements; biennial regulatory review; comments due by 10-30-98; published 10-8-98

Terminal equipment, connection to telephone network—

Signal power limitations; modifications; biennial regulatory review; comments due by 10-29-98; published 9-29-98

Radio stations; table of assignments:

Idaho et al.; comments due by 10-26-98; published 9-15-98

FEDERAL DEPOSIT INSURANCE CORPORATION

Foreign banks, U.S. branches and agencies; extended examination cycle; comments due by 10-27-98; published 8-28-98

FEDERAL EMERGENCY MANAGEMENT AGENCY

Freedom of Information Act; implementation; comments due by 10-27-98; published 8-28-98

FEDERAL RESERVE SYSTEM

Foreign banks, U.S. branches and agencies; extended examination cycle; comments due by 10-27-98; published 8-28-98

GENERAL SERVICES ADMINISTRATION

Federal travel:

Payment of expenses in connection with death of employees or immediate family members; comments due by 10-26-98; published 8-27-98

GOVERNMENT ETHICS OFFICE

Ethical conduct standards for executive branch

employees; comments due by 10-26-98; published 8-26-98

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:

Adhesive coatings and components—
2-hydroxy-1-[4-(2-hydroxyethoxy)phenyl]-2-methyl-1-propanone; comments due by 10-26-98; published 9-28-98

Medical devices:

Class III preamendments physical medicine devices; premarket approval; comments due by 10-28-98; published 7-30-98

Suction antichoke device, tongs antichoke device, and implanted neuromuscular stimulator device; retention in preamendments Class III; premarket approval; comments due by 10-28-98; published 7-30-98

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:

Housing assistance payments (Section 8)—
Multifamily housing mortgage and housing assistance restructuring program (mark-to-market program), etc.; comments due by 10-26-98; published 9-11-98

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Chiricahua dock; comments due by 10-30-98; published 7-29-98

Endangered Species Convention:

River otters taken in Missouri in 1998-1999 and subsequent seasons; exportation; comments due by 10-30-98; published 9-30-98

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NARA facilities:

Presidential libraries; architectural and design

standards; comments due by 10-26-98; published 8-25-98

Privacy Act; implementation; comments due by 10-26-98; published 8-26-98

POSTAL RATE COMMISSION

Practice and procedure:

Proceedings; efficiency improvement; comments due by 10-28-98; published 9-2-98

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

Florida; comments due by 10-27-98; published 8-28-98

Missouri et al.; comments due by 10-27-98; published 8-28-98

Military personnel:

Child development services programs; comments due by 10-28-98; published 9-29-98

Regattas and marine parades:

Northern California annual marine events; comments due by 10-30-98; published 8-31-98

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and operations:

Devices designed as chemical oxygen generators; transportation as cargo in aircraft; prohibition; comments due by 10-26-98; published 8-27-98

Airworthiness directives:

CFM International; comments due by 10-26-98; published 7-28-98

Eurocopter France; comments due by 10-30-98; published 8-31-98

General Electric Co.; comments due by 10-26-98; published 7-28-98

International Aero Engines AG; comments due by 10-26-98; published 7-28-98

Lockheed; comments due by 10-26-98; published 9-11-98

Pratt & Whitney; comments due by 10-26-98; published 7-28-98

Raytheon; comments due by 10-30-98; published 9-2-98

Class E airspace; comments due by 10-26-98; published 9-9-98

Procedural rules:

Protests and contract disputes procedures; and Equal Access to Justice Act implementation; comments due by 10-26-98; published 8-25-98

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Rate procedures:

Service inadequacies; expedited relief; comments due by 10-30-98; published 10-20-98

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

Yountville, CA; comments due by 10-26-98; published 8-26-98

TREASURY DEPARTMENT

Comptroller of the Currency

Foreign banks, U.S. branches and agencies; extended examination cycle; comments due by 10-27-98; published 8-28-98

TREASURY DEPARTMENT

Thrift Supervision Office

Consumer credit classified as loss, slow consumer credit, and slow loans; definitions removed; comments due by 10-26-98; published 9-25-98

LIST OF PUBLIC LAWS

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 "PLUS" (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.

H.R. 3007/P.L. 105-255

Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development Act (Oct. 14, 1998; 112 Stat. 1889)

H.R. 4068/P.L. 105-256

To make certain technical corrections in laws relating to Native Americans, and for other purposes. (Oct. 14, 1998; 112 Stat. 1896)

H.J. Res. 135/P.L. 105-257

Making further continuing appropriations for the fiscal year 1999, and for other purposes. (Oct. 14, 1998; 112 Stat. 1901)

S. 414/P.L. 105-258

Ocean Shipping Reform Act of 1998 (Oct. 14, 1998; 112 Stat. 1902)

H.R. 4658/P.L. 105-259

To extend the date by which an automated entry-exit control system must be developed. (Oct. 15, 1998; 112 Stat. 1918)

Last List October 15, 1998

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, send E-mail to listproc@lucky.fed.gov with the text message:

subscribe PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new public laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.