11–13–98
Vol. 63 No. 219
Pages 63385–63590

federal register

Friday
November 13, 1998

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WASHINGTON, DC

WHEN: Tuesday, Nov. 24, 1998 at 9:00 am.

WHERE: Office of the Federal Register
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Washington, DC
(3 blocks north of Union Station Metro)

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AH07

Cost-of-Living Allowances (Nonforeign Areas); Kauai, HI; U.S. Virgin Islands

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: The Office of Personnel Management (OPM) published a final rule on October 21, 1998 (63 FR 56430), concerning cost-of-living allowance rates for certain Federal employees in Kauai, HI, and the U.S. Virgin Islands. This rule adopted as final a previous interim rule (62 FR 14188, March 25, 1997) that raised the COLA rates in these two areas. In transcribing the implementation date from the interim rule, we inadvertently used ''1998'' instead of ''1997.'' The correct implementation date is shown in the **DATES** section that follows.

DATES: *Effective date:* November 20, 1998. *Implementation date:* The rate increases authorized by these regulations are applicable as of the first day of the first pay period beginning on or after March 25, 1997.

FOR FURTHER INFORMATION CONTACT: Kurt Springmann, (202) 606–2838, FAX: (202) 606–4264, or email at COLA@opm.gov.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 98–30510 Filed 11–12–98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98–088–1]

Asian Longhorned Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Asian longhorned beetle regulations by adding three areas in and around Chicago, IL, to the list of quarantined areas and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: Interim rule effective November 6, 1998. Consideration will be given only to comments received on or before January 12, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–088–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–088–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–5255; or e-mail: Ron.P.Milberg@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB) (Anoplophora glabripennis), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It is known to attack healthy maple, horse chestnut, birch, Rose of Sharon, poplar, willow, elm, locust, mulberry, chinaberry, apple, cherry, pear, and citrus trees. It may also attack other species of hardwood trees. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and debris of a half an inch or more in diameter are subject to infestation. ALB bores into the heartwood of host trees, eventually killing the host trees. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interior of the trees. Adult beetles emerge in the spring and summer months from round holes approximately ⅜-inch diameter (about the size of a dime) that they bore through the trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery and forest products industries could experience severe economic losses.

The Asian longhorned beetle regulations (7 CFR 301.51–1 through 301.51–9, referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of ALB to noninfested areas of the United States. Portions of New York City and Nassau and Suffolk Counties in the State of New York are already designated as quarantined areas.

Recent surveys by inspectors of Illinois State, county, and city agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that infestations of ALB have occurred in and around the Chicago, IL, area. Specifically, infestations have been found in the Ravenswood area in the city of Chicago; in the village of Summit, IL; and in the unincorporated areas of Dupage County near Addison, IL. Officials of the U.S. Department of Agriculture and officials of State, county, and city agencies in Illinois have begun an intensive survey and eradication program in the infested areas. The State of Illinois has quarantined the infested areas and is restricting the intrastate movement of regulated articles from the quarantined areas to prevent the artificial spread of

ALB within the State. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined area to prevent the artificial spread of ALB to other States and Canada.

The regulations in § 301.51–3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which ALB has been found by an inspector, in which the Administrator has reason to believe that ALB is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where ALB has been found.

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles, and the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of ALB.

In accordance with these criteria and the recent ALB findings described above, we are amending § 301.51–3(c) by adding three areas in and around Chicago, IL, to the list of quarantined areas. The new quarantined areas are described in the rule portion of this document.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the ALB from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Under the Plant Quarantine Act and the Federal Plant Pest Act (7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167), the Secretary of Agriculture is authorized to regulate the interstate movement of articles to prevent the spread of injurious plant pests in the United States.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this interim rule on small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this interim rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this interim rule.

This interim rule amends the ALB regulations by quarantining three areas in and around Chicago, IL, and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of ALB to noninfested areas of the United States.

Within the newly quarantined areas for ALB, nurseries, arborists, tree removal services, and firewood dealers could be affected by this interim rule. They could be affected in two ways. First, if a business wishes to move regulated articles interstate from a quarantined area, that business must either: (1) Enter into a compliance agreement with APHIS for the inspection and certification or limited permitting of regulated articles for interstate movement from the quarantined area; or (2) present its regulated articles to an APHIS inspector for inspection and obtain a certificate or a limited permit, issued by the APHIS inspector, for the interstate movement of the regulated articles. In either case, the inspections of regulated articles may be inconvenient, but these inspections do not result in any additional direct costs for businesses because APHIS provides the services of the inspector without cost, as long as those services are administered during normal working hours. There is also no cost for the compliance agreement, certificate, or limited permit for interstate movement of regulated articles.

However, some regulated articles, because of ALB infestation, may not qualify for interstate movement under a certificate or limited permit. In this case, a business wishing to move such regulated articles interstate from a quarantined area would be deprived of the opportunity to benefit from the sale of the affected regulated articles in another State. However, we do not have data to estimate either the potential loss of income or the economic impact of any potential loss of income on small businesses.

If this rule is not implemented, there is potential for serious economic losses to many businesses, both large and small, in the United States. ALB has the potential to cause extensive tree damage. In the eastern region of the United States alone, which includes the north-central States, there are 279 million acres of hardwood forests, representing about 75 percent of the land of all eastern forests. That forest acreage is in addition to land in urban and suburban areas, where hardwood trees are common in streets, backyards, and parks. It is estimated that maple trees account for at least 30 percent of the street and park plantings in urban areas. Nursery stock and certain fruit trees are also at risk.

Industries at risk to the spread of ALB are important economically. The forest products industry provided employment to 1.6 million U.S. workers in 1986, the last year for which complete data is available, 9 percent of the employment in all industries that year. For the United States as a whole, timber was the most important agricultural crop in 1986 in terms of the dollar value of production. In 1986, roundwood timber products, at local points of delivery, were valued at $12.6 billion, ahead of corn, which was valued at $12.4 billion. In the north-central United States, timber was the fourth most important agricultural crop in 1986, behind only corn, soybeans, and hay. The value of roundwood timber products harvested in the north-central United States accounted for 8 percent of the employment, 6 percent of the wages and salaries, and 7 percent of the value of shipments of all industries in that area in 1986. This translates to a workforce of 382,000 employees earning $8.6 billion. Industry shipments were valued at $44.8 billion in 1986. In all, forest industry manufacturing in the north-central United States contributed $53.4 billion to the gross national product in 1986. (These statistics on the forest products industry reflect products made from softwood timber as well as

hardwood timber. However, the impact of hardwood timber on the totals is significant. As an example, hardwood accounted for 80 percent of the net volume of growing stock on timberland in eight north-central States in 1992.)

Nonmanufacturing industries that rely on healthy hardwood trees are also important economically. In 1994, the annual average employment and wages at firms in the north-central States engaged primarily in the production of ornamental nursery products, including nursery stock, totaled 18,429 and $303 million, respectively. In 1993, sales of plants (trees and shrubs) by nurseries and greenhouses in the United States totaled an estimated $3.1 billion, of which $525 million was derived from sales in 8 north-central States. During the year ending September 30, 1993, 103.9 million landscape trees were sold in the United States, including 26 million in 8 north-central States. Approximately half of all landscape trees sold in the United States are hardwood trees.

The maple syrup industry relies on healthy maple trees, especially the sugar maple, for its production. In 1995, three north-central States (Michigan, Ohio, and Wisconsin) accounted for about 20 percent of the value of the U.S. maple syrup production ($25.5 million).

The tourism industry is tied heavily to leaf color changes in the fall, and the maple tree is noted for producing some of the most vivid colors. Between mid-September and late October, for example, the hardwood forests of New England draw 1 million tourists and generate $1 billion in revenue. It is estimated that up to one fourth of the tourism revenue generated annually in New England is due to the fall foliage displays. Although to a lesser extent than New England, the forests of the north-central States also generate tourism revenue as a result of leaf color changes in the fall.

The commercial fruit industry is also at risk of pest infestation, as pear, apple, plum, and citrus trees are susceptible to ALB infestation. It is estimated that, for the United States as a whole, the cost of replacing host fruit trees would amount to $5.2 billion alone for pear, apple, and plum orchards, and $10.4 billion for citrus. The fruits of host trees would also be affected by a widespread infestation. The average 1995–1997 value of utilized production in the United States of the four fruits noted above was estimated at $4.7 billion.

The alternative to this interim rule was to take no action. We rejected this alternative because the quarantine of the three areas in Illinois listed in this document is necessary to prevent the spread of the ALB.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that a Federal quarantine for ALB will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

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

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT,** by calling the Plant Protection and Quarantine Fax Service at (301) 734–3560, or by visiting the following Internet site: http://www.aphis.usda.gov/ppd/ead/ppqdocs.html.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.51–3, paragraph (c) is amended by adding an entry for Illinois, in alphabetical order, to read as follows:

§ 301.51–3 Quarantined areas.

* * * * *

(c) * * *

Illinois

City of Chicago. That area in the Ravenswood community in the city of Chicago that is bounded as follows: Beginning at the intersection of Kedzie and Bryn Mawr; then east along Bryn Mawr to the end; then east along an imaginary line to the shoreline of Lake Michigan; then south from the intersection of Kedzie and Bryn Mawr, along Kedzie to Diversey Parkway; then east along Diversey Parkway to the end; then east along an imaginary line to the shoreline of Lake Michigan; then north along the shoreline of Lake Michigan to the point of beginning.

DuPage County. That area near Addison in DuPage County that is bounded as follows: Beginning at the intersection of Fullerton Avenue and Swift Road; then east along Fullerton Avenue to Lombard Road; then north along Lombard Road to Army Trail; then west along Army Trail to Swift Road; then south along Swift Road to the point of beginning.

Village of Summit. That area in the Village of Summit that is bounded as follows: Beginning at the intersection of Archer and 59th Street; then south along Archer to 67th Street; then east along 67th Street to the end; then east along the railroad tracks to Sayre; then north along Sayre to 59th Street; then west

along 59th Street to the point of beginning.

* * * * *

Done in Washington, DC, this 6th day of November 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–30343 Filed 11–12–98; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 9003 and 9033

[Notice 1998–16]

Electronic Filing of Reports by Publicly Financed Presidential Primary and General Election Candidates

AGENCY: Federal Election Commission.

ACTION: Final Rule: Announcement of Effective Date.

SUMMARY: On Aug. 27, 1998, the Commission published the text of revised regulations concerning the electronic filing of reports by publicly financed Presidential primary and general election candidates. 63 FR 45679 (Aug. 27, 1998). These regulations implement portions of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act, as well as Pub. L. 104–79. The Commission announces that these rules are effective as of November 13, 1998.

EFFECTIVE DATE: November 13, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant Genral Counsel, or Ms. Rosemary C. Smith, Senior Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or toll free (800) 424–9530.

SUPPLEMENTARY INFORMATION: Today, the Commission is announcing the effective date of new regulations at 11 CFR 9003.1(b)(11) and 9033.1(b)(13), which set forth conditions that Presidential candidates agree to abide by in exchange for receiving public financing for their campaigns. The amendments indicate that if Presidential candidates and their authorized committees computerize their campaign finance records, they must agree to participate in the Commission's recently established electronic filing program as a condition of voluntarily accepting federal funding.

Sections 9009(c) and 9039(c) of Title 26, United States Code, require that any rule or regulation prescribed by the Commission to implement Title 26 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR 9003.1(b)(11) and 9033.1(b)(13) were transmitted to Congress on Aug. 21, 1998. Thirty legislative days expired in both the Senate and the House of Representatives on Oct. 21, 1998.

Announcement of Effective Date: 11 CFR 9003.1(b)(11) and 9033.1(b)(13), as published at 63 FR 45679 on Aug. 27, 1998, are effective as of November 13, 1998.

Dated: November 6, 1998.

Scott E. Thomas,

Acting Chairman, Federal Election Commission.

[FR Doc. 98–30297 Filed 11–12–98; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–305–AD; Amendment 39–10878; AD 89–18–07 R1]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model BAe.125, DH.125, BH.125, and HS.125 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain Raytheon Model BAe.125, DH.125, BH.125, and HS.125 series airplanes, that currently requires inspection of the elevator mass balance side plate assembly and spigot for corrosion, and repair, if necessary; application of corrosion protection treatment; and installation of corrosion resistant Monel rivets in the elevator balance weight structure. That AD was prompted by reports of corrosion on the elevator mass balance side plate assembly and the balance weight spigot. The actions specified by that AD are intended to prevent such corrosion damage, which could lead to displacement of the side plate and consequent control surface interference and jamming of flight controls. This amendment limits the applicability of the existing AD.

DATES: Effective December 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 18, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2145; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising AD 89–18–07, amendment 39–6297 (54 FR 33874, August 17, 1989), which is applicable to certain Raytheon Model BAe.125, DH.125, BH.125, and HS.125 series airplanes, was published in the **Federal Register** on August 13, 1998 (63 FR 43338). The action proposed to require inspection of the elevator mass balance side plate assembly and spigot for corrosion, and repair, if necessary; application of corrosion protection treatment; and installation of corrosion resistant Monel rivets in the elevator balance weight structure. The action also proposed to limit the applicability of the existing AD.

Comments

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

Conclusion

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

Cost Impact

Since the issuance of the existing AD, the FAA has reviewed the figures it has used in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations to $60 per work hour. The cost impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Because this AD merely deletes airplanes from the applicability of the

rule, the AD otherwise adds no additional costs, and requires no additional work to be performed by affected operators.

The FAA estimates that 346 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $207,600, or $600 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6297 (54 FR 33874, August 17, 1989), and by adding a new airworthiness directive (AD), amendment 39–10878, to read as follows:

89–18–07 R1 Raytheon Aircraft Company (Formerly Beech, Raytheon Corporate Jets, British Aerospace, Hawker Siddeley, et al.): Amendment 39–10878. Docket 97–NM–305–AD. Revises AD 89–18–07, Amendment 39–6297.

Applicability: Model BAe.125, DH.125, BH.125, and HS.125 series airplanes; up to and including series 700; 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.

Note 2: Raytheon (Beech) Model DH.125–400B, BH.125–400B and –600B, HS.125–600B and –700B, and BAe 125–800B series airplanes are similar in design to the airplanes that are subject to the requirements of this AD, and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which those models are approved for operation should consider adopting corrective action, applicable to these models, that is similar to the corrective action required by this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent control surface interference and jamming of flight controls, accomplish the following:

(a) Within 3 years since the date of airplane manufacture, or within 60 days after September 21, 1989 (the effective date of AD 89–18–07, amendment 39–6297), whichever occurs later, accomplish the following:

(1) Inspect the elevator mass balance weight side plate assembly and balance weight spigot for corrosion, in accordance with British Aerospace Service Bulletin 27–142, Revision 2, dated June 10, 1987, or Revision 3, dated November 13, 1989. Any corrosion detected during this inspection must be repaired prior to further flight, in accordance with the service bulletin.

(2) Apply corrosion protection treatment and install Monel rivets, part number MS9318–052, or British Standard Specification SP88–304 rivets, in the elevator balance weight structure, in accordance with British Aerospace Service Bulletin 27–142, Revision 2, dated June 10, 1987, or Revision 3, dated November 13, 1989.

(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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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 British Aerospace Service Bulletin 27–142, Revision 2, dated June 10, 1987, or British Aerospace Service Bulletin 27–142, Revision 3, dated November 13, 1989, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1	3	November 13, 1989.
2	Original	May 15, 1987.
3	2	June 10, 1987.
4	1	May 21, 1987.

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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on December 18, 1998.

Issued in Renton, Washington, on November 3, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30050 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–294–AD; Amendment 39–10887; AD 96–04–11 R1]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes Equipped With Rolls Royce Model RB211–535E4/E4B Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that currently requires a revision to the Airplane Flight Manual to ensure that the flightcrew activates the engine cowl thermal anti-ice (CTAI) system for both engines at the top of descent to avoid engine rundown (loss of engine power). This amendment clarifies the relationship between two existing AD's. The actions specified in this AD are intended to ensure that the flightcrew activates the engine cowl thermal anti-ice system for both engines prior to descent; activation of the engine CTAI system in the middle of descent could result in a compressor stall and subsequent engine rundown of multiple engines.

DATES: Effective November 30, 1998.

Comments for inclusion in the Rules Docket must be received on or before January 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–294–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–1547; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On February 15, 1996, the FAA issued AD 96–04–11, amendment 39–9523 (61 FR 6935, February 23, 1996), applicable to certain Boeing Model 757–200 series airplanes, to require a revision to the FAA-approved Airplane Flight Manual to ensure that the flightcrew activates the engine cowl thermal anti-ice (CTAI) system for both engines at the top of descent to avoid engine rundown (loss of engine power). That action was prompted by reports that, after the flightcrew activated the engine CTAI during descent, engine rundown occurred due to unknown reasons. The actions required by that AD are intended to ensure that the flightcrew activates the engine CTAI system for both engines prior to descent; activation of the engine CTAI system in the middle of descent could result in a compressor stall and subsequent engine rundown of multiple engines.

In the preamble to AD 96–04–11, the FAA indicated that the actions required by that AD were considered interim action. Rolls Royce had advised the FAA that it was developing a modification that will positively address the identified unsafe condition.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA issued AD 97–02–12, amendment 39–9897 (62 FR 4899, February 3, 1997). That AD applies to Rolls Royce Model RB211–535E4 and –535E4–B turbofan engines installed on Boeing Model 757–200 series airplanes. It requires installation of an improved fuel flow governor that incorporates revised minimum compressor discharge P4 stop settings. That AD indicates that installation of these improved fuel flow governors on both engines of Model 757 series airplanes constitutes terminating action for the requirements of AD 96–04–11.

Consequently, the FAA has determined that further rulemaking is necessary to revise AD 96–04–11 to clarify the relationship of that AD to AD 97–02–12 by indicating that installation of the improved fuel flow governors (as required by AD 97–02–12) terminates the requirements of AD 96–04–11.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD revises AD 96–04–11 to continue to require a revision to the Airplane Flight Manual to ensure that the flightcrew activates the engine cowl thermal anti-ice (CTAI) system for both engines at the top of descent to avoid engine rundown (loss of engine power). This AD merely clarifies the relationship between AD 96–04–11 and AD 97–02–12.

Determination of Rule's Effective Date

Since this AD merely provides information regarding the effect of another AD, and does not change the existing requirements, it is found that notice and opportunity for prior public comment hereon are unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–294–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9523 (61 FR 6935, February 23, 1996), and by adding a new airworthiness directive (AD), amendment 39–10887, to read as follows:

96–04–11 R1 Boeing: Amendment 39–10887. Docket 98–NM–294–AD. Revises AD 96–04–11, amendment 39–9523.

Applicability: Model 757–200 series airplanes, equipped with Rolls Royce Model RB211–535E4/E4B engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To reduce the risk of engine rundown during idle descents, accomplish the following:

(a) Within 30 days after March 11, 1996 (the effective date of AD 96–04–11, amendment 39–9523), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''Limitations Section 1

In order to reduce the risk of engine rundown during idle descents, activate the engine cowl thermal anti-ice system for both engines prior to idle descents above flight level (FL) 200. Below FL 200, use normal engine cowl thermal anti-ice system procedures (as defined in the AFM).

Note: The Master Minimum Equipment List (MMEL) for Model 757 series airplanes currently specifies that an airplane may be dispatched with an engine anti-ice valve locked in the closed position. The requirement of this section to activate the engine cowl thermal anti-ice system prior to descent will prevent the dispatch of airplanes with an engine anti-ice valve locked in the closed or open position. Where differences exist between the current specification of the MMEL and the requirements of this AFM limitation, the AFM limitation prevails.''

Note 1: AD 97–02–12, amendment 39–9897, requires installation of improved fuel flow governors (FFG) on both engines of Boeing Model 757–200 series airplanes. Accomplishment of this installation constitutes terminating action for the requirements of this AD.

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

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

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

(d) This amendment becomes effective on November 30, 1998.

Issued in Renton, Washington, on November 4, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30335 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–53–AD; Amendment 39–10873; AD 98–23–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Pratt & Whitney (PW) PW4000 series turbofan engines not incorporating modifications described in certain PW service bulletins listed in the applicability section, that requires high pressure compressor (HPC) blade tip grinding of the rotor assembly, installation of aluminum oxide coated HPC blade tips in stages 9 through 12, modification of HPC 8th through 14th stage stators, incorporation of 1st stage high pressure turbine (HPT) vanes with increased airflow area which also requires additional HPT hardware modifications, and incorporation of HPC 13th–15th stage zirconium oxide blade tips. This amendment is prompted by reports of HPC surge caused by excessive HPC rear stage rotor-to-case clearance. The actions specified by this AD are intended to prevent HPC surge, which can result in engine power loss at a critical phase of flight such as takeoff or climb.

DATES: Effective January 12, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 12, 1999.

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

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA

01803–5299; telephone (781) 238–7147, fax (781) 238–7199.

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 Pratt & Whitney (PW) PW4000 series turbofan engines not incorporating modifications described in certain PW service bulletins listed in the applicability section was published in the **Federal Register** on June 18, 1998 (63 FR 33295). That action proposed to require high pressure compressor (HPC) blade tip grinding of the rotor assembly, installation of aluminum oxide coated HPC blade tips in stages 9 through 12, modification of HPC 8th through 14th stage stators, incorporation of 1st stage high pressure turbine (HPT) vanes with increased airflow area which also requires additional HPT hardware modifications, and incorporation of HPC 13th–15th stage zirconium oxide blade tips.

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

One commenter requests a change to the Compliance Section to allow the accomplishment of either PW Service Bulletins (SBs) No. PW4ENG–72–514, or the appropriate nozzle guide vane and TOBI duct section of SB PW4ENG–72–504. The commenter wants to have a choice to incorporate the pertinent sections of SB PW4ENG–72–504 after the effective date of this AD and still comply with the AD. The FAA concurs, provided that all of the requirements of that SB are incorporated, since incorporation of only the pertinent sections will not produce a certified engine configuration. Engines that have incorporated the modifications in SB PW4ENG–72–504 already are exempted from the AD based upon the applicability. If an operator wants to exercise this choice after the effective date of this AD, instead of incorporating the modifications in SB PW4ENG–72–514, that choice will produce an airworthy engine to an equivalent level of the modifications in SB PW4ENG–72–514. There are two other SBs listed in the applicability section: SB PW4ENG–72–490 and PW4ENG–72–572 that accomplish equivalent actions to SB PW4ENG–72–504. Therefore, a paragraph has been added to the compliance section clarifying that if the modifications contained in certain SBs listed in the applicability paragraph are incorporated after the effective date of this AD, no further action is required.

One commenter states that it has already complied with the requirements of this AD and that those requirements are effective in preventing surges from occurring in service.

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

There are approximately 187 engines of the affected design in the worldwide fleet. The FAA estimates that there are currently 61 engines installed on aircraft of U.S. registry that would be affected by this AD. Required parts would cost approximately $20,000 per engine. Based on these figures, the total cost impact of the AD, including labor costs, is estimated to be $1,220,000.

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:

98–23–08 Pratt & Whitney: Amendment 39–10873. Docket 97–ANE–53–AD.

Applicability: Pratt & Whitney (PW) Model PW4152, PW4056, PW4156, PW4256, PW4052, PW4158, PW4060, PW4160, PW4460, PW4050, PW4060A, PW4156A, PW4062, PW4462, PW4060C, and PW4650 turbofan engines, not incorporating at least one of the modifications described in the PW service bulletins (SBs) and listed in items (1) through (6), excluding those engines having a (–3) identifier next to the engine model number on the engine data plate. These engines are installed on but not limited to Boeing 767 and 747 series aircraft, McDonnell Douglas MD–11 series aircraft, and Airbus A310 and A300–600 series aircraft.

(1) PW4ENG 72–484, Revision 3, dated July 1, 1997, or earlier revisions, PW4ENG 72–486, Revision 1, dated November 23, 1994, or original issue.

(2) PW4ENG 72–484, Revision 3, dated July 1, 1997, or earlier revisions, PW4ENG 72–575, Revision 1, dated June 30, 1997, or original issue, PW4ENG 72–486, Revision 1, dated November 23, 1994, or original issue.

(3) PW4ENG 72–514, Revision 1, dated August 2, 1996, or original issue.

(4) PW4ENG 72–490, Revision 1, dated August 2, 1994, or original issue.

(5) PW4ENG 72–504, Revision 1, dated May 9, 1995, or original issue.

(6) PW4ENG 72–572, dated June 16, 1995.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 high pressure compressor (HPC) surge, which can result in engine power loss at a critical phase of flight such as takeoff, accomplish the following:

(a) Within 1,400 cycles in service (CIS) after the effective date of this AD, or prior to June 30, 1999, whichever occurs first, perform the following modifications:

(1) Incorporate stage 9 through 12 aluminum oxide blade tips and grind HPC

blade tips at the rotor assembly in accordance with the Accomplishment Instructions of PW SB No. PW4ENG–72–484, Revision 3, dated July 1, 1997, concurrently with the requirements of paragraph (a)(4) of this AD.

(2) Modify HPC 8th–14th stage stators in accordance with the Accomplishment Instructions of PW SB No. PW4ENG–72–486, Revision 1, dated November 23, 1994.

(3) Modify the 1st stage high pressure turbine (HPT) cooling duct (TOBI Duct), install a metering plug in the Number 2 bearing thrust balance vent tube, and incorporate 1st stage HPT vanes with increased airflow area in accordance with the Accomplishment Instructions of PW SB No. PW4ENG–72–514, Revision 1, dated August 2, 1996.

(4) Incorporate HPC 13th–15th stage zirconium oxide blade tips in accordance with the Accomplishment Instructions of PW SB No. PW4ENG–72–575, Revision 1, dated June 30, 1997.

(5) If at any time prior to the compliance time of this AD incorporation of the requirements of any one of the SBs, identified in items (4), (5), and (6) in the applicability section of this AD is accomplished on any engine, then such an engine will not be subject to the requirements of this AD and no further action is required.

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

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

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

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

Document No.	Pages	Revision	Date
PW4ENG–72–484	1–16	3	July 1, 1997.
	17–78	1	November 8, 1994.
	79	2	March 10, 1995.
	80, 81	3	July 1, 1997.
Total Pages: 81.			
PW4ENG–72–486	1–31	1	November 23, 1994.
Total Pages: 31.			
PW4ENG–72–514	1–6	1	August 2, 1996.
	7	Original	June 23, 1994.
	8–35	1	August 2, 1996.
Total Pages: 35.			
PW4ENG–72–575	1–43	1	June 30, 1997.
Total Pages: 43.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on January 12, 1999.

Issued in Burlington, Massachusetts, on November 5, 1998.

Mark C. Fulmer,

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

[FR Doc. 98–30320 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–21–AD; Amendment 39–10872; AD 98–23–07]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Pratt & Whitney (PW) JT9D series turbofan engines, that requires a one-time acid etch inspection of the turbine exhaust case (TEC) wall between and on either side of the ''R'' and ''S'' rails in the engine mount lug area (top quadrant of the case) for the presence of weld material, and if weld material is detected, removal from service and replacement with serviceable parts. This amendment is prompted by reports of weld rework performed in the outer case wall of the TEC, in the mount lug fillet area, during original production to address local under minimum wall thickness conditions which have left the TEC's structural capability compromised. The actions specified by this AD are intended to prevent TEC structural failure under abnormal operating conditions, which could result in reduced main mount load capability, engine separation from the wing and subsequent loss of control of the aircraft.

DATES: Effective January 12, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 12, 1999.

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

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

SUPPLEMENTARY INFORMATION: 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 Pratt & Whitney (PW) Models JT9D–7, –7A, –7H, –7AH, –7F, –7J, –20, –20J, –7Q, –7Q3, –59A, –70A, and –7R4D turbofan engines was published in the **Federal Register** on May 7, 1998 (63 FR 25179). That action proposed to require at the next removal of the TEC from the low pressure turbine case ''P'' flange for maintenance after the effective date of this AD, a one-time acid etch inspection of TEC wall between and on either side of the ''R'' and ''S'' rails in the engine mount lug area (top quadrant of the case) for the presence of weld material, and if that material is detected, removal from service and replacement with serviceable parts.

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

Risk Assessment

Several commenters question the risk assessment used to generate the proposed rule. The FAA will address each comment individually and provide responses.

Two commenters state that a Continued Airworthiness Assessment Methodology (C.A.A.M.) analysis needs to be performed to validate the risk analysis submitted by the manufacturer for this rulemaking. The FAA does not concur. C.A.A.M. is a system of assessing and managing risk that includes the use of quantitative risk analysis models. The risk analysis submitted by the manufacturer to evaluate the subject unsafe condition followed the C.A.A.M. procedure.

Two commenters indicate that utilizing data from one operator is insufficient to establish an appropriate risk factor. The FAA does not concur. The database of the one operator in question is extensive, since it represents a substantial portion of the engine fleet and includes detailed records of all inspections, and has been validated repeatedly against full-fleet experience.

Two commenters object to the use of data from one operator based on that operator's hour-to-cycle mission profile. The FAA does not concur. Cracking in the mount lug area of the TEC is a function of high stress and temperature operation on a cyclic basis, and is independent of hours, time in service (TIS).

One commenter takes issue with the assumption of constant fleet size and utilization. The FAA does not concur. The future rate of utilization is subject to a variety of factors, including resale and continued use of engines. The assumption of constant fleet size and utilization has been consistently used in previous risk analyses, therefore, this assumption allows comparison of this risk with other unsafe conditions.

One commenter takes issue with the use of linear interpolation to predict failures instead of using Weibull analysis. The FAA does not concur. Weibull analysis was used to develop the failure distribution.

One commenter notes it is not apparent that an assessment for incorrectly reading the acid etch is accounted for in the risk analysis. The FAA does not concur. The probability of correctly interpreting the macroetch results for the weld condition is high. This factor does not significantly affect the results of the risk analysis.

One commenter postulates a lower risk of fan blade release coupled with a TEC with welds or cracks. The FAA does not concur. The FAA finds this calculation inaccurate because it: (1) includes only past occurrences for its estimate of the percent of the fleet with TEC cracks or welds and (2) it does not use the standard statistical practice for calculating mean time between failure.

One commenter states that since there has never been a failure of the TEC from a full blade out or rotor seizure, the risk analysis is in question. The FAA does not concur. Corrective action does not need to occur as a result of a serious event. The FAA has determined that an unsafe condition exists and therefore this rulemaking is necessary as a proactive approach to continued airworthiness.

Two commenters request the FAA direct PW to partner with the operators to develop a risk assessment, which takes into consideration specific data elements from the major affected operators to determine a logical and true safety risk and to postpone rulemaking until such time that this risk analysis can be reviewed. The FAA does not concur. The FAA has determined that the risk assessment evaluated for this rulemaking is appropriate. Since an unsafe condition has been determined to exist and is likely to develop on other products of the same type design, it is appropriate to issue this AD without further delay.

Other Comments

Two commenters cite concerns about consistency for inspecting the primary mount locations on the TEC for the JT9D–7A/7F/7J models and the JT9D–20/20J models. The FAA concurs. Revision 1 of the SBs, referenced in this final rule, have corrected the inconsistency among engine models for the primary mount locations.

Two commenters request that the economic impact of the proposal be revised to reflect case repairs and acquisition of new cases. The FAA concurs. There are 1,125 engines installed on aircraft of U.S. registry that would be affected by the inspection requirements of this AD. The average labor rate is $60 per work hour and it would take approximately 1.4 work hours per engine to accomplish the acid etch inspection. For the inspection, then, the estimated impact is $94,500. The cost of replacement of a TEC found with welding in the primary mount lug area is approximately $495,000 per TEC. Since this AD addresses 23 TECs that are unaccounted for in the field, the estimated impact is $11,385,000. Therefore the total estimated cost impact of this AD is $11,479,000.

One commenter notes that the proposed rule states the required actions must be taken at the next removal of the TEC from the low pressure turbine case ''P'' flange. If the phrase ''when the engine is in the shop,'' were added it would provide for exchanging a TEC in the hangar during an aircraft service. Normally when a TEC is replaced in the hangar, an overhauled case is obtained from a vendor. However, on occasion, a TEC is obtained from another engine and a small airline needs this flexibility. The FAA concurs. The FAA has revised the shop visit definition in the compliance section of this final rule to induction of the engine into the shop for scheduled maintenance.

One commenter states that they are currently inspecting the TECs to the original SB and the Internal Engineering Notice (IEN) noted in PW All Operators Wire (AOW). The commenter requests the AD indicate the original of SB 6322, A72–546 and IEN 97ECO56C as compliance with the AD. The FAA concurs. In the interest of time to alert operators of the need to conduct the inspection, PW issued an AOW citing the IEN number 97ECO56C which is used within PW to issue the original SB. The IEN for Revision 1 to SB 6322 and A72–546 were issued before the NPRM was released and provided better etching agents the operator can use for the inspection and referenced acid etch inspection for only the primary mount lug locations. Since complying with the original SBs is more restrictive than Revision 1, this final rule has been revised to reference the original issue of the affected SBs.

One commenter concurs with the rule as proposed.

Additional Technical Concerns

The following technical concerns were raised in comments to the proposed rule, but do not request any specific changes to the rule as proposed, however the FAA will answer these technical concerns.

One commenter asks if the full fan blade out test data was not required for SB 4853 why is a full fan blade out test required to evaluate welds in mount areas? The commenter also asks why is the static deflection load test data presented to the FAA for welds in the mount areas not admissible as substantiation, when PW considered static load test data admissible for mount lug area modifications? The FAA does not concur. The objective of SB 4853 is to address cracking in the TEC struts and rails and does not address the case wall. Also, PW did not submit data to substantiate weld repairs in the primary mount lug areas, and no other design approvals allowing for weld repairs in the primary mount lug areas have been issued by the FAA.

One commenter refers to AD 96–25–10 (Docket 95–ANE–57) that requires JT9D TEC modification to increase the containment capability and includes the option of welding doublers on the inside surface of the TEC or welding a thicker replacement flange onto the case, and then asks why is the FAA unconcerned about the TEC's ability to withstand a full fan blade out or rotor seizure for a case that has a 360 degree weld approximately 1.2'' away from the mount bosses? The FAA does not concur. Welds associated with the P flange replacement and containment shields are outside the high stress zone of the primary mount lug locations.

Two commenters request that the Chromalloy ''strongback'' repair be listed as a means for compliance with the AD. The FAA does not concur. The repair has not been approved by the FAA nor does it provide an alternate method of compliance to the AD as proposed. The AD method of compliance is to perform an acid etch and conduct an inspection, therefore the Chromalloy repair is considered outside the scope of this AD.

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

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:

98–23–07 Pratt & Whitney: Amendment 39–10872. Docket 98–ANE–21–AD.

Applicability: Pratt & Whitney (PW) Models JT9D–7, –7A, –7H, –7AH, –7F, –7J, –20, –20J, –7Q, –7Q3, –59A, –70A, and –7R4D turbofan engines. These engines are installed on but not limited to Boeing 747 and 767 series, McDonnell Douglas DC–10 series, and Airbus A300 and A310 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent turbine exhaust case (TEC) structural failure under abnormal operating conditions, which could result in reduced main mount load capability, engine separation from the wing and subsequent loss of aircraft control, accomplish the following:

(a) At the next shop visit after the effective date of this AD, accomplish the following in accordance with PW Alert Service Bulletin (ASB) No. JT9D–A6322, Revision 1, dated August 13, 1998, or Original, dated March 19, 1998, or ASB No. JT9D–7R4–A72–546, Revision 1, dated August 13, 1998, or Original, dated March 19, 1998, as applicable:

(1) Perform a one-time acid etch inspection of TEC wall between and on either side of the ''R'' and ''S'' rails in the engine mount lug area (top quadrant of the case) for the presence of weld material.

(2) If weld material is found, remove from service the TEC and replace with a serviceable part.

(b) For the purpose of this AD, a shop visit is defined as the induction of an engine into a shop for the purpose of maintenance.

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

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

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

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

Document No.	Pages	Revision	Date
JT9D–7R4–A72–546	1–4	1	August 13, 1998.

Document No.	Pages	Revision	Date
	5	Original	March 19, 1998.
	6–9	1	August 13, 1998.
	10, 11	Original	March 19, 1998.
	12–19	1	August 13, 1998.
Total Pages: 19			
JT9D–7R4–A72–546	1–16	Original	March 19, 1998.
Total Pages: 16.			
A6322	1–4	1	August 13, 1998.
	5–22	Original	March 19, 1998.
	23–29	1	August 13, 1998.
	30, 31	Original	March 19, 1998.
	32–45	1	August 13, 1998.
Total Pages: 45.			
A6322	1–41	Original	March 19, 1998.
Total Pages: 41.			

This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 12, 1999.

Issued in Burlington, Massachusetts, on November 5, 1998.

David A. Downey,

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

[FR Doc. 98–30332 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–195–AD; Amendment 39–10883; AD 98–23–15]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Model Hawker 800XP series airplanes, that requires replacement of the fuel feed hose assemblies of the auxiliary power unit (APU) with new hose assemblies. This amendment is prompted by a report of the collapse of the inner casing of the fuel feed hose that supplies fuel to the APU. The actions specified by this AD are intended to prevent failure of the fuel feed hose assemblies, which could result in fuel leakage and consequent risk of fire in the aft equipment bay.

DATES: Effective December 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 18, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. 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, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Randy Griffith, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4145; fax (316) 946–4407.

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 Raytheon Model Hawker 800XP series airplanes was published in the **Federal Register** on August 27, 1998 (63 FR 45773). That action proposed to require replacement of the fuel feed hose assemblies of the auxiliary power unit (APU) with new hose assemblies.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 11 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $3,300, or $300 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–23–15 Raytheon Aircraft Company (Formerly Beech): Amendment 39–10883. Docket 98–NM–195–AD.

Applicability: Model Hawker 800XP series airplanes, serial numbers 258297 through 258304 inclusive, and 258307 through 258309 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the fuel feed hose assemblies, which could result in fuel leakage and consequent risk of fire in the aft equipment bay, accomplish the following:

(a) Within 300 flight hours or 3 months after the effective date of this AD, whichever occurs later, replace the fuel feed hose assemblies of the auxiliary power unit (APU) with new hose assemblies in accordance with Raytheon Aircraft Service Bulletin SB.49–3018, dated August 1997.

(b) If replacement fuel feed hose assemblies are not immediately available for installation, shut down the APU and display warning notices prohibiting use of the APU in accordance with Raytheon Aircraft Service Bulletin SB.49–3018, dated August 1997, until the replacement required by paragraph (a) of this AD is accomplished.

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

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

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

(e) The actions shall be done in accordance with Raytheon Service Bulletin SB.49–3018, dated August 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 18, 1998.

Issued in Renton, Washington, on November 4, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30168 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–88–AD; Amendment 39–10884; AD 98–23–16]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, that requires the installation of certain rivets on support arm 2 of the left and right flaps. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent fatigue cracking of the support arms of the flaps, which could result in reduced structural integrity of the airplane.

DATES: Effective December 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 18, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes was published in the **Federal Register** on September 3, 1998 (63 FR 46924). That action proposed to require the installation of certain rivets on support arm 2 of the left and right flaps.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required installation, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be $1,920, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–23–16 Dornier Luftfahrt GMBH: Amendment 39–10884. Docket 98–NM–88–AD.

Applicability: Model 328–100 series airplanes, serial numbers 3064 through 3086 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the support arms of the flaps, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 10,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later, install rivets on support arm 2 of the left and right flaps, in accordance with Dornier Service Bulletin SB–328–57–239, dated July 7, 1997

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

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

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

(d) The installation shall be done in accordance with Dornier Service Bulletin SB–328–57–239, dated July 7, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German airworthiness directive 97–328, dated November 20, 1997.

(e) This amendment becomes effective on December 18, 1998.

Issued in Renton, Washington, on November 4, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30169 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–67–AD; Amendment 39–10871; AD 98–20–18]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines (IAE) V2500–A1 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98–20–18 that was sent previously to all known U.S. owners and operators of International Aero Engines (IAE) V2500–A1 series turbofan engines by individual letters. This AD requires, prior to further flight, removal from service of affected high pressure turbine (HPT) disks, identified by part number and serial number in the applicability paragraph of this AD, and replacement with a serviceable part. This amendment is prompted by a report of an uncontained HPT disk failure. The actions specified by this AD are intended to prevent an HPT disk fracture, an uncontained engine failure, and damage to the aircraft.

DATES: Effective November 30, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98–20–18, issued on September 14, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 98–ANE–67–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7133, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On September 14, 1998, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 98–20–18, applicable to International Aero Engines (IAE) V2500–A1 series turbofan engines, which requires, prior to further flight, removal from service of affected high pressure turbine (HPT) disks, identified by part number and serial number in the applicability paragraph of this AD, and replacement with a serviceable part. That action was prompted by a report of an uncontained HPT disk failure on an IAE V2500–A1 series turbofan engine installed on an Airbus A320 series aircraft. Preliminary investigation of the recovered HPT stage 1 disk fracture surface indicates that the fracture initiated from a subsurface location in the disk bore area. The fractured part has been returned to IAE to continue the investigation. A review of manufacturing records has identified 6 additional HPT disks that were produced from the same or related material lot. There exists a possibility that these 6 disks produced from the same material lot could be similarly affected as the failed HPT disk. Therefore, the FAA has determined that these 6 disks must be immediately removed from service prior to further flight. This condition, if not corrected, could result in an HPT disk fracture, an uncontained engine failure, and damage to the aircraft.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 98–20–18 to prevent HPT disk fracture. The AD requires, prior to further flight, removal from service of affected HPT disks, identified by part number and serial number in the applicability paragraph of this AD, and replacement with a serviceable part.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on September 14, 1998, to all known U.S. owners and operators of IAE V2500–A1 series turbofan engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR part 39) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–67–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

98–20–18 International Aero Engines: Amendment 39–10871. Docket 98–ANE–67–AD.

Applicability: International Aero Engines (IAE) V2500–A1 series turbofan engines, with high pressure turbine (HPT) stage 1 disks, part number (P/N) 2A1801, serial numbers (S/Ns) P100430, P100421, P100621, and P100618; HPT stage 1 disk, P/N 2A1101, S/

N P100346; and HPT stage 2 disk, P/N 2A0902, S/N P100381, installed. These engines are installed on Airbus A320 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 an HPT disk fracture, an uncontained engine failure, and damage to the aircraft, accomplish the following:

(a) Prior to further flight, remove from service and replace with a serviceable part the following affected HPT disks:

HPT disk	P/N	S/N	Engine on which part may be installed
Stage 1 ...	2A1801	P100430	V0122
	2A1801	P100421	V0134
	2A1801	P100621	V0137
	2A1801	P100618	V0149
	2A1101	P100346	Removed
Stage 2 ...	2A0902	P100381	V0127

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

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

(c) This amendment becomes effective November 30, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98–20–18, issued September 14, 1998, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on November 4, 1998.

David A. Downey,

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

[FR Doc. 98–30331 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–12–AD; Amendment 39–10886; AD 98–23–18]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B–1, and 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (Bell) Model 214B, 214B–1, and 214ST helicopters. This action requires a visual inspection of thin-flanged attachment barrel nuts (barrel nuts) manufactured by Kaynar Technologies, Inc. for cracks or lubrication residue, and replacement of the barrel nuts and corresponding attaching bolts, as necessary. These barrel nuts have been installed in main rotor grips, pitch horns, and tailboom assemblies. This amendment is prompted by a report of a cracked barrel nut, which was discovered on a helicopter being prepared for shipment. The actions specified in this AD are intended to detect cracks in a barrel nut, which could lead to failure of a main rotor grip, pitch horn, or tailboom, and subsequent loss of control of the helicopter.

DATES: Effective November 30, 1998.

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

Comments for inclusion in the Rules Docket must be received on or before January 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–12–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Forest, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas, 76137, telephone (817) 222–5861, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: This amendment adopts a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (Bell) Model 214B, 214B–1, and 214ST helicopters. This action requires an inspection of barrel nuts manufactured by Kaynar Technologies, Inc. (Kaynar). This amendment is prompted by the discovery of a cracked barrel nut, part number NAS577B–10A, on a helicopter being disassembled for shipment. The crack was in the threaded portion of the barrel nut. A laboratory analysis indicated that the cracking is a result of hydrogen embrittlement introduced during manufacture. These nuts may have been installed in spare main rotor grips, pitch horns, or tailboom assemblies; and may also have been supplied as individual spare parts. The actions specified in this AD are intended to detect cracks in a barrel nut, which could lead to failure of a main rotor grip, pitch horn, or tailboom, and subsequent loss of control of the helicopter.

The FAA has reviewed Bell Helicopter Textron, Inc. Alert Service Bulletin No. 214–97–59 and Bell Helicopter Textron, Inc. Alert Service Bulletin No. 214ST–97–78, both dated July 17, 1997, which describe procedures for determining if any barrel nuts used on the affected model helicopters were manufactured by Kaynar, and if so, visually inspecting those barrel nuts for cracks or lubrication residue using a 10-power or higher magnifying glass. If a crack or lubrication residue is discovered in the threads of either a barrel nut or its attaching bolt, both the barrel nut and the attaching bolt must be replaced with airworthy parts. Barrel nuts whose manufacturer cannot be positively identified must also be replaced.

Since an unsafe condition has been identified that is likely to exist or develop on other Bell Model 214B, 214B–1, and 214ST helicopters of the same type design, this AD is being issued to detect cracking in a barrel nut, which could lead to failure of a main rotor grip, pitch horn, or tailboom, and subsequent loss of control of the helicopter. The actions are required to be accomplished in accordance with the service bulletins described previously.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, an inspection of the barrel nuts is required within 40 hours time-in-service, and this AD must be issued immediately.

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

The FAA estimates that 15 helicopters of U.S. registry will be affected by this proposed AD, that it will take approximately 3.0 work hours per helicopter to accomplish the inspection and replacement of parts, and that the average labor rate is $60 per work hour. Required parts will cost approximately $600 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $11,700.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–SW–12–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AD 98–23–18 Bell Helicopter Textron, Inc.: Amendment 39–10886. Docket No. 98–SW–12–AD.

Applicability: Model 214B, 214B–1, and 214ST helicopters, certificated in any category.

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

Compliance: Required within 40 hours time-in-service, unless accomplished previously.

To detect cracks in a barrel nut, which could lead to failure of a main rotor grip, pitch horn, or tailboom, and subsequent loss of control of the helicopter, accomplish the following:

(a) For each barrel nut, determine if the manufacturer was Kaynar Technologies Inc. (Kaynar) in accordance with paragraph 1.a. of the Accomplishment Instructions of Bell Helicopter Textron, Inc. Alert Service Bulletin (ASB) No. 214–97–59, applicable to Model 214B and B–1 helicopters, or Bell Helicopter Textron, Inc. ASB No. 214ST–97–78, applicable to Model 214ST helicopters, both dated July 17, 1997.

(b) For each Kaynar-manufactured barrel nut, part number (P/N) NAS577B–10A, determine if it is a ''thick'' flange barrel nut (installed edge distance of 0.115-inch) or a ''thin flange barrel nut (installed edge distance of 0.155-inch) in accordance with paragraph 1.b of the Accomplishment Instructions of the applicable ASB, dated July 17, 1997.

(c) For each barrel nut identified as a Kaynar-manufactured ''thin'' flange barrel nut, using a 10-power or higher magnifying glass, perform a visual inspection for cracks in the threaded portion of each barrel nut or lubrication residue in the threaded portion of each barrel nut or its corresponding attaching bolt.

Note 2: If a ''thick'' flange Kaynar-manufactured barrel nut, P/N NAS577B–10A, is installed, compliance with paragraphs (d) and (e) of this AD is not required.

(d) For each barrel nut that cannot be positively identified, and for each Kaynar-manufactured ''thin'' flange barrel nut in which a crack or lubrication residue was discovered as a result of the inspection required by paragraph (c) of this AD, replace the barrel nut and the corresponding attaching bolt with an airworthy barrel nut and attaching bolt before further flight. If an unairworthy barrel nut is found at the right-hand upper tailboom attachment location, also replace the left-hand upper barrel nut and corresponding bolt, and inspect both upper tailboom and fuselage longeron fittings for damage or deformation.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

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

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

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

(g) The identification and determination of the barrel dimensions shall be done in accordance with Bell Helicopter Textron, Inc. ASB No. 214–97–59 or Bell Helicopter Textron, Inc. ASB No. 214ST–97–78, both dated July 17, 1997. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 30, 1998.

Issued in Fort Worth, Texas on November 4, 1998.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–30165 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–304–AD; Amendment 39–10889; AD 98–24–02]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This action requires a one-time inspection to identify the part numbers of two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment. For airplanes on which a dimmer control having an incorrect part number is installed, this action also requires replacing the dimmer control with a new part; modifying and reinstalling the existing dimmer control; or reinstalling a dimmer control following modification of the part by the part manufacturer. This amendment is prompted by reports of smoke emitting from the overhead panels in the cockpit area. The actions specified in this AD are intended to prevent an electrical failure in the overhead dimmer control due to overheating of a printed circuit board capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment.

DATES: Effective November 30, 1998.

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

Comments for inclusion in the Rules Docket must be received on or before Janaury 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–304–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems Safety and Integration, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of several incidents of dimmer switches overheating and emitting smoke. These incidents occurred on McDonnell Douglas Model MD–11 series airplanes.

Investigation has revealed that, when a need for higher lighting in the cockpit occurs (such as during a thunderstorm) and increased voltage is required, a strong burning odor could occur due to overheating of a capacitor within the dimmer unit. The dimmer unit is located in the overhead switch panel to the rear of the firewall shut off handles. This component is well protected by a unit housing and additional cover that separates the unit from other components in the cockpit overhead compartment.

There is no evidence from any of the in-service events that any overheated capacitor has led to further aircraft damage beyond the capacitor. These incidents are not considered to be related to a recent accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Overheating of a capacitor inside the dimmer controls of the overhead instrument panel light and circuit breaker lightplate in the cockpit could cause an electrical failure in the overhead dimmer control, and consequent rupture of the PCB capacitor and smoke in the flight compartment.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin

MD11–33–045, dated June 14, 1995, which describes the following procedures:

- Replacing any dimmer control, part number (P/N) 263–1, of the overhead instrument panel light and circuit breaker lightplate in the flight compartment with a new dimmer control, P/N 263–2.
- Modifying any dimmer control, P/N 263–1, of the overhead instrument panel light and circuit breaker lightplate to improve reliability and to extend the service life of dimmer controls by replacing one capacitor (C2) of the PCB assembly with a new, higher voltage capacitor that is more thermal resistant, reidentifying the existing dimmer control, and installing a new unit nameplate; and reinstalling the modified part.
- Returning the incorrect dimmer control, P/N 263–1, to the manufacturer of the part for modification and reidentification, and reinstalling the modified part.

Accomplishment of either the replacement or modification specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent an electrical failure in the overhead dimmer control due to overheating of a PCB capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment. This AD requires a one-time visual inspection to identify the part numbers of two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment. For airplanes on which a dimmer control having a certain part number installed, this action also requires replacing the dimmer control with a new part; or replacing the existing dimmer control with a modified dimmer control.

The FAA has been notified by the manufacturer that a 30-day lead time for obtaining the required parts will be required, following the 30 days specified for inspection of the dimmer controls. The FAA considers that the 30-day lead time will accommodate the time necessary for affected operators to order and obtain the necessary parts required for the replacement of the dimmer controls, without adversely affecting safety.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–304–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

98–24–02 McDonnell Douglas: Amendment 39–10889. Docket 98–NM–304–AD.

Applicability: Model MD–11 series airplanes, serial numbers 447 through 597 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent an electrical failure in the dimmer control for the overhead instrument panel light and circuit breaker lightplate due to overheating of a printed circuit board (PCB) capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a one-time visual inspection of the two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment to identify the part numbers of the dimmer controls.

(1) If all dimmer controls are identified as part number (P/N) 263–2, no further action is required by this AD.

(2) If any dimmer control is identified as P/N 263–1, within 30 days after accomplishing the inspection specified by paragraph (a) of this AD, accomplish the actions required by paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD, in accordance with McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995.

(i) Replace any dimmer control, P/N 263–1, with a new dimmer control, P/N 263–2. Or

(ii) Modify any dimmer control, P/N 263–1, and reinstall the modified and reidentified dimmer control in the flight compartment. Or

(iii) Remove any dimmer control, P/N 263–1; return it for modification and reidentification to Olin Aerospace Company, 11441 Willows Road NE, Redmond, Washington, 98073–9745; and reinstall the modified and reidentified dimmer control in the flight compartment.

(b) As of the effective date of this AD, no person shall install on any McDonnell Douglas Model MD–11 series airplane, a dimmer control, P/N 263–1, unless that dimmer control has been modified and reidentified to P/N 263–2 in accordance with McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995.

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

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

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

(e) Except as provided by paragraph (a) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on Novemebr 30, 1998.

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

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30531 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 34–40636; File No. S7–23–98]

Rules of Practice

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is adopting amendments to its Rules of Practice, Rules 210 and 221. The Commission is amending Rule 210 to permit, for representatives of any federal, state, or local criminal prosecutorial authority, limited participation for the purpose of requesting a stay in an enforcement or disciplinary proceeding, in order to support efforts to bring criminal prosecutions arising out of securities violations. The Commission is amending Rule 221 to require only one prehearing conference, instead of two, as previously required, in order to streamline the administrative process and conserve the parties' and the Commission's resources.

EFFECTIVE DATE: December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Joan L. Loizeaux, Principal Assistant General Counsel, or Kathleen O'Mara, Senior Counsel, Office of General Counsel, (202) 942–0950, Securities and Exchange Commission, 450 Fifth Street, N.W., Stop 6–6, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Discussion

The Commission adopted, after notice and comment, comprehensive revisions to its Rules of Practice that became effective on July 24, 1995.[1] These revisions were the result of an approximately two-and-a-half year study by the Commission's Task Force on Administrative Proceedings that culminated in a comprehensive report.[2] The Task Force found that the fundamental structure of the Commission's administrative process was sound and successfully protected the essential interests of respondents, investors, and the public, but that some changes were necessary. The Task Force recommended changes to the Rules of Practice in an effort to set forth applicable procedural requirements more completely, in a format easier to use, and to streamline procedures that had become burdensome.

In November 1997, the Commission's Inspector General issued a report evaluating the Commission's Administrative Proceedings Process in an attempt to assess the impact of the new Rules of Practice. The Inspector General recommended, among other things, that the Commission review Rules 210 and 221. The Commission reviewed these rules and proposed that the rules be changed as discussed below (and reflected in the text of the rules). The proposed rules were published for notice and comment on September 2, 1998 in the **Federal Register**.[3] No comments were received. The Commission is adopting these rules as proposed.

Rule 210 previously prohibited intervention or limited participation in Commission enforcement proceedings and in disciplinary proceedings to review self-regulatory organization determinations.[4] Prohibiting intervention or participation in these cases served the purpose of preventing extraneous issues from diverting administrative proceedings before the Commission and promoted timely and efficient resolution of all matters before the Commission.

In recent years, however, the Commission has received requests from representatives of various federal and local criminal prosecutors to participate in enforcement proceedings in order to request a stay of the Commission's proceedings during the pendency of a criminal investigation or prosecution based on the same or related underlying conduct. These authorities typically assert that substantial prejudice could result to a criminal prosecution if an administrative proceeding is not postponed.

The Commission supports efforts to bring criminal prosecutions arising out of securities violations. Accordingly, the Commission is adopting amendments to Rule 210 to allow authorized representatives of the United States Department of Justice, including any United States Attorney's Office, and of state and local prosecutors to seek leave to participate in a Commission enforcement or disciplinary proceeding for the limited purpose of requesting a

[1] Final Rules of Practice, Exchange Act Release No. 35833, 60 FR 32738 (June 23, 1995).

[2] Task Force on Administrative Proceedings, Securities and Exchange Commission, Fair and Efficient Administrative Proceedings: Report of the Task Force (February 1993).

[3] Rules of Practice—Rules 210 and 221, Exchange Act Release No. 40364 (August 26, 1998), 63 FR 46716.

[4] Rule 210(f), however, allowed the Commission or a hearing officer to modify the provisions of Rule 210 to impose such terms and conditions on participation of any person in any proceeding as it may deem necessary or appropriate in the public interest.

stay in that proceeding. We have determined that the process of considering such requests for postponements will be facilitated if those seeking them are permitted to present their views to the hearing officer. The hearing officer can then evaluate that request in light of the hearing's status. Any postponement of an enforcement or disciplinary proceeding, however, should be based on a showing of good cause and be limited to a reasonable period of time, balancing the need for delay against the need to bring the proceeding to a timely resolution, consistent with the public interest.

The Commission is also adopting amendments to Rule 221 to require a single prehearing conference, instead of the two prehearing conferences previously required. The Commission's experience with this Rule has indicated that, as a routine practice, two conferences are not always necessary. Therefore, in order to streamline the administrative process, conserving the parties', as well as the Commission's, resources, the Commission is amending the rule to require only one prehearing conference. Rule 221 would continue to permit the hearing officer in his or her discretion to order additional prehearing conferences on his or her own motion or at the request of a party.

II. Administrative Procedure Act and Regulatory Flexibility Act

The Commission finds, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A), that this revision relates solely to agency organization, procedures, or practice. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice, opportunity for public comment, and publication. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, also does not apply. Nonetheless, the Commission previously published these rule changes for notice and comment.

III. Statutory Basis and Text of Proposed Amendment

The proposed Rule amendments would be promulgated pursuant to section 19 of the Securities Act, 15 U.S.C. 77s; section 23 of the Exchange Act, 15 U.S.C. 78w; section 20 of the Public Utility Holding Company Act, 15 U.S.C. 79t; section 319 of the Trust Indenture Act, 15 U.S.C. 77sss; sections 38 and 40 of the Investment Company Act, 15 U.S.C. 80a-37 and 80a-39; and section 211 of the Investment Advisers Act, 15 U.S.C. 80b–11.

List of Subjects in 17 CFR Part 201

Administrative practice and procedure.

For the reasons set forth in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 201—SUBPART D—RULES OF PRACTICE

1. The authority citation for Part 201, Subpart D, continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77h–1, 77j, 77s, 77u, 78c(b), 78d–1, 78d–2, 78*l*, 78m, 78n, 78*o*(d), 78o–3, 78s, 78u–2, 78u–3, 78v, 78w, 79c, 79s, 79t, 79z–5a, 77sss, 77ttt, 80a–8, 80a–9, 80a–37, 80a–38, 80a–39, 80a–40, 80a–41, 80a–44, 80b–3, 80b–9, 80b–11, and 80b–12 unless otherwise noted.

2. Section 201.210 is amended by revising paragraph (a)(1) and the introductory text of paragraph (c) and adding paragraph (c)(3) to read as follows:

§ 201.210 Parties, limited participants and amici curiae.

(a) *Parties in an enforcement or disciplinary proceeding or a proceeding to review a self-regulatory organization determination*—(1) *Generally.* No person shall be granted leave to become a party or non-party participant on a limited basis in an enforcement or disciplinary proceeding or a proceeding to review a determination by a self-regulatory organization pursuant to §§ 201.420 and 201.421, except as authorized by paragraph (c) of this section.

* * * * *

(c) *Leave to participate on a limited basis.* In any proceeding, other than an enforcement proceeding, a disciplinary proceeding or a proceeding to review a self-regulatory organization determination, any person may seek leave to participate on a limited basis as a non-party participant as to any matter affecting the person's interests. In any enforcement proceeding or disciplinary proceeding, an authorized representative of the United States Department of Justice, an authorized representative of a United States Attorney, or an authorized representative of any criminal prosecutorial authority of any State or any other political subdivision of a State may seek leave to participate on a limited basis as a non-party participant as provided in paragraph (c)(3) of this section.

* * * * *

(3) *Leave to participate in certain Commission proceedings by a representative of the United States Department of Justice, a United States Attorney's Office, or a criminal prosecutorial authority of any State or any other political subdivision of a State.* The Commission or the hearing officer may grant leave to participate on a limited basis to an authorized representative of the United States Department of Justice, an authorized representative of a United States Attorney, or an authorized representative of any criminal prosecutorial authority of any State or any other political subdivision of a State for the purpose of requesting a stay during the pendency of a criminal investigation or prosecution arising out of the same or similar facts that are at issue in the pending Commission enforcement or disciplinary proceeding. Upon a showing that such a stay is in the public interest or for the protection of investors, the motion for stay shall be favored. A stay granted under this paragraph (c)(3) may be granted for such a period and upon such conditions as the Commission or the hearing officer deems appropriate.

* * * * *

3. Section 201.221 is amended by revising the section heading and paragraphs (a) and (d) to read as follows:

§ 201.221 Prehearing conference.

(a) *Purposes of conference.* The purposes of a prehearing conference include, but are not limited to:

(1) Expediting the disposition of the proceeding;

(2) Establishing early and continuing control of the proceeding by the hearing officer; and

(3) Improving the quality of the hearing through more thorough preparation.

* * * * *

(d) *Required prehearing conference.* Except where the emergency nature of a proceeding would make a prehearing conference clearly inappropriate, at least one prehearing conference should be held.

* * * * *

Dated: November 4, 1998.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–30407 Filed 11–12–98; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 96F–0401]

Indirect Food Additives: Paper and Paperboard Components

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 polyamide-ethyleneimine-epichlorohydrin resin for use as a retention aid in the manufacture of paper and paperboard intended for use in contact with dry food. This action is in response to a petition filed by BASF Corp.

DATES: The regulation is effective November 13, 1998; written objections and requests for a hearing by December 14, 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 October 31, 1996 (61 FR 56242), FDA announced that a food additive petition (FAP 6B4501) had been filed by BASF Corp., 11501 Steele Creek Rd., Charlotte, NC 28273. The petition proposed to amend the food additive regulations in § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of polyamide-ethyleneimine-epichlorohydrin resin for use as a retention aid in the manufacture of paper and paperboard intended for use in contact with dry food.

In its evaluation of the safety of this additive, FDA has reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it has been found to contain minute amounts of unreacted ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine, carcinogenic impurities resulting from the manufacture of the additive. Residual amounts of reactants and manufacturing aids, such as ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under the general safety standard of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The food additives anticancer, or Delaney, clause of the act (21 U.S.C. 348(c)(3)(A)) provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety standard using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the intended use of the additive, (*Scott* v. *FDA*, 728 F. 2d 322 (6th Cir. 1984)).

II. Safety of Petitioned Use of the Additive

FDA estimates that the petitioned use of the additive, polyamide-ethyleneimine-epichlorohydrin resin will result in exposure to no greater than 50 parts per billion (ppb) of the additive in the daily diet (3 kilogram (kg)) or an estimated daily intake (EDI) of 0.15 milligram per person per day (mg/p/d) (Ref. 1).

FDA does not ordinarily consider chronic toxicological studies to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Ref. 2), and the agency has not required such testing here. However, the agency has reviewed the available toxicological data on the additive and concludes that the estimated small dietary exposure resulting from the proposed use of the additive is safe.

FDA has evaluated the safety of this additive under the general safety standard, considering all available data and using risk assessment procedures to estimate the upper-bound limit of lifetime human risk presented by ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine, carcinogenic chemicals that may be present as impurities in the additive. This risk evaluation of ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine has two aspects: (1) Assessment of the exposure to the impurities from the proposed use of the additive; and (2) extrapolation of the risk observed in animal bioassays to the conditions of exposure to humans.

A. Ethylene Oxide

FDA has estimated the exposure to ethylene oxide from the petitioned use of the additive in the manufacture of paper and paperboard to be no greater than 50 parts per quadrillion (ppq) of the daily diet (3 kg) or no more than 150 picogram (pg)/p/d (Ref. 1). The agency used data from a carcinogenesis bioassay on ethylene oxide conducted by the Institute of Hygiene, University of Mainz, Germany (Ref. 3), to estimate the upper-bound limit of lifetime human risk from exposure to this chemical resulting from the petitioned use of the additive. The results of the bioassay on ethylene oxide demonstrated that ethylene oxide was carcinogenic for female rats under the conditions of the study. The test material caused significantly increased incidence of squamous cell carcinomas of the forestomach and carcinomas in situ of the glandular stomach.

Based on the agency's estimate that the exposure to ethylene oxide will not exceed 150 pg/p/d, FDA estimates that the upper-bound limit of lifetime human risk from the proposed use of the subject additives is 2.8×10^{-10} (or 2.8 in 10 billion)) (Ref. 4). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to ethylene oxide is likely to be substantially less than the estimated exposure, and therefore, the probable lifetime human risk would be less than the upper-bound limit of lifetime human risk. Thus, the agency concludes that there is reasonable certainty that no harm from exposure to ethylene oxide would result from the proposed use of the additive.

B. 1,4-Dioxane

FDA has estimated the exposure to 1,4-dioxane from the petitioned use of the additive in the manufacture of paper and paperboard to be no more than 55 parts per trillion (ppt) of the daily diet (3 kg) or 0.2 microgram (µg/p/d (Ref. 1)). The agency used data from a carcinogenesis bioassay on 1,4-dioxane, conducted by the National Cancer

Institute (Ref. 5), to estimate the upper-bound limit of lifetime human risk from exposure to this chemical resulting from the proposed use of the additive. The results of the bioassay on 1,4-dioxane demonstrated that the material was carcinogenic for female rats under the conditions of the study. The test material caused significantly increased incidence of squamous cell carcinomas and hepatocellular tumors in female rats.

Based on the agency's estimate that exposure to 1,4-dioxane will not exceed 0.2 µg/p/d, FDA estimates that the upper-bound limit of lifetime human risk from the proposed use of the subject additive is 6.9×10^{-9}, or 6.9 in 1 billion (Ref. 4). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to 1,4-dioxane is likely to be substantially less than the estimated exposure, and therefore, the probable lifetime human risk would be less than the upper-bound limit of lifetime human risk. Thus, the agency concludes that there is reasonable certainty that no harm from exposure to 1,4-dioxane would result from the proposed use of the additive.

C. Epichlorohydrin

FDA has estimated the exposure to epichlorohydrin from the petitioned use of the additive in the manufacture of paper and paperboard to be no more than 100 ppq of the daily diet (3 kg) or no more than 300 pg/p/d (Ref. 1). The agency used data from a Japanese carcinogenesis bioassay (Ref. 6), on epichlorohydrin fed to rats via their drinking water to estimate the upper-bound limit of lifetime human risk from exposure to this chemical resulting from the proposed use of the additive. The results of the bioassay demonstrated that epichlorohydrin was carcinogenic under the conditions of the study. The test material caused significantly increased incidences of stomach papillomas and carcinomas in the rats.

Based on the agency's estimate that exposure to epichlorohydrin will not exceed 300 pg/p/d, FDA estimates that the upper-bound limit of lifetime human risk from the proposed use of the subject additive is 1.4×10^{-11} (or 1.4 in 100 billion) (Ref. 4). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to epichlorohydrin is likely to be substantially less than the estimated exposure, and therefore, the probable lifetime human risk would be less than the upper-bound limit of lifetime human risk. Thus, the agency concludes that there is reasonable certainty that no harm from exposure to epichlorohydrin would result from the proposed use of the additive.

D. Ethyleneimine

FDA has estimated the exposure to ethyleneimine from the petitioned use of the additive in the manufacture of paper and paperboard to be no greater than 2.5 ppq of the daily diet (3 kg) or no greater than 7.5 pg/p/d (Ref. 1). The agency used data from a carcinogenesis bioassay on ethyleneimine conducted by the National Cancer Institute (Ref. 7), to estimate the upper-bound limit of lifetime human risk from exposure to ethyleneimine resulting from the proposed use of the additive. The results of the bioassay on ethyleneimine demonstrated that the material was carcinogenic for male and female mice under the conditions of the study. The test material caused significantly increased incidence of lung and liver neoplasia in both male and female mice.

Based on the agency's estimate that exposure to ethyleneimine will not exceed 7.5 pg/p/d, FDA estimates that the upper-bound limit of lifetime human risk from the proposed use of the subject additive is 2.6×10^{-9} (or 2.6 in 1 billion) (Ref. 4). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to ethyleneimine is likely to be substantially less than the estimated exposure, and therefore, the probable lifetime human risk would be less than the upper-bound limit of lifetime human risk. Thus, the agency concludes that there is reasonable certainty that no harm from exposure to ethyleneimine would result from the proposed use of the additive.

E. Need for Specifications

The agency has also considered whether specifications are necessary to control the amount of ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine present as impurities in the additive. The agency finds that specifications are not necessary for the following reasons: (1) Because of the low level at which ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine may be expected to remain as impurities following production of the additive, the agency would not expect the impurities to become components of food at other than extremely low levels; and (2) the upper-bound limits of lifetime risk from exposure to ethylene oxide, 1,4-dioxane, epichlorohydrin, and ethyleneimine are very low, 2.8 in 10 billion, 6.9 in 1 billion, 1.4 in 100 billion, and 2.6 in 1 billion, respectively.

III. Conclusion

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 as a retention aid in the production of paper and paperboard is safe, and that the additive will achieve its intended technical effect. Therefore, the agency concludes that the regulations in § 176.180 should be amended as set forth as follows.

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.

IV. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

V. Paperwork Reduction Act of 1995

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.

VI. Objections

Any person who will be adversely affected by this regulation may at any time on or before December 14, 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 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 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.

VII. References

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

1. Memorandum from the Chemistry Review Branch, FDA, to the Indirect Additives Branch, FDA, concerning ''FAP 6B4501 (MATS M2.0 & 2.1): BASF Corp., ''Safe Use of Polymin SB as a Retention Agent in the Manufacture of Paper and Paperboard to be Made Into Dry Food Containers,'' dated September 18, 1996.

2. Kokoski, C. J., ''Regulatory Food Additive Toxicology,'' in *Chemical Safety Regulation and Compliance*, edited by F. Homburger, J. K. Marquis, and S. Karger, New York, NY, pp. 24–33, 1985.

3. Dunkelberg, H., ''Carcinogenicity of Ethylene Oxide and 1,2-Propylene Oxide Upon Intragastric Administration to Rats,'' *British Journal of Cancer*, 46: pp. 924–933, 1982.

4. Memorandum from the Indirect Additives Branch, FDA, to the Executive Secretary, Quantitative Risk Assessment Committee, FDA, concerning ''Estimation of Upper-bound Lifetime Risk From Ethyleneimine, Epichlorohydrin, Ethylene Oxide and 1,4-dioxane in an Aqueous Solution of Either One or a Mixture of the Following Two Polymers;

Formate salt form: Hexanedioic acid with N-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediamine, N,N″-1,2-ethanediylbis[1,3-propanediamine] formic acid and α-hydro-ω-hydroxypoly(oxy-1,2-ethanediyl) [CAS Reg. No. 114133–44–7].

Sulfate salt form: Hexanedioic acid with N-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediamine, N,N″-1,2-ethanediylbis[1,3-propanediamine] and α-hydro-ω-hydroxypoly(oxy-1,2-ethanediyl), sulfate salt [CAS Reg. No. 16768–43–5].''Subject of Food Additive Petition No. 6B4501 (BASF Corp.), dated October 17, 1996.

5. ''Bioassay of 1,4–Dioxane for Possible Carcinogenicity,'' National Cancer Institute, NCI–CG–TR–80, 1978.

6. Konishi, Y. et al., ''Forestomach Tumors Induced by Orally Administered Epichlorohydrin in Male Wistar Rats,'' Gann 71:922–923, 1980.

7. Innes, J. R. M. et al., ''Bioassay of Pesticide Chemicals for Tumorigenicity in Mice: A Preliminary Note,'' *Journal of National Cancer Institute*, 42:1101, 1969.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 346, 348, 379e.

2. Section 176.180 is amended in the table in paragraph (b)(2) by alphabetically adding an entry under the heading ''List of substances'' to read as follows:

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * * *
Polyamide-ethyleneimine-epichlorohydrin resin is prepared by reacting equimolar amounts of adipic acid and three amines (21 mole percent of 1,2-ethanediamine, 51 mole percent of N-(2-aminoethyl)-1,3-propanediamine, and 28 mole percent of N, N′-1,2-ethanediylbis(1,3-propanediamine)) to form a basic polyamidoamine which is modified by reaction with ethyleneimine (5.5:1.0 ethyleneimine:polyamidoamine). The modified polyamidoamine is reacted with a crosslinking agent made by condensing approximately 34 ethylene glycol units with (chloromethyl)oxirane, followed by pH adjustment with formic acid or sulfuric acid to provide a finished product as a formate (CAS Reg. No. 114133–44–7) or a sulfate (CAS Reg. No. 167678–43–5), having a weight-average molecular weight of 1,300,000 and a number-average molecular weight of 16,000.	
* * *	* * * *

Dated: November 2, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–30296 Filed 11–12–98; 8:45 am]

BILLING CODE 4160–01–F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

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

EFFECTIVE DATE: December 1, 1998.

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

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

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

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

For annuity benefits, the interest assumptions will be 5.40 percent for the first 25 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent an increase (from those in effect for November 1998) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.00 percent for the period during which a benefit is in pay status and during any years preceding the benefit's placement in pay status. The lump sum interest assumptions represent an increase (from those in effect for November 1998) of 0.25 percent for the period during which a benefit is in pay status; they are otherwise unchanged.

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

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

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

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

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

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

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

2. In appendix B, a new entry is added to Table I, and Rate Set 62 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

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

TABLE I.—ANNUITY VALUATIONS

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

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
* * *	*		*		*	*
December 1998	.0540	1–25	.0525	≤25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

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

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*		*	*
62	12–1–98	01–1–99	4.00	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 6th day of November, 1998.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–30448 Filed 11–12–98; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198–0099a; FRL–6184–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following Districts: Kern County Air Pollution Control District (KNCAPCD), Placer County Air Pollution Control District (PLCAPCD), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Sacramento Metropolitan Air Quality Management District (SMAQMD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from motor vehicle and mobile equipment refinishing, graphic arts, paper or fabric coating, and screen printing. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This rule is effective on January 12, 1999, without further notice, unless EPA receives adverse by December 14, 1998. If EPA received such comment, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Kern County Air Pollution Control District, 2700 M Street, Suite 302, Bakersfield, CA 93301

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B–23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAQMD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on May 10, 1996 (410.4A and 410.7), August 1, 1997 (239), March 10, 1998 (4602, 4607 and 339), and May 18, 1998 (450 and 459).

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Southeast Desert Modified Air Quality Management Area portion of Kern County, the Sacramento Metro Area, which includes portions of El Dorado and Placer Counties, the San Joaquin Valley Air Basin, and the Santa Barbara-Santa Maria-Lompoc Area (Santa Barbara County). 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Sacramento Metro Area is classified as severe, the San Joaquin Valley Air Basin and all of Kern County is classified as serious, and the Santa Barbara-Santa Maria-Lompoc Area is classified as moderate; therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline. However, the Southeast Desert Air Basin portion of Kern County was not a pre-amendment nonattainment area and, therefore was not designated and classified upon enactment of the amended ACT. For this reason KNCAPCD is not subject to the section 182(a)(2)(A) RACT fix-up requirement. The KNCAPCD is, however, still subject

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs)

to the requirements of EPA's SIP-Call, because the SIP-Call included all of Kern County.[2]

The State of California submitted many revised RACT rules for incorporation into its SIP on May 10, 1996, August 1, 1997, March 10, 1998, and May 18, 1998, including the rules being acted on in this document. This document addresses EPA's direct-final action for KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAQMD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations. KNCAPCD adopted Rules 410.4A and 410.7 on March 7, 1996, PLCAPCD adopted Rule 239 on February 13, 1997, SJVUAPCD adopted Rules 4602 and 4607 on September 17, 1997, SMAQMD adopted Rule 450 on December 5, 1996 and Rule 459 on October 2, 1997, and SBCAPCD adopted Rule 339 on April 17, 1997. These submitted rules were found to be complete on July 19, 1996 (410.4A and 410.7), September 30, 1997 (239), May 21, 1998 (4602, 4607 and 339), and July 17, 1998 (450 and 459) pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[3] and are being finalized for approval into the SIP.

KNCAPCD Rule 410.4A, SJVUAPCD Rule 4602, SMAQMD Rule 459, and SBCAPCD Rule 339 control emissions of volatile organic compounds (VOCs) from refinishing of automobiles and other mobile equipment. KNCAPCD Rule 410.7, PLCAPCD Rule 239, and SMAQMD Rule 450 limit emissions of VOCs from graphic arts operations. SJVUAPCD Rule 4607 limits emissions of VOCs from graphic arts, screen printing and paper or fabric coating operations. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the above Districts' efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTG applicable to KNCAPCD Rule 410.7, PLCAPCD Rule 239, SMAQMD Rule 450, and the graphic arts sections of SJVUAPCD Rule 4607 is entitled, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography, EPA 450/2–78–033, December 1978. The CTG applicable to the paper or fabric coating section of SJVUAPCD Rule 4607 is entitled, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks, EPA–450/2–77–008, May 1977. The remaining part of SJVUAPCD Rule 4607 controls emissions from a source category for which EPA has not issued a CTG. Accordingly this section of the rule was evaluated against the general RACT requirements of the Clean Air Act (CAA section 110 and part D). KNCAPCD Rule 410.4A, SJVUAPCD Rule 4602, SMAPCD Rule 459, and SBCAPCD Rule 339 control emissions from a source category for which EPA has not issued a CTG. Accordingly these rules were evaluated against the general RACT requirements of the Clean Air Act (CAA section 110 and part D), and against the document entitled, National Volatile Organic Compound Emission Standard for Automobile Refinish Coatings (40 CFR part 59, subpart E). Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

There is currently no version of KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations in the SIP. The submitted rule includes the following provisions:

- VOC content limits of coatings and dates by which facilities must meet the limits,
- Provisions for an optional emission control system in lieu of compliant coatings,
- The requirement to apply coatings only in permitted, properly maintained paint spray booth at locations with appropriate city or county zoning,
- Work practice standards and regulations concerning surface preparation and equipment clean-up,
- A prohibition to specify the application of, and to sell noncompliant automobile refinish coatings within the district,
- Exemption for touch-up operations not to exceed 9 sq. ft., coating of engine compartment, engine and suspension components, and aerosol containers not to exceed the capacity of 18 oz.,
- Requirements for recordkeeping, and
- Test methods to be used when determining compliance with this rule.

On July 11, 1997, EPA approved into the SIP a version of Rule 410.7—Graphic Arts that had been adopted by KNCAPCD on May 6, 1991. KNCAPCD submitted Rule 410.7—Graphic Arts includes the following significant changes from the current SIP:

- A reference to KNCAPCD Rule 102 was added in lieu of listing the VOC exempt compounds.

On July 11, 1997, EPA approved into the SIP a version of Rule 239—Graphic Arts that had been adopted by PLCAPCD on June 8, 1995. PLCAPCD submitted Rule 239—Graphic Arts includes the following significant changes from the current SIP:

- An exemption for screen printing operations,

[2] The Sacramento Metro Area, the San Joaquin Valley Air Basin and the Santa Barbara-Santa Maria-Lompoc Area retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. The Southeast Desert Air Basin portion of Kern County was designated nonattainment on November 6, 1991 (56 FR 56649). On April 25, 1995, EPA published a final rule granting the State's request to reclassify the Sacramento Metro Area to severe from serious (60 FR 20237). This reclassification became effective on June 1, 1995.

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

• An exemption from the provisions of PLCAPCD Rule 219—Organic Solvents,

• A reference to the correct collection efficiency test method, and

• The rule was reformatted and contains a number of wording changes to enhance clarity and enforceability.

On May 6, 1996, EPA approved into the SIP a version of Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations that had been adopted by SJVUAPCD on June 15, 1995. SJVUAPCD submitted Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations includes the following significant changes from the current SIP:

• An amended multistage coating definition, and

• Wording changes to enhance clarity and enforceability of the rule.

On September 7, 1995, EPA approved into the SIP a version of Rule 4607—Graphic Arts that had been adopted by SJVUAPCD on May 19, 1994. SJVUAPCD submitted Rule 4607—Graphic Arts includes the following significant changes from the current SIP:

• An expanded definition section,

• A lower exemption threshold of 400 lbs. Of VOC per calender month (was 75 lbs. per day),

• An exemption for proof presses and blanket repair material used in containers of 4 fl. oz. or less,

• Revised and expanded the record keeping requirements, and

• Additional test methods to determine compliance with the rule.

On October 4, 1994, EPA approved into the SIP a version of Rule 450—Graphic Arts that had been adopted by SMAQMD on February 23, 1993. Revisions to this rule were subsequently adopted, and then were superceded by the submitted version. In evaluating the submitted version, EPA reviewed materials associated with the superceded revisions. SMAQMD submitted Rule 450—Graphic Arts includes the following significant changes from the current SIP:

• An exemption from the provisions of SMAQMD Rule 411—Organic Solvents,

• Added the definition of rotogravure printing,

• Changed the definition of exempt compound as having the same meaning as in SMAQMD Rule 101—General Provisions and Definitions, and

• Changed the definition of VOC as having the same meaning as in SMAQMD Rule 101.

There is currently no version of SMAQMD Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations in the SIP. Earlier revisions to this rule were adopted, and then subsequently revised by the submitted version. In evaluating this rule, EPA reviewed materials associated with the superceded versions. The submitted rule includes the following provisions:

• A purpose and applicability section,

• Exemptions for restoration of special interest and street rod vehicles, aerosol containers, radiator, drive train, and engine component coatings, stencil coatings, and touch-up coatings,

• A severability provision,

• A standards section containing the VOC limits for coatings and effective dates, requirements for optional emission control equipment, VOC limits and storage requirements for surface preparation and clean-up material,

• An administrative section containing the following: a requirement that any person using emission control equipment must submit an operation and maintenance plan, the calculations to determine VOC mass emission rate and percent control efficiency, the calculations to determine VOC content of coatings, less water and exempt compounds, and the calculations to determine the VOC content of coating removers, surface preparation and clean-up material,

• A monitoring and records section that defines the record keeping requirement and record retention time for end users, requires any person that sells coatings within the district to keep sales records, and contains the Test methods to be used in determining compliance.

On July 11, 1997, EPA approved into the SIP a version of Rule 239—Graphic Arts that had been adopted by SBCAPCD on June 8, 1995. SBCAPCD submitted Rule 239—Graphic Arts includes the following significant changes from the current SIP:

• The list of VOC exempt compounds was moved from this rule to SBCAPCD Rule 102—Definitions.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAQMD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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

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, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective January 12, 1999 without further notice unless the Agency receives adverse comments by December 14, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule and informing the public that the rule will 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 this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on January 12, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, 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. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

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

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If 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, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

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

F. Unfunded Mandates

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

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

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**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 12, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

Dated: October 23, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(231)(i)(B)(*4*), (248)(i)(C), (254)(i)(A)(*3*), (254)(i)(C)(*2*), and (255) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(231) * * *

(i) * * *

(B) * * *

(*4*) Rule 410.4A, adopted on May 6, 1991 and amended on March 7, 1996 and Rule 410.7, adopted on June 29, 1981 and amended on March 7, 1996.

* * * * *

(248) * * *

(i) * * *

(C) Placer County Air Pollution Control District.

(*1*) Rule 239, adpoted on November 3, 1994 and amended on February 13, 1997.

* * * * *

(254) * * *

(i) * * *

(A) * * *

(*3*) Rules 4602 and 4607, adopted on April 11, 1991 and amended on September 17, 1997.

* * * * *

(C) * * *

(*2*) Rule 339, adopted on November 5, 1991 and revised on April 17, 1997.

* * * * *

(255) New and amended regulations for the following APCD's were submitted on May 18, 1998, by the Governor's designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 450, adopted on July 23, 1981 and amended on December 5, 1996, and Rule 459, adopted on December 7, 1995 and amended on October 2, 1997.

* * * * *

[FR Doc. 98–30273 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[GA–41–9829a; FRL–6187–4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) is approving the section 111(d) Plan submitted by the Georgia Department of Natural Resources (DNR) for the State of Georgia on January 20, 1998, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Solid Waste (MSW) Landfills.

DATES: This direct final rule is effective on January 12, 1999, without further notice, unless EPA receives adverse comment by December 14, 1998. If EPA receives adverse comment, we 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: You should address comments on this action to Scott Martin, EPA Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Copies of materials submitted to EPA may be examined during normal business hours at the following locations: EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104; and at the Georgia Department of Natural Resources, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott Martin at (404) 562–9036 or Scott Davis at (404) 562–9127.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Clean Air Act (Act), EPA has established procedures whereby States submit plans to control certain existing sources of ''designated pollutants.'' Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not ''criteria pollutants'' (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the ''designated facility'' as defined at 40 CFR 60.21(b)). Thus, a State, local, or tribal agency's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published EG for existing MSW landfills at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). (*See* 61 FR 9905–9944.) The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to either: (1) submit a plan for the control of the designated pollutant to which the EG applies; or (2) submit a negative declaration if there were no designated facilities in the State within nine months after publication of the EG (by December 12, 1996).

EPA has been involved in litigation over the requirements of the MSW landfill EG and NSPS since the summer of 1996. On November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association* v. *Browner, et.al,* No. 96–1152 (D.C. Cir), in accordance with section 113(g) of the Act. *See* 62 FR

60898. It is important to note that the proposed settlement does not vacate or void the existing MSW landfill EG or NSPS. Pursuant to the proposed settlement agreement, EPA published a direct final rulemaking on June 16, 1998, in which EPA is amending 40 CFR part 60, subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. *See* 63 FR 32743–32753, 32783–32784. EPA regulations at 40 CFR 60.23(a)(2) provide that a State has nine months to adopt and submit any necessary State Plan revisions after publication of a final revised emission guideline document. Thus, States are not yet required to submit State Plan revisions to address the June 16, 1998, direct final amendments to the EG. In addition, as stated in the June 16, 1998, preamble, the changes to 40 CFR part 60, subparts Cc and WWW, do not significantly modify the requirements of those subparts. *See* 63 FR 32744. Accordingly, the MSW landfill EG published on March 12, 1996, was used as a basis by EPA for review of section 111(d) Plan submittals.

This action approves the section 111(d) Plan submitted by the Georgia DNR for the State of Georgia to implement and enforce subpart Cc.

II. Discussion

The Georgia DNR submitted to EPA on January 20, 1998, the following in their section 111(d) Plan for implementing and enforcing the emission guidelines for existing MSW landfills in the State of Georgia: Legal Authority; Enforceable Mechanism; MSW Landfill Source and Emission Inventory; Emission Standards; Collection and Control System Design Plan Review Process; Compliance Schedule; Demonstration That the Public Had Adequate Notice and Opportunity to Submit Written Comments; Submittal of Progress Reports to EPA; Source Surveillance, Compliance Assurance and Enforcement; and applicable State of Georgia statutes and rules of the Georgia DNR.

The approval of the Georgia State Plan is based on finding that: (1) the Georgia DNR provided adequate public notice of public hearings for the proposed rulemaking and State Plan which allows the Georgia DNR to implement and enforce the EG for MSW landfills; and (2) the Georgia DNR also demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require recordkeeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

In section A of the Plan, the Georgia DNR cites the following references for the legal authority: State of Georgia Attorney General's Opinion Regarding State Authority to Operate the Title V Operating Permit Program; The Georgia Air Quality Act, sections 12–9–1 through 12–9–25; The Rules of the Georgia Department of Natural Resources for Air Quality Control, Chapter 391–3–1; the Georgia Natural Resources Act; the Georgia Administrative Procedures Act; and the Official Code of Georgia Annotated. On the basis of the Attorney General's Opinion, the statutes, and rules of the State of Georgia, the State Plan is approved as being at least as protective as the Federal requirements for existing MSW landfills.

In section C of the Plan, the Georgia DNR cites the enforceable mechanism for implementing the EG for existing MSW landfills. The enforceable mechanism is the state regulation adopted by the State of Georgia in Rule 391–3–1–.02(2)ggg, ''Municipal Solid Waste Landfills.'' The State's regulation meets the Federal requirements for an enforceable mechanism and is approved as being at least as protective as the Federal requirements contained in subpart Cc for existing MSW landfills.

In section C of the Plan, the Georgia DNR cites all emission standards and limitations for the major pollutant categories related to the designated sites and facilities. These standards and limitations in the Georgia DNR's Rule 391–3–1–.02(2)ggg are approved as being at least as protective as the Federal requirements contained in Subpart Cc for existing MSW landfills.

Section D of the Plan describes the process the Georgia DNR will utilize for the review of site-specific design plans for gas collection and control systems. The process outlined in the Plan meets the Federal requirements contained in subpart Cc for existing MSW landfills.

In section E of the Plan, the Georgia DNR cites the compliance schedules adopted in Rule 391–3–1–.02(2)ggg for each existing MSW landfill to be in compliance within 30 months of the effective date of their implementing regulation (June 23, 1997). These compliance times for affected MSW landfills address the required compliance time lines of the EG. This portion of the Plan has been reviewed and approved as being at least as protective as Federal requirements for existing MSW landfills.

In section B of the Plan, the Georgia DNR submitted a source and emission inventory of all designated pollutants for each MSW landfill in the State of Georgia. This portion of the Plan has been reviewed and approved as meeting the Federal requirements for existing MSW landfills.

Section G of the Plan includes its legal authority to require owners and operators of designated facilities to maintain records and report to their Agency the nature and amount of emissions and any other information that may be necessary to enable their Agency to judge the compliance status of the facilities. The Georgia DNR also cites its legal authority to provide for periodic inspection and testing and provisions for making reports of MSW landfill emissions data, correlated with emission standards that apply, available to the general public. Georgia Rule 391–3–1–.02(2)ggg supports the requirements of monitoring, recordkeeping, reporting, and compliance assurance. These Georgia rules have been reviewed and approved as being at least as protective as Federal requirements for existing MSW landfills.

Section G of the Plan, outlines how the Georgia DNR will provide progress reports of Plan implementation updates to the EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR part 60, subpart B. This portion of the Plan has been reviewed and approved as meeting the Federal requirement for Plan reporting.

Consequently, EPA finds that the Georgia State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and Cc. The Georgia DNR did not, however, submit evidence of authority to regulate existing MSW landfills in Indian Country. Therefore, EPA is not approving this Plan as it relates to those sources.

III. Final Action

Based on the rationale discussed above, EPA is approving the State of Georgia section 111(d) Plan, as submitted on January 20, 1998, for the control of landfill gas from existing MSW landfills, except for those existing MSW landfills located in Indian Country. As provided by 40 CFR 60.28(c), any revisions to the Georgia State Plan or associated regulations will not be considered part of the applicable plan until submitted by the Georgia DNR in accordance with 40 CFR 60.28(a) or (b), as applicable, and until

approved by EPA in accordance with 40 CFR part 60, subpart B.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the revision should significant, material, and adverse comments be filed. This action will be effective January 12, 1999, unless by December 14, 1998, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective January 12, 1999.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

This final rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks, because it is not an ''economically significant'' action under Executive Order 12866.

C. Regulatory Flexibility

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.

Pursuant to section 605(b) of the RFA I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under Federal, State, or Local law and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

D. 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 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 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.

E. Submission to Congress and the Comptroller General

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

F. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 12, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: September 21, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 62 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

Subpart L—Georgia

2. Section 62.2600 is amended by adding paragraphs (b)(5) and (c)(4) to read as follows:

§ 62.2600 Identification of plan.

* * * * *

(b) * * *

(5) State of Georgia Plan for Implementation of 40 CFR Part 60, Subpart Cc, For Existing Municipal Solid Waste Landfills, submitted on January 20, 1998, by the Georgia Department of Natural Resources.

(c) * * *

(4) Existing municipal solid waste landfills.

3. Subpart L is amended by adding a new § 62.2607 and a new undesignated center heading to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.2607 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[FR Doc. 98–30399 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–U

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301–3 and 301–10

[FTR Amendment 74—1998 Edition]

RIN 3090–AG73

Federal Travel Regulation; Use of Commercial Transportation, Fly America Act

AGENCY: Office of Governmentwide Policy (OGP), GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) provisions pertaining to use of U.S. flag air carriers under the provisions of 49 U.S.C. 40118, commonly referred to as the Fly America Act. This final rule reduces the connecting time for use of U.S. flag air carrier service at an overseas interchange point; requires that airline tickets issued under a code share agreement identify the U.S. flag air carrier's designator code and flight number; removes references to ''gateway airports;'' and implements a new method for calculation of the employee's liability for unauthorized transportation on a foreign air carrier.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Technical information: Umeki G. Thorne, telephone (202) 501–1538. FTR ''plain language'' format: Internet GSA, *ftrtravel.chat@gsa.gov*.

SUPPLEMENTARY INFORMATION: Subsection 127 (d) of the General Accounting Office Act of 1996 (Pub. L. 104–316) amended 49 U.S.C. 40118 to require that the Administrator of General Services Administration (GSA) issue regulations under which agencies may permit payment for transportation on a foreign air carrier when such transportation is determined necessary. This final rule implements the Administrator's authority under the statute, identifying when U.S. flag air carrier service is deemed available (for transportation between a point in the United States and a point outside the United States) or reasonably available (for transportation between two points outside the United States). This final rule is written in the ''plain language'' style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and use. This final rule removes Part 301–3 of 41 CFR Chapter 301 and adds the provisions implementing the Fly America Act to Part 301–10. This final rule also modifies the proposed rule with request for comments published in the **Federal Register** on April 7, 1998 (63 FR 16936).

During the 30-day comment period provided by the proposed rule, GSA received comments from four Federal agencies, three U.S. flag air carriers, an air carrier association, and three non-Government entities. GSA carefully reviewed each comment. Changes based on comments received have been grouped by section of the proposed rule and subject area and are discussed in the following general analysis.

Section 301–10.134 What Is U.S. Flag Air Carrier Service?

U.S. Air Carrier Certificate

Section 301–10.134 of the proposed rule generally defines ''U.S. flag air carrier service'' as service on an air carrier holding a certificate under 49 U.S.C. 41102. One Federal agency requested that GSA clarify that although U.S. flag air carriers must hold a certificate, the transportation does not have to be authorized by such certificate, if it is authorized by rule or exemption. GSA has revised § 301–10.134 accordingly.

Code Share Agreements

Ticket Stock

A comment from a non-Government entity supported the language in § 301–10.134 of the proposed rule stating that service under a code share arrangement, when the entire ticket is issued by a U.S. flag air carrier, is deemed U.S. flag air carrier service. In contrast, three Federal agencies, two U.S. flag air carriers and the air carrier association objected to this requirement as too restrictive. Two of the Federal agencies and the air carrier association stated that many developing countries have neither U.S. flag air carrier facilities nor personnel. Accordingly, in such cases, obtaining a ticket on U.S. flag air carrier ticket stock is not practicable and could preclude travelers from benefiting from U.S. flag air carrier service through code share arrangements. The air carrier association also pointed out that the essential feature on an airline ticket is the air carrier designator code and flight number rather than the ticket stock. One U.S. flag air carrier stated that imposing a U.S. air carrier ticket stock requirement could, in some cases, divert traffic to foreign air carriers in those locations where no U.S. flag air carrier facilities or personnel are located. In addition, GSA notes that as airlines and travelers more frequently utilize electronic ticketing, a U.S. air carrier ticket stock requirement appears outdated. As a result of these comments, the language of the proposed rule has been revised. The final rule states that the ticket (or documentation for an electronic ticket) must identify the U.S. flag air carrier's designator code and flight number. The requirement that the ticket be issued on U.S. flag air carrier ticket stock has been removed.

Foreign Air Carrier Code Share Service as U.S. Flag Air Carrier Service

One U.S. flag air carrier objected, except under limited circumstances, to the determination that service by a foreign air carrier under a code share arrangement is service by a U.S. flag air carrier. Specifically, the U.S. flag air carrier stated that code share service by a foreign air carrier is merely a form of interline service and therefore should not be considered service by a U.S. flag air carrier unless the U.S. flag air carrier bears the financial risk of empty seats on the aircraft. In contrast, the air carrier association commented that code share arrangements between U.S. flag air carriers and foreign air carriers are consistent with the Fly America Act because they promote the intent of the Fly America Act by improving the economic and competitive position of U.S. flag air carriers.

The final rule provides that U.S. flag air carrier service includes service provided by a foreign air carrier under a code share agreement when the ticket, or documentation in the case of an electronic ticket, identifies the U.S. flag air carrier's designator code and flight number. It is GSA's position that codesharing between U.S. flag air carriers and foreign air carriers increases opportunities for U.S. flag air carriers to expand into new international markets, which in turn promotes revenues to U.S. flag air carriers, thereby furthering the goals of the Fly America Act. Additionally, the U.S. flag air carrier whose designator code and flight number appears on the ticket, or documentation in the case of an electronic ticket, takes responsibility for the passenger(s) traveling under the U.S. flag air carrier's designator code and flight number, supporting the determination that the code share service is properly deemed service by the U.S. flag air carrier.

Section 301–10.135 When Must I Travel Using U.S. Flag Air Carrier Service?

Exception for Transportation Under Bilateral and Multilateral Agreements

Section 301–10.135 of the proposed rule states that U.S. flag air carrier service must be used for all travel funded by the U.S. Government, unless one of the various exceptions applies. One Federal agency commented that § 301–10.135(b), which addresses

bilateral or multilateral agreements, could be misleading because the criteria from the Fly America Act for exchanging fly-national privileges under such agreements are to be applied by the negotiators at the time the agreement is made, not by the traveler. That agency also stated that as of the date of the proposed rule there were no bilateral or multilateral agreements in effect that met the requirements of the Fly America Act. Based on this comment, GSA has clarified § 301–10.135(b). Under the final rule, a traveler is not required to use U.S. flag air carrier service if transportation by a foreign air carrier is provided under a bilateral or multilateral air transportation agreement which the Department of Transportation has determined meets the conditions specified in the Fly America Act. To verify existence of any qualifying bilateral or multilateral agreements, agencies should contact the U.S. Department of Transportation, Office of the Secretary, Office of International Aviation, Room X–40, Washington, DC 20590.

Direct Service by Foreign Air Carrier

A Federal agency commented on § 301–10.135(d) of the proposed rule, which states that when no U.S. flag air carrier provides service on a particular leg of the route, foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service. The agency requested that GSA eliminate the words, ''but only to or from the nearest interchange point on a usually traveled route'' in order to save travel time by enabling travelers to use direct service on a foreign air carrier. GSA is not persuaded that this change is warranted. While the use of a foreign air carrier may be more convenient when the foreign air carrier has nonstop or direct service, GSA does not consider a shorter travel time in these circumstances to be sufficient to consider U.S. flag air carrier service unavailable or use of a foreign air carrier necessary. Therefore, GSA did not adopt the revision proposed in the comment. Of course, if the traveler meets an exception provided in the regulation, such as those provided in § 301–10.136, then the traveler may use a foreign air carrier.

Section 301–10.136 What Exceptions to the Fly America Act Requirements Apply When I Travel Between the United States and Another Country?

Removal of the terms ''gateway airport in the United States'' and ''gateway airport abroad''

The air carrier association requested clarification for the removal of terms ''gateway airport in the United States'' and ''gateway airport abroad.'' The association stated that it does not oppose the deletion of the terms but requested that GSA clarify any policy change intended by the elimination of these terms. GSA does not intend to make a significant substantive policy change through the removal of the terms ''gateway airport abroad'' and ''gateway airport in the United States.'' However, as there are a myriad of potential travel situations, there may be instances where the removal of the terms result in a different outcome than that which would have resulted under the former rule.

Connecting Time

Section § 301–10.136 (b)(3) of the proposed rule reduced the connecting time from 6 hours or more to 4 hours or more at an overseas interchange point for purposes of determining whether U.S. flag air carrier service is unavailable. One Federal agency and one non-Government entity commented in support of this policy change. In contrast, two U.S. flag air carriers and the air carrier association opposed this policy change. The U.S. flag air carriers and the air carrier association stated that this change would unnecessarily risk the loss of business by U.S. airlines as it is likely to result in U.S. flag air carrier service being deemed unavailable in more instances, thereby diverting more travel to foreign air carriers.

GSA has considered these comments, but the change included in the proposed rule reducing the connecting time from 6 hours or more to 4 hours or more remains in this final rule. GSA included a number of considerations in its review of the issue. When the Fly America Act was first implemented in the 1970's, the 6 hour or more connecting time rule was established as a reasonable standard for connecting service through an overseas interchange point. Since that time, U.S. flag air carriers have significantly expanded their service in international markets and increased their service at international interchange points so that passengers can connect in a shorter time frame. Expanded use of code share arrangements has also helped reduce connecting times at overseas interchange points.

In reviewing this issue, GSA's analysis of airline schedule data showed that the airlines' average layover or connecting time is 2½ hours. GSA's analysis also showed that there would not be a large number of flights impacted by this change. Therefore, reducing the connecting time from 6 hours to 4 hours should not result in a significant loss of revenue to U.S. flag air carriers. Under the final rule, U.S. flag air carrier service is deemed unavailable when connecting service at an overseas interchange point would require a connecting time of 4 hours or more. This exception applies only when no U.S. flag air carrier service is available within the 4 hour time period, including U.S. flag air carrier service under a code share agreement.

Section 301–10.138 In What Circumstances Is Foreign Air Carrier Service Deemed a Matter of Necessity?

Excess Foreign Currency

Section (b)(3) of this section of the proposed rule stated that ''(b) Necessity includes, but is not limited to, the following circumstances when: (3) Your program or activity may only be financed, under statute, using excess foreign currency and all U.S. flag air carriers refuse to accept foreign currencies.'' As no excess foreign currency situations exist at the present time (and have not existed since 1992), GSA has determined that the provision included at § 301–10.138(b)(3) of the proposed rule is unnecessary. Therefore § 301–10.138(b)(3) of the proposed rule is not included in this final rule. Should excess foreign currency issues arise in the future, GSA will determine at that time whether a provision on the subject should be included in the regulation.

Safety Exceptions

The air carrier association commented on § 301–10.138(b)(1)(2), stating that although the association did not object to the safety exceptions included in the proposed rule, GSA should inform travelers that security exceptions (due to a terrorist threat on a U.S. flag air carrier) should only be invoked after consultation with the Office of Civil Aviation Security of the Federal Aviation Administration (FAA). In the event of a threat to a U.S. flag air carrier, the FAA and the Department of State will issue a travel advisory notice to the general public. Agencies should take any such travel advisory notices into account when determining whether foreign air carrier service is deemed a necessity as provided in § 301–10.138. Written approval is required for a determination that foreign air carrier service is a necessity based on a security threat to a U.S. flag air carrier and must be supported by a travel advisory notice. The language of this final rule includes this requirement. With respect to threats against Government employees or other

travelers, which formulate the basis for a determination that foreign air carrier service is necessary (as contrasted with threats to a U.S. flag air carrier), evidence of such threats must accompany the agency's approval of the use of foreign air carrier service.

Section 301–10.144 What Is My Liability if I Improperly Use a Foreign Air Carrier?

Splitting the Cost of Air Travel Between Federal and Non-Federal Funds

One non-Government entity commented that the provision included in this section of the proposed rule for computing liability may encourage splitting the cost of a trip between non-Federal and Federal funds to permit the use of a foreign air carrier for convenience or lower rates. The comment stated that the entity's practice has been to deny payment of the total cost of the air travel (both foreign and U.S.) if a foreign air carrier was improperly used for any part of the trip.

Under § 301–3.6(c)(4) of the current FTR, employee liability is computed based on a formula used to determine the amount of lost revenue to the U.S. flag air carrier(s) rather than denial of the entire cost of air travel. The new policy for employee liability, which denies reimbursement for use of any foreign air carrier for any part of the trip for which it was not authorized, is intended to simplify the process for computing employee liability. 49 U.S.C. 40118 applies only to transportation that is financed with U.S. Government funds and will not result in improperly splitting the costs of a trip between Federal and non-Federal funds. GSA's intent is to ensure that agencies establish internal procedures for disallowance of reimbursement to travelers who use foreign air carrier service that was not authorized or otherwise permitted under this regulation. Therefore this section has been modified to include a provision requiring agencies to establish such internal procedures.

Ticket Purchases Made Through a Government Contractor Travel Agency

One Federal agency stated that agencies which are not using charge cards for purchase of airline tickets should be allowed to make payment directly to the Travel Management Center, and then seek reimbursement from the employee when an employee has improperly used a foreign air carrier. The issue of whether a Federal agency must pay a travel management center/travel agency contractor when there is improper use of a foreign air carrier is a matter of contract administration. GSA notes that many Government contracts for travel management center/travel agency services include a provision requiring that the contractor abide by the terms of the Fly America Act in issuing tickets for Federal travelers and bear the financial burden for failure to do so. Accordingly, GSA determined it unnecessary to revise § 301–10.144 on this issue.

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply. The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 et seq. This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 301–3 and 301–10

Government employees, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR Chapter 301 is amended as follows.

PART 301–3—USE OF COMMERCIAL TRANSPORTATION

1. Under the authority of 5 U.S.C. 5707, part 301–3 is removed.

PART 301–10—TRANSPORTATION EXPENSES

2. The authority citation for 41 CFR part 301–10 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 486(c); 49 U.S.C. 40118.

3. An undesignated center heading and sections 301–10.131 through 301–10.144 are added to read as follows:

Use of United States Flag Air Carriers

Sec.

301–10.131 What does United States mean?
301–10.132 Who is required to use a U.S. flag air carrier?
301–10.133 What is a U.S. flag air carrier?
301–10.134 What is U.S. flag air carrier service?
301–10.135 When must I travel using U.S. flag air carrier service?
301–10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?
301–10.137 What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and destination?
301–10.138 In what circumstances is foreign air carrier service deemed a matter of necessity?
301–10.139 May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?
301–10.140 May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?
301–10.141 Must I provide any special certification or documents if I use a foreign air carrier?
301–10.142 What must the certification include?
301–10.143 What is my liability if I improperly use a foreign air carrier?

Use of United States Flag Air Carriers

§ 301–10.131 What does United States mean?

For purposes of the use of United States flag air carriers, *United States* means the 50 states, the District of Columbia, and the territories and possessions of the United States (49 U.S.C. 40102).

§ 301–10.132 Who is required to use a U.S. flag air carrier?

Anyone whose air travel is financed by U.S. Government funds, except as provided in § 301–10.135, § 301–10.136, and § 301–10.137.

§ 301–10.133 What is a U.S. flag air carrier?

An air carrier which holds a certificate under 49 U.S.C. 41102 but does not include a foreign air carrier operating under a permit.

§ 301–10.134 What is U.S. flag air carrier service?

U.S. flag air carrier service is service provided on an air carrier which holds a certificate under 49 U.S.C. 41102 and which service is authorized either by the carrier's certificate or by exemption or regulation. U.S. flag air carrier service also includes service provided under a code share agreement with a foreign air carrier in accordance with Title 14, Code of Federal Regulations when the ticket, or documentation for an electronic ticket, identifies the U.S. flag air carrier's designator code and flight number.

§ 301–10.135 When must I travel using U.S. flag air carrier service?

You are required by 49 U.S.C. 40118, commonly referred to as the ''Fly

America Act,'' to use U.S. flag air carrier service for all air travel funded by the U.S. Government, except as provided in § 301–10.136 and § 301–10.137 or when one of the following exceptions applies:

(a) Use of a foreign air carrier is determined to be a matter of necessity in accordance with § 301–10.138; or

(b) The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act; or

(c) You are an officer or employee of the Department of State, United States Information Agency, United States International Development Cooperation Agency, or the Arms Control Disarmament Agency, and your travel is paid with funds appropriated to one of these agencies, and your travel is between two places outside the United States; or

(d) No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or

(e) A U.S. flag air carrier involuntarily reroutes your travel on a foreign air carrier; or

(f) Service on a foreign air carrier would be three hours or less, and use of the U.S. flag air carrier would at least double your en route travel time; or

(g) When the costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.

§ 301–10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?

The exceptions are:

(a) If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless such use would extend your travel time, including delay at origin, by 24 hours or more.

(b) If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between your origin and your destination, you must use a U.S. flag air carrier on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use would:

(1) Increase the number of aircraft changes you must make outside of the U.S. by 2 or more; or

(2) Extend your travel time by at least 6 hours or more; or

(3) Require a connecting time of 4 hours or more at an overseas interchange point.

§ 301–10.137 What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and my destination?

You must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:

(a) Increase the number of aircraft changes you must make en route by 2 or more; or

(b) Extend your travel time by 6 hours or more; or

(c) Require a connecting time of 4 hours or more at an overseas interchange point.

§ 301–10.138 In what circumstances is foreign air carrier service deemed a matter of necessity?

(a) Foreign air carrier service is deemed a necessity when service by a U.S. flag air carrier is available, but

(1) Cannot provide the air transportation needed; or

(2) Will not accomplish the agency's mission.

(b) Necessity includes, but is not limited to, the following circumstances:

(1) When the agency determines that use of a foreign air carrier is necessary for medical reasons, including use of foreign air carrier service to reduce the number of connections and possible delays in the transportation of persons in need of medical treatment; or

(2) When use of a foreign air carrier is required to avoid an unreasonable risk to your safety and is approved by your agency (e.g., terrorist threats). Written approval of the use of foreign air carrier service based on an unreasonable risk to your safety must be approved by your agency on a case by case basis. An agency determination and approval of use of a foreign air carrier based on a threat against a U.S. flag air carrier must be supported by a travel advisory notice issued by the Federal Aviation Administration and the Department of State. An agency determination and approval of use of a foreign air carrier based on a threat against Government employees or other travelers must be supported by evidence of the threat(s) that form the basis of the determination and approval; or

(3) When you can not purchase a ticket in your authorized class of service on a U.S. flag air carrier, and a seat is available in your authorized class of service on a foreign air carrier.

§ 301–10.139 May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?

No. Foreign air carrier service may not be used solely based on the cost of your ticket.

§ 301–10.140 May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?

No. You must use U.S. flag air carrier service, unless you meet one of the exceptions in § 301–10.135, § 301–10.136, or § 301–10.137 or unless foreign air carrier service is deemed a matter of necessity under § 301–10.138.

§ 301–10.141 Must I provide any special certification or documents if I use a foreign air carrier?

Yes, you must provide a certification, as required in § 301–10.143 and any other documents required by your agency. Your agency cannot pay your foreign air carrier fare if you do not provide the required certification.

§ 301–10.142 What must the certification include?

The certification must include:

(a) Your name;

(b) The dates that you traveled;

(c) The origin and the destination of your travel;

(d) A detailed itinerary of your travel, name of the air carrier and flight number for each leg of the trip; and

(e) A statement explaining why you met one of the exceptions in § 301–10.135, § 301–10.136, or § 301–10.137 or a copy of your agency's written approval that foreign air carrier service was deemed a matter of necessity in accordance with § 301–10.138.

§ 301–10.143 What is my liability if I improperly use a foreign air carrier?

You will not be reimbursed for any transportation cost for which you improperly use foreign air carrier service. If you are authorized by your agency to use U.S. flag air carrier service for your entire trip, and you improperly use a foreign air carrier for any part of or the entire trip (i.e., when not permitted under this regulation), your transportation cost on the foreign air carrier will not be payable by your agency. If your agency authorizes you to use U.S. flag air carrier service for part of your trip and foreign air carrier service for another part of your trip, and you improperly use a foreign air carrier (i.e., when neither authorized to do so nor otherwise permitted under this regulation), your agency will pay the transportation cost on the foreign air

carrier for only the portion(s) of the trip for which you were authorized to use foreign air carrier service. The agency must establish internal procedures for denying reimbursement to travelers when use of a foreign air carrier was neither authorized nor otherwise permitted under this regulation.

Dated: November 5, 1998.

David J. Barram,

Administrator of General Services.

[FR Doc. 98–30344 Filed 11–12–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants

CFR Correction

In Title 50 of the Code of Federal Regulations, parts 1 to 199, revised as of Oct. 1, 1997, § 17.44 is corrected by adding paragraph (v) as follows:

§ 17.44 Special rules—fishes.

* * * * *

(v) Gulf sturgeon (*Acipenser oxyrhynchus desotoi*). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, or other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any of this species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(1) through (3) of this section.

(5) Taking of this species for purposes other than those described in paragraph (v)(1) of this section, including taking incidental to otherwise lawful activities, is prohibited except when permitted under 50 CFR 17.32.

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 644

[Docket No. 981109279–8279–01; I.D. 020398B]

RIN 0648–AM02

Atlantic Marlin Adjustable Bag Limit Provision

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

ACTION: Interim rule; technical amendment.

SUMMARY: By the interim rule, published in the **Federal Register** on March 24, 1998, NMFS increased the minimum size limits for Atlantic blue marlin (BUM) and Atlantic white marlin (WHM), respectively, and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. On September 29, 1998, NMFS extended the period of the interim rule for an additional 180 days and amended it to increase the minimum size limit for Atlantic BUM to 99 inches lower jaw-fork length (LJFL) (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip and to grant the Assistant Administrator for Fisheries, NOAA (AA), authority to adjust the bag limit, including adjusting it to zero. The current action amends the interim rule to remove the provision allowing the AA to adjust the bag limit.

DATES: Effective November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Buck Sutter, 813–570–5447; fax: 813–570–5364.

SUPPLEMENTARY INFORMATION: The International Convention for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation in 1997 with several measures to address the condition of billfish resources throughout the Atlantic Ocean, including reducing Atlantic BUM and Atlantic WHM landings by at least 25 percent from 1996 limits, starting in 1998, to be accomplished by the end of 1999. In September 1997, NMFS designated BUM and WHM as being overfished. In response to the ICCAT recommendation, as required by Atlantic Tunas Convention Act (ATCA), and in an effort to reduce overfishing, NMFS promulgated a 180-day interim rule (63 FR 14030, March 24, 1998) under section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson-Stevens Act). The interim rule increased the minimum size of Atlantic BUM and WHM that could be retained by U.S. recreational anglers and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. The interim rule was extended for an additional 180 days, beginning September 24, 1998, and amended to increase the minimum size limit for Atlantic BUM to 99 inches (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip, and to grant the AA authority to adjust the bag limit up or down, including to zero if the landing limits for BUM and WHM are reached (26.2 mt and 2.48 mt, respectively), as determined by the most recent tournament and other landings data (63 FR 51859, September 29, 1998).

It is highly unlikely that the interim authority granted the AA to adjust the bag limit would have to be used by March 19, 1999, the date the interim rule expires. The BUM and WHM recreational angling seasons in the United States generally occur between May and September. The best currently available scientific information indicates that the ICCAT-recommended landing limits for BUM and WHM have not been exceeded thus far during 1998. In addition, the NMFS Recreational Billfish Survey indicates that no landings of BUM or WHM have been observed from October through February over the last 3 years of the survey (1995 to 1997). Under 50 CFR 644.20, the fishing year and associated landing limits run from January 1 to December 31. At the initiation of the new fishing year on January 1, 1999, the landing limits start again at 26.2 mt BUM and 2.48 mt WHM. Based on the landings data for 1995 through 1997, 0 percent of the landings for both BUM and WHM are taken during January and February, and only 3.6 percent of BUM and 1.6 percent of WHM are taken during March. It is, therefore, highly unlikely that there would be any need to adjust the bag limit of one fish per vessel per trip downward for the remainder of 1998, or from January 1, 1999, through March 19, 1999, in order to ensure compliance with ICCAT-recommended landing limits.

NMFS has received public comment on the interim rule, and on October 9, 1998 (63 FR 54433) NMFS published a notice of availability of draft Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish FMP), with a request for comments by January 7, 1999. Draft Amendment 1 to

the Billfish FMP contains an alternative management measure that would give the AA, the authority to adjust the bag limit up or down, including adjusting it to zero if the landing limits for BUM and WHM are reached. The public comments received to date indicate that the possibility of a zero bag limit could have a significant negative impact on the planning of, and participation in, billfish tournaments. Sport fishing organizations have stated their intent to address this issue in the context of commenting on draft Amendment 1 to the Billfish FMP and on the regulations to implement that amendment (proposed implementing regulations for the FMP amendment will be published shortly).

NMFS agrees that there is no need to maintain the provision to adjust the bag limit in the interim rule and, by this action, removes the AA's authority to adjust the bag limit. NMFS will evaluate written and verbal comments received during the 3-month comment period on the draft FMP amendment, and during the comment period on the implementing regulations to be proposed shortly, in determining the appropriateness of using adjustable bag limits to ensure compliance with ICCAT-recommended landing limits. In the highly unlikely event that a prohibition of Atlantic BUM and/or WHM landings is required because ICCAT-recommended limits have been exceeded before the end of the interim rule period, NMFS has the authority, under section 305(d) of the Magnuson-Stevens Act, to take appropriate action.

Classification

The AA has determined that this amendment of the interim rule is consistent with the Magnuson-Stevens Act and other applicable laws.

The AA has determined that, under 5 U.S.C. 553(b)(B), there is good cause to waive the requirement for prior notice and an opportunity for public comment as such procedures would be contrary to the public interest for the reasons stated above. Further, under 5 U.S.C. 553(d)(3), the AA has determined that there is good cause to waive the otherwise required 30-day delay in effective date. This rule affects only the authority of NMFS to adjust a bag limit. It does not impose any substantive requirement on any fisherman for which time would be required to come into compliance.

The amendment of this interim rule has been determined to be not significant for purposes of E.O. 12866.

Because prior notice and an opportunity for public comment are not required to be provided for the amendment of this interim rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

List of Subjects in 50 CFR Part 644

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 6, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 644 is amended as follows:

PART 644—ATLANTIC BILLFISHES

1. The authority citation for part 644 continues to read as follows:

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

§ 644.26 [Amended]

2. Section 644.26 (b) is removed and reserved.

[FR Doc. 98–30391 Filed 11–9–98; 4:10 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 219
Friday, November 13, 1998

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–134–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes. That action would have required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data pertaining to this issue and is undertaking alternative rulemaking action. Accordingly, the proposed rule is withdrawn.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes, was published in the **Federal Register** on June 8, 1998 (63 FR 31140). The proposed rule would have required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The proposed actions were intended to prevent premature wear of the internal gears on the flap actuators, which could result in complete disconnection of the actuator gear set and a mechanical jam of the flap system. This condition could cause structural damage and/or significant twist of a flap panel, which could lead to reduced controllability of the airplane.

Actions Since Issuance of the Notice of Proposed Rulemaking (NPRM)

Since the issuance of the NPRM on June 2, 1998, the FAA has received reports of six instances of jammed flap actuators on airplanes that were in compliance with the requirements of that proposed AD. In one case, a twisted flap was not detected prior to takeoff; in another case, a twisted flap occurred upon deployment of flaps for landing. In both cases, the airplanes were controllable and landed successfully. These reports indicate that the replacement action specified by the proposed rule is inadequate to address the unsafe condition.

As a result, the FAA has reconsidered its previous position on this rulemaking action and issued AD 98–20–01, amendment 39–10767 (63 FR 49661, September 17, 1998), on September 11, 1998, to address the unsafe condition. The actions of that AD require revising the procedures in the FAA-approved Airplane Flight Manual for checking the flap system. The amendment also requires revising the procedures in the FAA-approved maintenance program, and performing follow-on actions, if necessary. The actions specified in that AD are considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking. The actions required by that AD are intended to prevent an unannunciated failure of the flap system due to a twisted outboard flap, which could result in a flap asymmetry, and consequent reduced controllability of the airplane.

FAA's Conclusions

The FAA has determined that other rulemaking was required to address the identified unsafe condition. In light of this other on-going rulemaking activity, the FAA hereby withdraws the proposed rule.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 98–NM–134–AD, published in the **Federal Register** on June 8, 1998 (63 FR 31140), is withdrawn.

Issued in Renton, Washington, on November 4, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30334 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–276–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F.28 Mark 0070 and 0100 series airplanes. This proposal would require a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the main landing gear (MLG), and repair or replacement of any discrepant component with a new or serviceable component. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent heavy vibration and possible damage to the components of the MLG, and consequent reduced controllability of the airplane during takeoff and landing.

DATES: Comments must be received by December 14, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–276–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–276–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–276–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F.28 Mark 0070 and 0100 series airplanes. The RLD advises that it received a report of heavy vibration coming from the main landing gear (MLG) during landing. Investigation revealed that the cause of the heavy vibration was attributed to the nut of the apex bolt becoming detached from the apex pin, which resulted in disconnection of the upper and lower torque links of the right-hand MLG at the apex joint. Subsequent investigations of other Fokker Model F.28 series airplanes, equipped with Menasco MLG's, revealed loss of torque of the apex pin of the torque links and, in some cases, loss of torque of the shimmy damper attachment bolts. These conditions, if not corrected, could result in heavy vibration and possible damage to the components of the MLG, and consequent reduced controllability of the airplane during takeoff or landing.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100–32–113, dated May 28, 1998, which describes procedures for a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the MLG, and repair or replacement of any discrepant component with a new or serviceable component. Discrepancies may include incorrect positioning of the apex pin, misalignment of the slotted locking nut, loss of torque of the bolts, or damage to the locking plate and apex bolt. The service bulletin also recommends informing Fokker Services of inspection results.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 1998–058 (A), dated May 29, 1998, in order to assure the continued airworthiness of these airplanes in the Netherlands.

Other Relevant Rulemaking

On October 7, 1998, the FAA issued AD 98–21–33, amendment 39–10841 (63 FR 55527, October 16, 1998), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, to require a one-time inspection of the torque links of the MLG assemblies to determine if the lockwire is present on the apex bolt, and corrective action, if necessary. However, this proposed AD would not affect the current requirements of that previously issued AD.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 131 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per

airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $15,720, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket 98–NM–276–AD.

Applicability: Model F.28 Mark 0070 and 0100 series airplanes, as listed in Fokker Service Bulletin SBF100–32–113, dated May 28, 1998; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent heavy vibration and possible damage to the components of the main landing gear (MLG), and consequent reduced controllability of the airplane during takeoff or landing, accomplish the following:

(a) Within 45 days after the effective date of this AD, perform a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the MLG, in accordance with Fokker Service Bulletin SBF100–32–113, dated May 28, 1998. If any discrepancy is detected, prior to further flight, repair or replace any discrepant component with a new or serviceable component, in accordance with the service bulletin.

Note 2: In paragraph 2.F.(10) of the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–113, dated May 28, 1998, the parenthetical phrase that recommends the size of torque wrench to use, should read ''* * * (0 to 75 lbf ft),'' rather than ''* * * (0 to 75 lbf in)''.

(b) Submit a report of the inspection findings (positive or negative) to Fokker Services B.V., Technical Services, Attn.: Manager Airline Support, P.O. Box 75047, 1117 ZN Schiphol-Oost, the Netherlands; Fax No. 3120605200; at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection required by paragraph (a) of this AD is accomplished after the effective date of this AD: Submit a report within 10 days after accomplishing the inspection required by paragraph (a) of this AD.

(2) For airplanes on which the inspection required by paragraph (a) of this AD has been accomplished prior to the effective date of this AD: Submit a report within 30 days after the effective date of this AD.

(c) As of the effective date of this AD, no person shall install on any airplane a Menasco MLG having part number (P/N) 41050–5, –6, –7, or –8; or P/N 41060–1 or –2; unless it has been inspected in accordance with paragraph (a) of this AD.

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

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

(e) 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.

Note 4: The subject of this AD is addressed in Dutch airworthiness directive BLA 1998–058(A), dated May 29, 1998.

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

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30333 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 161, 250, and 284

[Docket No. RM98–10–000]

Regulation of Short-term Natural Gas Transportation Services; Notice of Staff Conference on Pipeline Capacity Auctions

November 6, 1998.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking, notice of staff conference on pipeline capacity auctions.

SUMMARY: The staff of the Federal Energy Regulatory Commission is holding a conference to discuss pipeline capacity auctions as contemplated in the Notice of Proposed Rulemaking (NOPR), issued on July 29, 1998. 63 FR 42982 (Aug. 11, 1998). The scope of the conference includes all issues raised by

the auction proposed in the NOPR and will consist of panel discussions and presentations.

DATES: December 8, 1998, 9:30 a.m.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426.

FOR FURTHER INFORMATION CONTACT: Elizabeth Zerby, Office of Pipeline Rates, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, 202–208–1181.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register,** the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (http://www.ferc.fed.us) using the CIPS Link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed using a personal computer with a modem by dialing 202–208–1397, if dialing locally, or 1–800–856–3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202–208–2474 or by E-mail to cipsmaster@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to rimsmaster@ferc.fed.us.

Finally, 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, DC 20426.

Regulation of Short-Term Natural Gas Transportation Services

Take notice that on December 8, 1998, the staff of the Federal Energy Regulatory Commission will hold a conference to discuss pipeline capacity auctions as contemplated in the Notice of Proposed Rulemaking (NOPR), issued on July 29, 1998.[1] The conference will begin at 9:30 a.m. at the Commission's offices, 888 First Street, NE., Washington, DC, in the Commission Meeting Room. All interested persons are invited to attend and participate. The purpose of this conference is to enable the industry to discuss with staff, as well as with each other, issues relating to auctions as proposed in the NOPR.

The scope of the conference includes all issues raised by the auction proposed in the NOPR. These would include: how an auction might affect pipeline cost recovery, including issues of rate design, reserve prices, and access charges; how pre-arranged capacity release transactions could be accommodated within an auction; how a capacity auction could coordinate with gas purchasing and risk management practices as well as with the acquisition and scheduling of capacity on interconnecting pipelines and local distribution companies; how auctions affect transaction costs; and how to determine the extent of available capacity as well as the types of capacity that should be included in the auction. The conference is intended to stimulate comment and discussion between staff and the industry on all aspects of the auction proposal in the NOPR, but any staff comments will not necessarily reflect the views of the Federal Energy Regulatory Commission or any Commissioner.

The conference will consist of roundtable discussions and presentations. Parties interested in making presentations and/or participating in the discussions should indicate their interest by November 20, 1998, by a letter addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, and should refer to Docket No. RM98–10–000. Upon receipt of these requests, a later notice will be issued providing further details about how the conference is to be organized.

An overhead projector will be made available at the conference. If participants require additional audiovisual services, the need to provide notice of their request in their letter to the Secretary to ensure that it can be accommodated.

The Capitol Connection may broadcast this conference in the Washington, D.C. area if there is sufficient interest. For those outside the Washington, D.C. area, the Capitol Connection may broadcast the conference live via satellite for a fee if there is sufficient interest to justify the cost. To indicate interest in either the local or national braodcast, please call Shirley AlJarani or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible, or e-mail to capcon@gmu.edu.

In addition, National Narrowcast Network's Hearing-On-The-line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202–966–2211 for further details.

Questions about the conference should be directed to: Elizabeth Zerby, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, 202–208–1181.

David P. Boergers,

Secretary.

[FR Doc. 98–30370 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

[1] Regulation of Short-Term Natural Gas Transportation Services, Notice of Proposed Rulemaking, 63 FR 42982 (Aug. 11, 1998), IV FERC Stats. & Regs. Proposed Regulations ¶ 32,533 (July 29, 1998).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–98–125]

RIN 2115–AE46

Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent special local regulations for the annual Greenwood Lake Powerboat Classic. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the southern end of Greenwood Lake, New Jersey.

DATES: Comments must be received on or before January 12, 1998.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch

(CGD01–98–125), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4195.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–98–125) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The Greenwood Lake Powerboat Association and the West Milford, New Jersey Chamber of Commerce sponsor this annual high-speed powerboat race with approximately 60 race boats, up to 20 feet in length, participating in the event. An average of 125 spectator craft view this event each year. The race will take place on the southern end of Greenwood Lake, New Jersey. The regulated area encompasses all waters of Greenwood Lake north of 41°08′N, south of 41°09′N, with the shoreline comprising the eastern and western boundaries. The northern boundary will be marked by 6 temporary buoys. The more narrow southern boundary will be marked by 4 temporary buoys. The proposed regulation is effective annually from 10 a.m. until 7 p.m. on Saturday and Sunday, the first weekend before Memorial Day weekend. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterway. The proposed regulation prohibits all vessels not participating in the event, swimmers, and personal watercraft from transiting this portion of Greenwood Lake during the races. It is needed to protect the waterway users from the hazards associated with high-speed powerboats racing in confined waters. Marine traffic will be able to transit through the area at various times between races at the direction of the Coast Guard Patrol Commander.

Discussion of Proposed Rule

The proposed special local regulation is for the annual Greenwood Lake Powerboat Classic held on the southern end of Greenwood Lake, New Jersey. This event is held annually on the weekend before Memorial Day weekend. This rule is being proposed to provide for the safety of life on navigable waters during the event, to give the marine community the opportunity to comment on this event, and to decrease the amount of annual paperwork required for this event.

Regulatory Evaluation

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting a portion of the southern end of Greenwood Lake during the races, the effect of this regulation will not be significant for several reasons: the limited duration that the regulated area will be in effect, marine traffic will be able to transit through the regulated area at various times between races at the direction of the Coast Guard Patrol Commander, the event is taking place on an inland lake that has no commercial traffic, it is an annual event with local support, and advance notifications will be made to the local maritime community via facsimile. Vessels, swimmers, and personal watercraft of any nature not participating in this event will be unable to transit through or around the regulated area during this event unless authorized by the Coast Guard Patrol Commander.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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.

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

Collection of Information

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

Federalism

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

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the

Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

Proposed Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add § 100.120 to read as follows:

§ 100.120 Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey.

(a) *Regulated Area.* All waters of Greenwood Lake, New Jersey north of 41°08′N and south of 41°09′N (NAD 1983). The shoreline comprises the eastern and western boundaries.

(b) *Special local regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving with the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This regulation is in effect annually on Saturday and Sunday from 10 a.m. until 7 p.m. on the first weekend before Memorial Day weekend.

Dated: October 19, 1998.

R.M. Larrabee,

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

[FR Doc. 98–30446 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198–0099b; FRL–6184–5]

Approval and Promulgation of State Implementation Plans; California Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from motor vehicle and mobile equipment refinishing, graphic arts, paper or fabric coating, and screen printing.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will not take effect and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time.

DATES: Comments must be received in writing by December 14, 1998.

ADDRESSES: Written comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Kern County Air Pollution Control District, 2700 M Street, Suite 302, Bakersfield, CA 93301

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B–23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Section (AIR–4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION: This document concerns Kern County Air Pollution Control District Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, San Joaquin Valley Unified Air Pollution Control District Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, Sacramento Metropolitan Air Quality Management District Rule 450—Graphic Arts and Rule 459—Automotive and Trucks and Heavy Equipment Refinishing Operations, and Santa Barbara County Air Pollution Control District Rule 339—Motor Vehicle and Mobile Equipment Coating Operations, submitted to EPA on May 10, 1996 (410.4A, 410.7), August 1, 1997 (239), March 10, 1998 (4602, 4607, 339), and May 18, 1998 (450, 459) by the California Air Resources Board. For further information, please see the

information provided in the Direct Final action that is located in the Rules section of this **Federal Register**.

Dated: October 23, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–30274 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[GA–41–9829b; FRL–6187–3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the section 111(d) Plan submitted by the Georgia Department of Natural Resources (DNR) for the State of Georgia on January 20, 1998, for implementing and enforcing the Emissions Guidelines applicable to existing Municipal Solid Waste Landfills. The Plan was submitted by the Georgia DNR to satisfy certain Federal Clean Air Act requirements. In the Rules section of this **Federal Register**, EPA is approving the Georgia State Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated by reference herein. If no significant, material, and adverse comments are received in response to this proposed 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. EPA will not institute a second comment period on this action.

DATES: Comments must be received by December 14, 1998.

ADDRESSES: Written comments should be addressed to Scott Martin at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott Martin at (404) 562–9036 or Scott Davis at (404) 562–9127.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register** and incorporated by reference herein.

Dated: September 21, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98–30400 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 409, 410, 411, 412, 413, 419, 489, 498, and 1003

[HCFA–1005–N]

RIN 0938–AI56

Medicare Program; Prospective Payment System for Hospital Outpatient Services; Extension of Comment Period

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: This notice extends the comment period for a proposed rule published in the **Federal Register** on September 8, 1998, (63 FR 47552). In that rule, as required by sections 4521, 4522, and 4523 of the Balanced Budget Act of 1997, we proposed to eliminate the formula-driven overpayment for certain outpatient hospital services, extend reductions in payment for costs of hospital outpatient services, and establish in regulations a prospective payment system for hospital outpatient services (and for Medicare Part B services furnished to inpatients who have no Part A coverage.) The comment period is extended for 60 days.

DATES: The comment period is extended to 5 p.m. on January 8, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1005–N, P.O. Box 26688, Baltimore, MD 21207–0488.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–09–26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1005–N. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Janet Wellham, (410) 786–4510.

SUPPLEMENTARY INFORMATION: On September 8, 1998, we issued a proposed rule in the **Federal Register** (63 FR 47552) that would do the following:

- Eliminate the formula-driven overpayment for certain outpatient hospital services;
- Extend reductions in payment for costs of hospital outpatient services;
- Establish in regulations a prospective payment system for hospital outpatient services, for partial hospitalization services furnished by community mental health centers, and for certain Medicare Part B services furnished to inpatients who have no Part A coverage;
- Propose new requirements for provider departments and provider-based entities;
- Implement section 9343(c) of the Omnibus Budget Reconciliation Act of 1986, which prohibits Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than a

hospital unless the services are furnished under an arrangement with the hospital;

- Authorize the Department of Health and Human Services' Office of Inspector General to impose a civil money penalty against any individual or entity who knowingly presents a bill for non-physician or other bundled services not provided directly or under such an arrangement.

Because of the scope of the proposed rule, hospitals and numerous professional associations have requested more time to analyze the potential consequences of the rule. Therefore, we are extending the public comment period for an additional 60 days, until January 8, 1999.

Published elsewhere in this issue of the **Federal Register** is a notice extending for an additional 60 days, the comment period for the proposed rule published in the June 12, 1998, **Federal Register** in which we propose to rebase Medicare payment rates and update the list of approved procedures for ambulatory surgical centers (ASCs) (63 FR 32290). We are extending the comment period for the June 12, 1998, ASC proposed rule to be concurrent with the extended comment period for the September 8, 1998, hospital outpatient proposed rule because Medicare payments to ASCs are closely linked to the manner in which Medicare proposes to pay hospitals under a prospective payment system for surgical services furnished on an outpatient basis.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 3, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: November 9, 1998.

Donna E. Shalala,

Secretary.

[FR Doc. 98–30388 Filed 11–9–98; 3:10 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 416 and 488

[HCFA–1885–3N]

RIN 0938–AH81

Medicare Program; Update of Ratesetting Methodology, Payment Rates, Payment Policies, and the List of Covered Procedures for Ambulatory Surgical Centers Effective October 1, 1998; Extension of Comment Period

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: This notice extends the comment period for the third time on a proposed rule published in the **Federal Register** on June 12, 1998, (63 FR 32290). In that rule we proposed to make various changes, including changes to the ambulatory surgical center (ASC) payment methodology and the list of Medicare covered procedures. The comment period is extended for 60 days.

DATES: The comment period is extended to 5 p.m. on January 8, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1885–P, P.O. Box 26688, Baltimore, MD 21207–0488.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 443-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, or Room C5–09–26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1885–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to:

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Joan H. Sanow, (410) 786–5723.

SUPPLEMENTARY INFORMATION: On June 12, 1998, we issued a proposed rule in the **Federal Register** (63 FR 32290) that would do the following:

- Update the criteria for determining which surgical procedures can be appropriately and safely performed in an ASC.
- Make additions to and deletions from the current list of Medicare covered ASC procedures based on the revised criteria.
- Rebase the ASC payment rates using cost, charge, and utilization data collected by a 1994 survey of ASCs.
- Refine the ratesetting methodology that was implemented by a final notice published on February 8, 1990, in the **Federal Register**.
- Require that ASC payment, coverage, and wage index updates be implemented annually on January 1 rather than having these updates occur randomly throughout the year.
- Reduce regulatory burden.
- Make several technical policy changes.

The proposed rule would also implement requirements of section 1833(i)(1) and (2) of the Social Security Act. We indicated that comments would be considered if we received them by August 11, 1998.

We received requests from numerous ASCs and professional associations for more time to analyze the potential consequences of the rule. We issued a notice in the **Federal Register** on August 14, 1998, (63 FR 43655) announcing extension of the public comment period to September 10, 1998.

On September 8, 1998, we published a proposed rule in the **Federal Register** entitled ''Medicare Program; Prospective Payment System for Hospital Outpatient Services'' (63 FR 47552). We received additional requests from ASCs and professional associations for more time to analyze the impact of the hospital outpatient proposed rule, and for a delay in the implementation of the ASC final rule to be concurrent with implementation of the hospital outpatient prospective payment system.

On October 1, 1998, we reopened the comment period for the June 12, 1998, ASC proposed rule until November 9, 1998, to coincide with the comment period for the September 8, 1998, hospital outpatient proposed rule. We also gave notice in the October 1, 1998, **Federal Register** (63 FR 52663) of a

delay in the adoption of the provisions of the June 12, 1998, ASC proposed rule as a final rule to be concurrent with the adoption as final of the hospital outpatient prospective payment system as soon as possible after January 1, 2000.

Published elsewhere in this issue of the **Federal Register** is a notice extending for 60 days the comment period for the September 8, 1998, hospital outpatient proposed rule (63 FR 47552). Because Medicare payments to ASCs are closely linked to the way Medicare proposes to pay hospitals under a prospective payment system for surgical services furnished on an outpatient basis, we are extending the comment period for the June 12, 1998, ASC proposed rule for 60 days to be concurrent with the extended comment period for the September 8, 1998, hospital outpatient proposed rule. The comment period will close at 5 p.m. on January 8, 1999.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 3, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: November 9, 1998.

Donna E. Shalala,

Secretary.

[FR Doc. 98–30389 Filed 11–9–98; 3:10 pm]

BILLING CODE 4120–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 62

RIN 3067–AC86

National Flood Insurance Program; Advance Notice of Determining the Write-Your-Own Expense Allowance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We, FEMA, are considering changes under the flood insurance Write-Your-Own (WYO) program to our rules on marketing incentives, performance measures, compensation under the WYO expense allowance, agent compensation, and compensation for unallocated loss expenses. Before publishing any rule change in these areas, we want the advice and comments of WYO companies, agents, consumers, and any other interested parties.

DATES: We invite your advice and comments on the proposal. Please send your comments on or before January 12, 1999.

We intend to hold a public meeting for oral submissions in early 1999. We will publish notice in the **Federal Register** with the date and location of the public meeting after the comment period expires for this advance notice of proposed rulemaking.

ADDRESSES: Please send your written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (telefax) (202) 646–4536, or (email) *rules@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Claudia I. Murphy, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., room 429, Washington, DC 20472, (202) 646–2775, (email) *claudia.murphy@fema.gov.*

SUPPLEMENTARY INFORMATION:

Background

The WYO program is a cooperative venture between the Federal Government and private insurance companies. Goals of the program include: increase the flood insurance policy base and the geographic distribution of policyholders; improve service to policyholders and agents; increase the National Flood Insurance Program's (NFIP) ability to settle claims promptly when catastrophes occur; and give private insurers experience operating the NFIP. The duties and responsibilities of the Federal Government and the private insurers participating in the WYO program and the terms for compensation are spelled out each year in the Financial Assistance/Subsidy Arrangement. (44 CFR Part 62, Appendix A.)

FEMA believes the WYO program is the most effective vehicle for delivering flood insurance to consumers and supporting the floodplain management goals of the NFIP. As pressure to raise flood insurance rates continues, particularly regarding reducing premium subsidies, FEMA must examine ways to contain operating costs and determine the most equitable and cost-effective ways to compensate companies that sell and service flood insurance policies.

Marketing and Promotional Expense

We invite your comments on the reasonableness of adjusting the expense allowance for WYO companies to reflect the expense incurred by the FIA in funding marketing efforts. In recent years, FIA marketing and promotional expenses have been about one percent of total flood insurance premiums written. We did not incur similar marketing expense when the WYO expense allowance formula was established. FIA effectively incurs the type of expense that would be considered ''other acquisition expense'' when incurred by a private insurer. Because ''other acquisition expense'' is one of the expense components reflected in the WYO expense allowance calculation, it may be reasonable to reflect some or all of the marketing expense incurred by FIA as an offset to the marketing expense we allow in determining the overall WYO expense allowance.

Marketing Incentives

We adjust a company's base expense allowance depending on how well the company met the marketing goals for the arrangement year contained in the marketing guidelines established pursuant to Article II.G. of the Arrangement. We seek your comments on whether a company's compensation should be contingent on meeting the marketing guidelines and if the marketing incentive is the most effective way to encourage the marketing of flood insurance.

As a separate consideration, we ask for your comments on options regarding the marketing incentive adjustment that has been a feature of the expense calculation since arrangement year 1994–95. We have identified possible approaches to the marketing incentive allowance:

(1) Change the current maximum addition to the basic WYO expense allowance from 1.3 percentage points to some other amount, such as 1.0 or 0.5 percentage points;

(2) Eliminate the marketing incentive program; or

(3) Continue the current marketing incentive program.

Performance Measures

We also invite your comments on how performance should be considered in determining the expense allowance of a particular WYO company. Incorporating performance measures into the determination of a company's expense allowance would create incentives to maximize efficiency in areas such as the settlement of NFIP claims, underwriting accuracy, customer services, financial and statistical reporting, and to maximize the cost effectiveness of the WYO program.

Alternatives to the Current Compensation Scheme

We ask for your advice and comments on alternatives to the current compensation scheme. One future approach might be to determine the WYO expense allowance using actual average expense ratios of the WYO companies as opposed to the ratios of the entire property/casualty industry. We could use direct written premium and expense information allocated to Federal flood insurance from Part III—Allocation to Lines of Direct Business Written for the property/casualty industry as reported in A.M. Best Company's *Aggregates and Averages*.

(1) We could total the amounts incurred for ''Commissions'', ''Taxes'', ''Other Acquisition'', and ''General Expense'' and divide this sum by ''Premiums Written'' to derive a baseline expense ratio.

(2) Alternatively, we could compute an operating allowance percentage by totaling the amounts incurred for ''Taxes'', ''Other Acquisition'', and ''General Expense'' and dividing this sum by ''Premiums Written'' to derive a baseline expense ratio and add a fixed percentage commission allowance.

We could adjust the percentage amount of either of the computed ratios to compensate the companies for their participation in the WYO program. One approach could be to set the expense ratio at the mid-point, or some other point, between the expense ratio computed using the proposed expense allowance formula and the ratio derived from direct Federal flood program premium and expense data. We welcome your comments on how this adjustment could be determined.

Agent Compensation

FEMA does not determine commissions paid by WYO companies to their agents; however, we include a 15 percent agent commission expense in calculating the WYO expense allowance. Market evidence based on the prevalence of rebating suggests this commission level is high for Residential Condominium Building Association Policies. We invite comments on how to modify the expense structure in light of the practice of rebating.

We do not intend to change the portion of the WYO expense allowance for agents but would like to gather information on industry practices for compensating agents who sell insurance products. We encourage and invite you to provide a description of your commission structure and/or other methods for compensating your agents. We are interested in knowing about differences in compensation for flood insurance and other types of property and casualty insurance and any differences in commissions paid for large and small policies, new and renewal business, and commercial and residential business.

Compensation for Unallocated Loss Expenses

Finally, we would like to gather information on the costs companies incur handling NFIP claims, which are in addition to the Adjuster Fee Schedule but are not eligible for reimbursement as a special allocated loss adjustment expense. Currently, WYO companies are entitled to an expense payment of 3.3 percent of the incurred loss, exclusive of ''incurred but not reported'' losses, as compensation for settling losses. An expense payment based on the percent of the incurred loss may operate as an incentive to pay questionable or disputed claims. We encourage you to provide information on the costs incurred settling NFIP losses, how claims handling practices affect your company's costs, and how the frequency of disasters affect these costs.

Confidential Information

Business entities who choose to submit confidential information protected from disclosure under the Freedom of Information Act (5 USC 552(b)(4)) should identify that information clearly as such, segregate it from the body of the comment, and include a summary of or reference to it in the comment.

Public Meeting

We intend to hold a public meeting for oral submissions in early 1999. We will publish notice in the **Federal Register** with the date and location of the public meeting after the comment period expires for this advance notice of proposed rulemaking. Please indicate in your comments whether you wish to participate in this meeting, and if so, the name and title of the speaker. If several respondents have substantially similar comments, a preliminary hearing may be necessary to align interests.

Dated: November 4, 1998.

Jo Ann Howard,

Federal Insurance Administrator.

[FR Doc. 98–30409 Filed 11–12–98; 8:45 am]

BILLING CODE 6718–03–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 62

RIN 3067–AC92

National Flood Insurance Program; Determining the Write-Your-Own Expense Allowance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: We, FEMA, propose to change our method for establishing the Write-Your-Own (WYO) expense allowance percentage for arrangement years beginning on or after October 1, 1999. We would use a new formula to derive the expense ratios used in determining the operating portion of the expense allowance. This formula would use direct, as opposed to net, premium and expense information for the property/casualty industry and would have the effect of lowering the expense allowance.

DATES: We invite your advice and comments on the proposal. Please send your comments on or before January 12, 1999.

We intend to hold a public meeting for oral submissions in early 1999. We will publish a notice in the **Federal Register** with the date and location of the meeting after the comment period expires for this proposed rule.

ADDRESSES: Please send your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (telefax) (202) 646–4536, (email) *rules@fema.gov*.

FOR FURTHER INFORMATION CONTACT: Claudia I. Murphy, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., room 429, Washington, DC 20472, (202) 646–2775, (email) *claudia.murphy@fema.gov*.

SUPPLEMENTARY INFORMATION:

Background

The WYO program is a cooperative venture between the Federal Government and private insurance companies. The goals of the program are: to increase the flood insurance policy base and the geographic distribution of policyholders; to improve service to policyholders and agents; to increase the NFIP's ability to settle claims promptly in catastrophe situations, and to give private insurers experience operating the NFIP. The duties and responsibilities of the Federal Government and the private

insurers participating in the WYO program and the compensation, or expense allowance, are spelled out each year in the Financial Assistance/Subsidy Arrangement. (44 CFR Part 62, Appendix A.)

WYO Expense Allowance

The WYO expense allowance is composed of an operating allowance percentage and a fixed 15 percent commission allowance. Before the 1994–95 arrangement year, the operating allowance percentage of the expense allowance was based on the average expense ratios for ''Other Acq.'', ''General Exp.'', and ''Taxes'' as published, for the latest available year, in A.M. Best Company's *Aggregates and Averages*—Property Casualty Insurance Underwriting—by Lines for Fire, Allied Lines, Farmowners Multiple Peril, Homeowners Multiple Peril, and Commercial Multiple Peril combined. Specifically, we combined the ratios of net expenses, by category, to net premiums written, for each of the aforementioned five property insurance coverages according to weighting based on net premiums earned for each coverage. To that percentage we then added a fixed 15 percent commission allowance to arrive at the annual WYO expense allowance percentage.

Since the 1994–95 arrangement year, we have included only the non-liability portion of Commercial Multiple Peril lines in the computations. We have also determined the final amount retained by the company by an adjustment to a base percentage depending on how well the company met the marketing goals for the arrangement year contained in the marketing guidelines established pursuant to Article II.G. of the Arrangement.

New Formula To Derive Expense Ratios

We want to continue the same basic approach we have used for more than 15 years and intend to use published property/casualty industry expense information to derive flood insurance expense allowances. We would update the specifics of the formula to take advantage of data elements not available in published form at the time we originally established the current formula. Fifteen years ago *Aggregates and Averages* did not contain an Insurance Expense Exhibit for the property/casualty industry and the Insurance Expense Exhibit completed by insurers did not provide direct premium and expense information comparable to what is provided today.

New Formula Under Consideration

We ask your advice and comments on a new formula we propose to use to derive the three expense ratios that determine the operating portion of the expense allowance. This formula would use the direct, as opposed to net, premium and expense information reflected in Part III of the Insurance Expense Exhibit for the property/casualty industry as reported in A.M. Best Company's *Aggregates and Averages.* We would aggregate premiums and expense amounts for each of the same five property coverages, and we would derive the weighted-average expense ratios therefrom. We would eliminate the use of an earned premium weighting of by-line expense ratios because we would rely no longer on by-line ratios to derive the combined expense ratios for the five lines involved.

Information on direct premiums written provides a better indicator of the premiums written in a year to be used in computing the expense ratio. Direct premiums written represent the aggregate amount of recorded originated premiums, other than reinsurance, written during a year after deducting all return premiums. Net premiums written include direct premiums written and reinsurance assumed, less reinsurance ceded. Reinsurance is not a part of a WYO company's flood business because the Federal government assumes liability for all losses and hence, should not be included in the calculation of the expense ratio.

Confidential Information

Business entities who chose to submit confidential information protected from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)) should identify that information clearly as such, segregate it from the body of the comment, and include a summary of or reference to it in the comment.

Public Meeting

We intend to hold a public meeting for oral submissions in early 1999. We will publish a notice in the **Federal Register** with the date and location of the meeting after the comment period expires for this proposed rule. Please indicate in your comments whether you wish to participate in this meeting, and if so, the name and title of the speaker. If several respondents have substantially similar comments, a preliminary hearing may be necessary to align interests.

National Environmental Policy Act

This proposed rule would be categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. We have not prepared an environmental impact assessment.

Executive Order 12866, Regulatory Planning and Review

This proposed rule would not be a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735. To the extent possible, this proposed rule adheres to the regulatory principles set forth in E.O. 12866 and the Office of Management and Budget has not reviewed it under the provisions of E.O. 12866.

Paperwork Reduction Act

This proposed rule would not contain a collection of information requirement as described in section 3504(h) of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This proposed rule would not involve any policies that have federalism implications under E.O. 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule would meet the applicable standards of § 2(b)(2) of E.O. 12778.

Regulatory Flexibility Act

I certify that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because it would make minor and technical amendments to the National Flood Insurance Program. This proposed rule would not contain any significant substantive changes from FEMA's present Write-Your-Own expense allowance regulations and would not substantially change how FEMA determines the Write-Your-Own expense allowance. The Regulatory Flexibility Act does not apply to this proposed rule and no regulatory analysis has been prepared.

List of Subjects in 44 CFR 62

Flood insurance, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 44 CFR 62, Appendix A, as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. The authority citation to Part 62 continues to read:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. We revise Article III.B of Appendix A to Part 62, to read as follows:

Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement

* * * * *

Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds

* * * * *

B. The Company will be entitled to withhold as operating and administrative expenses, other than agents' or brokers' commissions, an amount from the Company's written premium on the policies covered by this Arrangement in reimbursement of all of the Company's marketing, operating and administrative expenses, except for allocated and unallocated loss adjustment expenses described in C. of this article. This amount will equal the sum of the average of industry expense ratios for ''Other Acq.'' ''Gen. Exp.'' and ''Taxes'' calculated by aggregating premiums and expense amounts for each of five property coverages using direct, as opposed to net, premium and expense information to derive weighted average expense ratios. The five property coverages we will include are Fire, Allied Lines, Farmowners Multiple Peril, Homeowners Multiple Peril, and Commercial Multiple Peril (non-liability portion). We will use data for the property/casualty industry published, as of March 15 of the prior Arrangement year, in Part III of the Insurance Expense Exhibit in A.M. Best Company's *Aggregates and Averages.*

The Company will be entitled to 15 percent of the Company's written premium on the policies covered by this Arrangement as the commission allowance to meet commissions and/or salaries of their insurance agents, brokers, or other entities producing qualified flood insurance applications and other related expenses.

The amount of expense allowance retained by the company may be increased a maximum of 1.3 percent, depending on the extent to which the company meets the marketing goals for the Arrangement year contained in marketing guidelines established pursuant to Article II.G. The amount of any increase will be paid to the company after the end of the Arrangement year.

The Company, with the consent of the Administrator as to terms and costs, will be entitled to use the services of a national rating organization, licensed under state law, to help the FIA undertake and carry out such studies and investigations on a community or individual risk basis, and to determine equitable and accurate estimates of flood insurance risk premium rates as authorized under the National Flood Insurance Act of 1968, as amended. The Company will be reimbursed for the charges or fees for such services under the provisions of the WYO Accounting Procedures Manual.

* * * * *

Dated: November 4, 1998.

Jo Ann Howard,

Federal Insurance Administrator.

[FR Doc. 98–30410 Filed 11–12–98; 8:45 am]

BILLING CODE 6718–03–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981104276–8276–01; I.D. 100898A]

Fisheries of the Northeastern United States; Proposed 1999 Fishing Quotas for Atlantic Surf Clams and Ocean Quahogs

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

ACTION: Proposed 1999 fishing quotas for Atlantic surf clams, ocean quahogs, and Maine mahogany quahogs; request for comments.

SUMMARY: NMFS issues these proposed quotas for the Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries for 1999. These quotas were selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to propose allowable harvest levels of Atlantic surf clams and ocean quahogs from the exclusive economic zone and propose an allowable harvest level of Maine mahogany quahogs from the waters north of 43°50′N. lat. in 1999.

DATES: Public comments must be received on or before December 17, 1998.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790.

Send comments to: Jon Rittgers, Acting Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark on the outside of the envelope, ''Comments—1999 Surf Clam and Quahog Quotas.''

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 978–281–9280.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Assistant Administrator for Fisheries, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range that represents the OY for each fishery. It is the policy of the Council that the levels selected allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within this constraint, the Council policy is to consider economic benefits of the quotas. Regulations implementing Amendment 10 to the FMP published on May 19, 1998 (63 FR 27481), established a small artisanal fishery in the waters north of 43°50′ N. lat. for Maine mahogany quahogs and an initial annual quota of 100,000 Maine bushels (35,150 hectoliters (hL)). As specified in Amendment 10, the Maine mahogany quahog quota is in addition to the quota specified for the ocean quahog fishery.

The fishing quotas must be in compliance with overfishing definitions for each species. The overfishing definitions are fishing mortality rates of $F_{20\%}$ (20 percent of maximum spawning potential (MSP)) for surf clams and $F_{25\%}$ (25 percent of MSP) for ocean quahogs and Maine mahogany quahogs combined.

In proposing these quotas, the Council considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council staff. The proposed quotas for the 1999 Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries are shown below. The surf clam and Maine mahogany quahog quotas would be unchanged from the 1998 level, and the ocean quahog quota would be increased from the 1998 level by 13 percent.

PROPOSED 1999 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1999 final quotas (bu)	1999 final quotas (hL)
Surf clam[1]	2,565,000	1,362,000
Ocean quahog[1]	4,500,000	2,387,000
Maine mahogany quahog[2]	100,000	35,150

[1] 1 bushel = 53.24 liters.
[2] 1 bushel = 35.4 liters.

Surf Clams

The Council recommends a 1999 quota of 2.565 million bushels (1.362

million hL) for surf clams, a level unchanged since 1995. This level of quota was estimated as corresponding to the fishing mortality rate that would be required to harvest the annual surplus production for Northern New Jersey. The vast majority of the catch (>80 percent) is currently derived from the Northern New Jersey area, which contains about 36 percent of the coast-wide resource. Since surf clams reach a harvestable size in 6 to 7 years and recruitment is evident, this level of quota will not harm the long-term sustainability of the resource.

As specified in the FMP, the quota level must comply with the surf clam overfishing definition. Based on the surf clam overfishing definition of $F_{20\%}$, this translates to F = 0.18 for surf clams. The F in 1997 associated with a quota of 2.565 million bushels (1.362 million hL) was approximately 0.04 for the Northern New Jersey area. The specific F associated with the 1999 quota will be calculated when the next assessment is complete, but should be approximately the estimated F in 1997 for Northern New Jersey. Therefore, the proposed quota is below the approved overfishing threshold definition for fishing mortality.

The proposed quota was the Council's preferred alternative quota for the 1999 surf clam fishery. This preferred alternative was based on the surf clam analysis found in the 26th Northeast Regional Stock Assessment Workshop (SAW 26). SAW 26 utilized recent data from the 1997 survey, which included work to estimate dredge efficiency. Although SAW 26 showed a significant increase in surf clam biomass, the Council chose not to consider a quota increase for 1999 because of three main factors: (1) The vast majority of the catch (>80 percent) is derived from the Northern New Jersey area, and the net productivity of that area appears to be at an equilibrium with the current catches; (2) the 1997 Federal surf clam landings were 6 percent less than the 1997 quota and preliminary data for 1998 also indicates that landings will also be below the 1998 quota level; and (3) although SAW 26 utilized a new dredge efficiency estimate to derive a sharp increase in surf clam biomass, this assessment is the first conducted using the new estimate.

The Council continues to assume that none of the Georges Bank resource (approximately one quarter of the resource) would be available during the next 10 years for harvesting because of paralytic shellfish poisoning. In the recent past, both the Council's Surf Clam and Ocean Quahog Committee and the Industry Advisory Group believed that the reopening of the Georges Bank area was uncertain and too speculative to base quota recommendations upon. There was no discussion about surf clam availability from Georges Bank relative to the 1999 quota recommendation.

Ocean Quahogs

The Council recommends a 1999 quota of 4.5 million bushels (2.387 million hL) for ocean quahogs, an increase of 13 percent from the 1998 quota level. The FMP specifies that the quota level must comply with the ocean quahog overfishing definition. Based on the ocean quahog overfishing definition of $F_{25\%}$, this yields F = 0.04. The 1997 quota yielded an F of approximately 0.021. The specific F associated with the 1999 quota will be calculated when the new assessment is complete but should be close to the F in 1997 since a significant proportion of the biomass remains unexploited. Therefore, the proposed quota is below the approved overfishing definition for fishing mortality. The Atlantic surf clam and ocean quahog quotas are specified in standard bushels of 53.24 liters per bushel while the Maine mahogany quahog quota is specified in ''Maine'' bushels of 35.4 liters per bushel. Since Maine mahogany quahogs are the same species as ocean quahogs, both species are combined and share the same ocean quahog overfishing definition. When the two quota amounts are added, the total allowable harvest is lower than the level that would result in overfishing for the entire stock, as previously defined in the ocean quahog overfishing definition.

The Council proposes a 1999 ocean quahog quota based on the analysis found in the 27th Northeast Regional Stock Assessment Workshop (SAW 27). As in SAW 26 with respect to surf clams, SAW 27 also utilized recent data from the 1997 survey, which included work to estimate dredge efficiency, and showed a significant increase in the ocean quahog biomass. Although 30 percent of the resource is located on Georges Bank, SAW 27 did not question whether Georges Bank would ever be reopened. However, SAW 27 showed that using the entire resource, with a harvest level of only 4 million bushels (2.122 million hL), would produce a supply year harvest equivalent to 76 years. That is significantly longer than the period specified in the Council's policy of at least 30 years. The resource is of sufficient size overall that the 30 percent that is on Georges Bank is not necessary to meet the Council's 30-year supply policy.

Although SAW 27 showed that the ocean quahog quota could have been increased by more than 13 percent from the 1998 quota level, the Council chose the half-million bushel increase for 1999 because of four main factors: (1) The resource is at medium-high level of biomass and is considered under-exploited at the scale of the management unit; (2) the 1997 landings were constraining to industry; (3) most industry members supported the 4.5 million figure; and (4) as with surf clams, although SAW 27 utilized a new dredge efficiency estimate to derive a sharp increase in ocean quahog biomass, this assessment represents only one point over time.

The Council also voted to recommend that the Maine mahogany quahog quota remain unchanged from the 1998 quota level at 100,000 Maine bushels (35,140 hL) for 1999. This quota pertains to the zone of both state and Federal waters off the eastern coast of Maine north of 43°50′ N. lat. Amendment 10, which established management measures for this small artisanal fishery for ocean quahogs was implemented in May of 1998. Data from the federally managed fishery is just beginning to be compiled, and there has been no attempt yet to develop and conduct a scientific survey of the extent of the resource. Apparently, maintaining the quota at its current level for another year will not constrain the fishery or endanger the resource.

Classification

This action is authorized by 50 CFR part 648, complies with the National Environmental Policy Act, and has been determined to be not significant for purposes of E.O. 12866.

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

The Council prepared a Regulatory Impact Review (RIR), which describes the impact this proposed rule, if adopted, would have on small entities. The RIR notes that 50 vessels reported harvesting surf clams or ocean quahogs from Federal waters in 1997 under an individual transferable quota (ITQ) system. These vessels sold their catches to 11 companies. Under the ITQ system, the right to harvest is allocated to 125 owners, some of whom harvest either surf clam or ocean quahog and some of whom harvest both.

The Council proposes maintaining a surf clam quota of 2.565 million bushels, a level which has been

unchanged since 1995. The Council notes that 80 percent of the surf clam harvest is concentrated off the coast of Northern New Jersey. The most recent scientific advice indicates that, while overall that stock could sustain higher harvests, careful consideration must be given to such an increase since harvesting activity is likely to remain focused off Northern New Jersey, where current catches approximately equal stock production. In addition, the Council expressed concern that the 1997 quota was not attained. The proposal to maintain the surf clam quota at the current 1998 level was opposed by some industry representatives who argued that there was adequate biological information to justify an increase in surf clam quota. However, the Council's quota setting policy for surf clams requires consideration of the economic benefits. The Council, in recommending no change from the 1998 quota level for surf clams, relied upon industry comment with respect to those economic benefits. Some argued that a quota increase would encourage corporate consumers to develop new products to utilize surf clams and generate benefits. Others argued against an increase, noting the current quota is not being fully harvested and an additional quota would only create surplus supply.

The Council also recommends an ocean quahog quota of 4.500 million bushels (a 13 percent increase from the 1998 quota of 4.000 million bushels) and no change in the Maine mahogany quahog quota from the 1998 level of 100,000 Maine bushels. Similar to that of surf clams, the most recent scientific information reported higher biomass estimates for ocean quahogs. However, the advice noted that local declines in quahog abundance could occur if the fishery concentrated in areas of high biomass. The 1998 Maine mahogany quahog quota level was implemented in May of this year and is not projected to be harvested. Therefore, because the proposed quota levels do not restrict the harvest levels of these fisheries from their 1998 levels, it is anticipated that this action will not have a significant impact on a substantial number of these small entities engaged in these fisheries. A copy of the RIR is available from the Council (see **ADDRESSES**).

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

Dated: November 6, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–30288 Filed 11–6–98; 4:46 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 648 and 649

[Docket No. 981026267–8267–01; I.D. 100798B]

RIN 0648–AL36

Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule and request for comments to implement measures contained in Amendment 11 to the Summer Flounder, Scup, and Black Sea Bass FMP; Amendment 7 to the Atlantic Mackerel, Squid, and Butterfish FMP; Amendment 11 to the Atlantic Surf Clam and Ocean Quahog FMP; Amendment 8 to the Atlantic Sea Scallop FMP; Amendment 10 to the Northeast Multispecies FMP; and Amendment 7 to the American Lobster FMP. These amendments would implement regulations to achieve regulatory consistency on vessel permitting for FMPs which have limited access permits issued by the Northeast Region of the NMFS. The proposed regulations are intended to facilitate transactions such as buying, selling, or upgrading commercial fishing vessels issued limited access permits. Consistency on these regulations is especially important for vessels which have limited access permits in more than one fishery in the Northeast Region.

DATES: Public comments must be received on or before December 28, 1998.

ADDRESSES: Comments on this proposed rule should be sent to Jon C. Rittgers, Acting Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Proposed Rule for Permit Consistency.''

Copies of these amendments, the regulatory impact review, and the environmental assessment are available from the Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790, or the Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to the Acting Regional Administrator, Northeast Regional Office, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, 978–281–9279.

SUPPLEMENTARY INFORMATION: This proposed rule would implement amendments to the Summer Flounder, Scup, and Black Sea Bass FMP; Atlantic Surf Clam and Ocean Quahog FMP; Atlantic Mackerel, Squid, and Butterfish FMP; Atlantic Sea Scallop FMP; Northeast Multispecies FMP; and to the American Lobster FMP.

Summary of Proposed Measures

These proposed amendments would consolidate measures governing permit-associated activities for all Northeast Region FMPs that have limited access permits. None of the proposed measures would apply retroactively. The measures would (1) allow a one-time vessel upgrade/replacement allowance of 10 percent in size (length overall (LOA), gross registered tons (GRT), and net tons (NT)), or 20 percent in horsepower (HP) for all limited access permits except American lobster (an engine HP increase may be performed separately from a vessel size increase); (2) require that the fishing and permit history of a vessel and the replacement vessel be owned by the same person when transferring limited access permits to replacement vessels; (3) allow voluntary replacement of vessels, regardless of vessel condition; (4) require that the fishing and permit history of a vessel transfer with the vessel whenever it is bought, sold or otherwise transferred, unless there is a written agreement between the buyer and seller, or other credible written evidence, verifying that the seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel; (5) set the effective date of the final rule implementing the FMP amendments as the vessel baseline specification date for FMPs without baselines (scup, *Loligo*/butterfish, *Illex*, black sea bass, mahogany quahog); (6) set the effective date of the final rule implementing the FMP amendments as the revised replacement baseline date

and the newly established upgrade baseline date for the summer flounder FMP; (7) authorize the permanent voluntary relinquishment of permit eligibility; (8) implement a restriction on permit splitting; and (9) require a one-time Confirmation of Permit History (CPH) registration and an annual permit renewal. For the American Lobster FMP, the amendments would prohibit permit splitting and require a one-time CPH registration.

Background

Current limited access vessel permit regulations for FMPs in the Northeast Region were developed by the Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC) over a period of many years. As a result, the FMPs differ widely on important provisions regarding vessel replacement and upgrade, permit history transfer, permit splitting, and permit renewal. The current regulations are not only inconsistent among FMPs, they are also, in some instances, overly restrictive. This has proven to be confusing and inefficient, especially for the approximately 2,079 vessels which possess more than one limited access Federal fishery permit. Routine business transactions, such as the sale or purchase of a vessel, have become unnecessarily complicated because of these differences. In a worst case situation, four different sets of guidelines would need to be interpreted by both industry and NMFS if a vessel with multispecies, summer flounder, black sea bass, and scup limited access permits was bought, sold, or upgraded.

These proposed measures were developed at the MAFMC Comprehensive Management Committee meeting on February 27, 1998. In March 1998, the MAFMC voted to accept the measures for public hearings. Simultaneously, the Interspecies Committee of the NEFMC approved these measures for public hearing. Due to a lack of Council staff time, NMFS staff prepared a draft environmental assessment (EA) and regulatory impact review (RIR) during May 1998 to facilitate the public hearing process. The MAFMC approved the EA and Public Hearing Document on June 3, 1998. The NEFMC approved the EA and Public Hearing Document on June 24, 1998. Public comments on the draft EA/RIR were accepted from June 24, 1998, to August 5, 1998. Public hearings were conducted in Riverhead, NY (July 20, 1998), Toms River, NJ (July 21, 1998), Norfolk, VA (July 21, 1998), and Peabody, MA (July 30, 1998). The MAFMC reviewed the public hearing comments and voted to approve the amendments for the summer flounder, scup, and black sea bass; Atlantic mackerel, squid, and butterfish; and Atlantic surf clam and ocean quahog FMPs for submission to the Secretary of Commerce (Secretary) on August 20, 1998. The NEFMC voted to approve the amendments for the NE multispecies, Atlantic sea scallops, and American lobster FMPs for submission to the Secretary on September 24, 1998.

The following section describes problems with the existing regulations and explains how the proposed amendments would address these problems.

Vessel Ownership Restrictions

A regulation affecting scup, *Illex*, *Loligo*/butterfish, and mahogany quahog permits currently requires that, when replacing an existing vessel with another vessel and transferring permits, the existing vessel and the replacement vessel must be owned simultaneously by the same person. This has proven to be impractical because most vessel owners must sell their current vessel in order to purchase a replacement vessel. Without these changes vessel owners who must use the proceeds from the sale of one vessel to finance the purchase of another vessel may be unable to procure a replacement vessel.

The proposed amendments would eliminate the requirement that both vessels are owned simultaneously at the time of replacement in these FMPs. The owner of the replacement vessel would only need to possess the fishing and permit history of a limited access vessel to transfer the permit to an otherwise qualified replacement vessel. To facilitate this, the proposed regulations establish procedures to provide a CPH, which would retain a vessel's fishing and permit history. The CPH would remain valid until it is used to issue a permit to an otherwise qualified replacement vessel.

Vessel Replacement Restrictions Based on Vessel Condition

A current provision affecting some Mid-Atlantic permits (scup, *Illex*, *Loligo*/butterfish, and mahogany quahogs) requires that a vessel must sink or be declared unseaworthy by the U.S. Coast Guard before it can be replaced. Under these regulations, a vessel cannot be replaced voluntarily if it is simply old or in disrepair, so an owner may have to keep fishing with the vessel until it burns or sinks. This requirement compromises vessel safety, diminishes an owner's flexibility to replace a vessel at a time when the owner deems appropriate, and prevents owners from taking timely advantage of opportunities to purchase new vessels. Furthermore, this requirement serves no conservation purpose. The proposed amendments would allow for voluntary vessel replacement at a time when an owner chooses for all of the FMPs with limited access permits.

Differences in Permit History Transfer Regulations Among FMPs

The regulations governing permit history transfers would be amended to be consistent among FMPs. Under current black sea bass, multispecies, Atlantic sea scallop, and American lobster regulations, fishing and permit history may be separated from a hull when a vessel is sold, if there is a written agreement between the buyer and the seller. However, under the summer flounder, scup, *Illex*, *Loligo*/butterfish, and mahogany quahog requirements, permit eligibility always transfers with the vessel if it is sold. This inconsistency regarding how permit histories are transferred is important because it affects the manner in which people can enter or retain access to limited access fisheries. The proposed amendments would allow the fishing and permit history of a vessel to be retained by a seller (with written agreement from the buyer) for all limited access permits. As a result, the fishing industry will gain more flexibility when buying and selling vessels.

Differences Among FMPs in Vessel Replacement and Upgrading Existing Vessels

Current regulations prohibit increasing the size and HP of a replacement vessel at the time of replacement for vessels with black sea bass, scup, *Illex*, *Loligo*/butterfish, or mahogany quahog limited access permits. These regulations, however, do allow for an existing vessel to have length added and a larger, more powerful engine installed. This confounds measures to control effort and capitalization in these fisheries, over the long term.

The summer flounder, multispecies, and Atlantic sea scallop regulations allow, for vessel replacement purposes, a one-time HP increase that may not exceed 20 percent of the HP of the vessel replaced and a one-time increase of up to 10 percent in each of the specifications for vessel size (length, GRT, and NT), all of which must be performed at the same time. A vessel size upgrade may be performed separately from an engine HP upgrade.

The proposed amendments would allow a one-time upgrade or

replacement allowance of 10 percent in each of the specifications for vessel size (GRT, NT, and length) and a 20 percent increase in HP for all FMPs with existing replacement or upgrade restrictions (excluding the American lobster FMP). The proposed amendments would (1) establish vessel baseline specification dates for FMPs without baselines (scup, *Loligo*/butterfish, *Illex*, black sea bass, mahogany quahog); (2) establish an upgrade baseline specification date for the summer flounder FMP; and (3) revise the summer flounder FMP replacement baseline specification date. These baseline specification dates will be the effective date of the final rule.

Differences on Permit Splitting and Permit History Transfer Among FMPs

The multispecies FMP does not allow a multispecies permit to be issued to a vessel if its fishing or permit history has been used to qualify the vessel for another limited access Federal fishery. This ''permit-splitting'' prohibition was intended to prevent an increase in fishing effort and capitalization. The problem is that only the multispecies FMP has the ''no-splitting'' provision. Because of this, a multispecies permit could be revoked for circumstances that are not in that permit holder's control. This could occur when a vessel with both multispecies and scup, or certain other permits, is sold. The seller could retain the multispecies permit and transfer it to another vessel. The buyer would still be eligible for the scup permit because it transfers with the vessel under current scup regulations and the regulations in other FMPs. However, due to the prohibition on permit-splitting in multispecies, if the scup permit is issued, the multispecies permit would have to be canceled.

The proposed regulations would prohibit permit splitting in all FMPs. This has the effect of keeping all ''permit packages'' intact. The adoption of this rule and all of its proposed measures allowing for voluntary vessel replacement and for the retention in writing of limited access permits, makes it necessary that NMFS adopt a prohibition against permit splitting in all FMPs with limited access permits. Otherwise, through the use of permit splitting, overall fleet capacity may increase, thereby negating the benefits gained from other management measures. The proposed amendments would also avoid the situation described above where a permit has to be canceled for reasons that are beyond a permit holder's control.

Voluntary Relinquishment of Permit Eligibility

There are situations where it is advantageous or desirable for a vessel owner to relinquish a permit voluntarily. For example, if frequent reporting is required; or if it is necessary to choose between different baselines; or if it is possible to take advantage of the unrestricted vessel upgrade allowance in the lobster fishery. The proposed amendments allow for the voluntary permanent relinquishment of permit eligibility allowing more flexibility to limited access permit holders.

Technical Changes

Amendment 2 to the summer flounder FMP established the vessel permit moratorium, which was initially to expire after 1997. Amendment 10 to the summer flounder FMP extended the moratorium indefinitely (62 FR 63872, December 3, 1997), but § 648.4(a)(3)(i) was not revised as necessary. This inadvertent omission is being corrected in this rulemaking.

Classification

At this time, NMFS has not determined that the amendments that this rule would implement are consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws. NMFS, in making that determination will take into account the data, views, and comments received during the comment period for this proposed rule.

This proposed rule has been determined to be significant for the purposes of E.O. 12866.

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

NMFS' standards for criteria to determine if a regulatory action is significant include: (1) a decrease in annual gross revenues of more than 5 percent for 20 percent or more of the affected small entities; (2) an increase in total costs of production of more than 5 percent as a result of an increase in compliance costs for 20 percent or more of the affected small entities; (3) compliance costs as a percent of sales for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities for 20 percent or more of the affected small entities; (4) capital costs of compliance that represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities; or (5) 2 percent of the small business entities affected being forced to cease business operations.

A substantial number of entities may be directly or indirectly impacted by this proposed action because all of the vessels (4,430) in these fisheries are small entities and hold at least one limited access moratorium permit in the Northeast Region. However, this proposed rule would not have a significant economic impact because, if adopted, it would not result in a decrease in gross revenues, result in significant compliance costs, or cause businesses to cease operations. Many of these small entities currently operate under existing restrictions affecting vessel replacement, vessel upgrade, permit transfers, and permit renewals that are more restrictive and more complicated than the measures contained in this proposed rule.

Current restrictions governing these activities differ for each vessel, depending upon the unique combination of permits which the vessel possesses. There are currently four different sets of regulations. This creates confusion and is inefficient when attempting to sell, modify, or replace a fishing vessel. This proposed amendment would reduce the number of sets of guidelines from four to one, and these proposed guidelines are already applicable in the multispecies and Atlantic sea scallop fisheries.

The proposed action would not result in a decrease in annual gross revenues of more than 5 percent for 20 percent or more of the affected small entities because the new requirements are generally more lenient and less complicated than the existing array of regulations governing permit-related activities. In addition, these requirements do not impose compliance costs, such as gear purchases or direct restrictions on fishing activities. If and when a vessel owner chooses to buy, sell, upgrade, or replace a vessel then the regulations would affect them. However, these actions would still be permissible and, with the exception of upgrades in some fisheries, the regulations would be more lenient. Because the proposed restriction on vessel upgrades is difficult to quantify, NMFS is seeking comments to establish any potential impacts that the restriction may create. Costs of production and capital costs of compliance will not increase because the regulations do not impose immediate compliance requirements.

Because this action, if adopted, would not have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required.

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

This rule contains a collection-of-information requirement subject to the PRA. This collection-of-information requirement has been submitted to OMB for approval. Vessel owners intending to replace vessels, upgrade vessels, or obtain a CPH are required to complete an application form. The estimated average response time is 3 hours for applicants requesting replacements of vessels permitted for Mid-Atlantic fisheries. For applicants requesting a history retention, the estimated average response time is one- half hour per response. For applicants requesting vessel specification upgrades, the estimated average response time is 3 hours. For applicants requesting replacements of undocumented vessels, the estimated average response time is 3 hours.

This proposed rule also contains two collection-of-information requirements previously approved under OMB control number 0648–0202. The response time for a multispecies permit holder to request a change in permit category is 5 minutes. The response time for a multispecies permit holder to request a permit appeal in writing is 3 minutes. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility, the accuracy of the burden estimate, ways to enhance the quality, utility, and clarity of the information to be collected, and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

List of Subjects

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Part 649

Fisheries.

Dated: November 6, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 648 and 649 are proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

2. Section 648.4 is amended by removing paragraph (a)(5)(ii); redesignating existing paragraphs (a)(5)(iii), (a)(5)(iv), and (a)(5)(v) as paragraphs (a)(5)(ii), (a)(5)(iii), and (a)(5)(iv) respectively; revising paragraphs (a)(1)(i)(A) through (a)(1)(i)(C), (a)(1)(i)(E), (a)(1)(i)(F), (a)(1)(i)(H), (a)(1)(i)(I)(*2*), (a)(1)(i)(J) through (a)(1)(i)(L), (a)(2)(i)(B), (a)(2)(i)(H), (a)(3)(i) heading, (a)(3)(i)(B), (a)(3)(i)(C), (a)(4)(i), (a)(5)(i), (a)(6)(i), (a)(7)(i); and adding paragraphs (a)(1)(i)(M), (a)(2)(i)(L), (a)(2)(i)(M), (a)(3)(i)(D) through (a)(3)(i)(H), and (a)(3)(i)(J) through (a)(3)(i)(L) to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(1) * * *

(i) * * *

(A) *Eligibility*. To be eligible to apply for a limited access multispecies permit, as specified in § 648.82, a vessel must have been issued a limited access multispecies permit for the preceding year, or be replacing a vessel that was issued a limited access multispecies permit for the preceding year.

(B) *Application/renewal restrictions*. All limited access permits established under this section must be issued on an annual basis by the last day of the fishing year for which the permit is required, unless a Confirmation of Permit History (CPH) has been issued as specified in (a)(1)(i)(J) of this section. Application for such permits must be received no later than 30 days before the last day of the fishing year. Failure to renew a limited access permit in any fishing year bars the renewal of the permit in subsequent years.

(C) *Qualification restriction*. Unless the Regional Administrator determines otherwise, no more than one vessel may qualify, at any one time, for a limited access permit based on that or another vessel's fishing and permit history. If more than one vessel owner claims eligibility for a limited access permit, based on one vessel's fishing and permit history, the Regional Administrator will determine who is entitled to qualify for the permit and any DAS allocation according to paragraph (a)(1)(i)(D) of this section.

* * * * *

(E) *Replacement vessels*. To be eligible for a limited access permit under this section, the replacement vessel must meet the following criteria and any applicable criteria under paragraph (a)(1)(i)(F) of this section:

(*1*) The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel's baseline specifications, as applicable.

(*2*) The replacement vessel's length, GRT, and NT may not exceed by more than 10 percent the length, GRT, and NT of the vessel's baseline specifications, as applicable.

(F) *Upgraded vessel*. A vessel may be upgraded, whether through refitting or replacement, and still be eligible for or be eligible to retain or renew a limited access permit, only if the upgrade complies with the following:

(*1*) The vessels's horsepower may be increased, whether through refitting or replacement, only once. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.

(*2*) The vessel's length, GRT, and NT may be increased, whether through refitting or replacement, only once. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.

* * * * *

(H) *Vessel baseline specifications*. The vessel baseline specifications in this section are the respective specifications (length, GRT, NT, horsepower) of the vessel that was initially issued a limited access permit as of the date the initial vessel applied for such permit.

(I) * * *

(*2*) The owner of a vessel issued a limited access multispecies permit may request a change in permit category unless they are otherwise restricted by paragraph (a)(1)(i)(I)(*1*) of this section.

For 1997 and beyond, the owner of a limited access multispecies vessel eligible to request a change in permit category must elect a category upon his/her application for a permit no later than 30 days prior to the last day of the fishing year and will have one opportunity to request a change in permit category by submitting an application to the Regional Administrator within 45 days of issuance of the vessel's permit. After 45 days have expired, the vessel must remain in that permit category for the duration of the fishing year.

* * * * *

(J) *Confirmation of permit history.* Notwithstanding any other provisions of this part, a person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, must apply for and receive a CPH if the fishing and permit history of such vessel has been retained lawfully by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the eligibility requirements, as applicable, in this part. Issuance of a valid CPH preserves the eligibility of the applicant to apply for a limited access permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time, subject to the replacement provisions specified in this section. If fishing privileges have been assigned or allocated previously under this part, based on the qualifying vessel's fishing and permit history, the CPH also preserves such fishing privileges. A CPH must be applied for in order for the applicant to preserve the fishing rights and limited access eligibility of the qualifying vessel. An application for a CPH must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel permit cannot be issued. Failure to do so is considered abandonment of the permit as described in paragraph (a)(1)(i)(K) of this section. A CPH issued under this part will remain valid until the fishing and permit history preserved by the CPH is used to qualify a replacement vessel for a limited access permit. Any decision regarding the issuance of a CPH for a qualifying vessel that has been applied for or been issued previously a limited access permit is a final agency action subject to judicial review under 5 U.S.C. 704. Information requirements for the CPH application are the same as those for a limited access permit. Any request for information about the vessel on the CPH application form refers to the qualifying vessel that has been sunk, destroyed, or transferred. Vessel permit applicants who have been issued a CPH and who wish to obtain a vessel permit for a replacement vessel based upon the previous vessel history may do so pursuant to paragraph (a)(1)(i)(E) of this section.

(K) *Abandonment or voluntary relinquishment of permit history.* If a vessel's limited access permit history for a particular fishery is voluntarily relinquished to the Regional Administrator, or abandoned through failure to renew or otherwise, no limited access permit for that fishery may be reissued or renewed based on that vessel's history or to any vessel relying on that vessel's history.

(L) *Restriction on permit splitting.* A limited access permit issued pursuant to this section may not be issued to a vessel or its replacement, or remain valid, if the vessel's permit or fishing history has been used to qualify another vessel for another Federal fishery.

(M) *Appeal of denial of permit*—(*1*) *Eligibility.* Any applicant eligible to apply for a limited access multispecies permit who is denied such permit may appeal the denial to the Regional Administrator within 30 days of the notice of denial. Any such appeal must be based on one or more of the following grounds, must be in writing, and must state the grounds for the appeal:

(*i*) The information used by the Regional Administrator was based on mistaken or incorrect data.

(*ii*) The applicant was prevented by circumstances beyond his/her control from meeting relevant criteria.

(*iii*) The applicant has new or additional information.

(*2*) *Appeal review.* The Regional Administrator will appoint a designee who will make the initial decision on the appeal. The appellant may request a review of the initial decision by the Regional Administrator by so requesting in writing within 30 days of the notice of the initial decision. If the appellant does not request a review of the initial decision within 30 days, the initial decision shall become the final administrative action of the Department of Commerce. Such review will be conducted by a hearing officer appointed by the Regional Administrator. The hearing officer shall make findings and a recommendation to the Regional Administrator which shall be advisory only. Upon receiving the findings and the recommendation, the Regional Administrator will issue a final decision on the appeal. The Regional Administrator's decision is the final administrative action of the Department of Commerce.

(*3*) *Status of vessels pending appeal.* A vessel denied a limited access multispecies permit may fish under the limited access multispecies category, provided that the denial has been appealed, the appeal is pending, and the vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access category. The Regional Administrator will issue such a letter for the pendency of any appeal. Any such decision is the final administrative action of the Department of Commerce on allowable fishing activity, pending a final decision on the appeal. The letter of authorization must be carried on board the vessel. If the appeal is finally denied, the Regional Administrator shall send a notice of final denial to the vessel owner; the authorizing letter becomes invalid 5 days after receipt of the notice of denial.

* * * * *

(2) * * *

(i) * * *

(B) *Application/renewal restrictions.* See paragraph (a)(1)(i)(B) of this section.

* * * * *

(H) *Vessel baseline specifications.* See paragraph (a)(1)(i)(H) of this section.

* * * * *

(L) *Restriction on permit splitting.* See paragraph (a)(1)(i)(L) of this section.

(M) *Percentage ownership restrictions.* (*1*) For any vessel acquired after March 1, 1994, a vessel owner is not eligible to be issued a limited access scallop permit for the vessel if the issuance of the permit will result in the vessel owner, or any person who is a shareholder or partner of the vessel owner, having an ownership interest in limited access scallop vessels in excess of 5 percent of the number of all limited access scallop vessels at the time of permit application.

(*2*) Vessel owners who were initially issued a 1994 limited access scallop permit, or were issued or renewed a limited access scallop permit for a vessel in 1995 and thereafter in compliance with the ownership restrictions in paragraph (a)(2)(i)(M)(*1*) of this section, are eligible to renew such permits(s), regardless of whether the renewal of the permits will result in the 5– percent ownership restriction being exceeded.

(*3*) Having an ownership interest includes, but is not limited to, persons who are shareholders in a vessel owned by a corporation, who are partners (general or limited) to a vessel owner, or who, in any way, partly own a vessel.

* * * * *

(3) * * *

(i) *Moratorium permits.*

* * * * *

(B) *Application/renewal restriction.* See paragraph (a)(1)(i)(B) of this section.

(C) *Qualification restriction.* See paragraph (a)(1)(i)(C) of this section.

(D) *Change in ownership.* See paragraph (a)(1)(i)(D) of this section.

(E) *Replacement vessels.* See paragraph (a)(1)(i)(E) of this section.

(F) *Upgraded vessel.* See paragraph (a)(1)(i)(F) of this section.

(G) *Consolidation restriction.* See paragraph (a)(1)(i)(G) of this section.

(H) *Vessel baseline specifications.* The vessel baseline specifications in this section are the respective specifications (length, GRT, NT, horsepower) of the vessel as of [*insert effective date of final rule in the FEDERAL REGISTER*].

(I) [Reserved]

(J) Confirmation of permit history. See paragraph (a)(1)(i)(J) of this section.

(K) *Abandonment or voluntary relinquishment of permits.* See paragraph (a)(1)(i)(K) of this section.

(L) *Restriction on permit splitting.* See paragraph (a)(1)(i)(L) of this section.

* * * * *

(4) * * *

(i) *Maine mahogany quahog permit.* (A) A vessel is eligible for a Maine mahogany quahog permit to fish for ocean quahogs in the Maine mahogany quahog zone if it meets the following eligibility criteria, and an application for a Maine mahogany quahog permit is submitted by May 19, 1999:

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

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

(B) Application/renewal restriction. See paragraph (a)(1)(i)(B) of this section.

(C) *Qualification restriction.* See paragraph (a)(1)(i)(C) of this section.

(D) *Change in ownership.* See paragraph (a)(1)(i)(D) of this section.

(E) *Replacement vessels.* See paragraph (a)(1)(i)(E) of this section.

(F) *Upgraded vessel.* See paragraph (a)(1)(i)(F) of this section.

(G) *Consolidation restriction.* See paragraph (a)(1)(i)(G) of this section.

(H) *Vessel baseline specifications.* See paragraph (a)(3)(i)(H) of this section.

(I) [Reserved]

(J) *Confirmation of permit history.* See paragraph (a)(1)(i)(J) of this section.

(K) *Abandonment or voluntary relinquishment of permits.* See paragraph (a)(1)(i)(K) of this section.

(L) *Restriction on permit splitting.* See paragraph (a)(1)(i)(L) of this section.

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

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

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

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

(ii) [Reserved]

(5) * * *

(i) *Loligo squid/butterfish and Illex squid moratorium permits.* (*Illex* squid moratorium is applicable from July 1, 1997, until July 1, 2002). (A) *Eligibility.* To be eligible to apply for a moratorium permit to fish for and retain *Loligo* squid, butterfish, or *Illex* squid in excess of the incidental catch allowance in paragraph (a)(5)(ii) of this section in the EEZ, a vessel must have been issued a *Loligo* squid and butterfish moratorium permit or *Illex* squid moratorium permit, as applicable, in a previous year or be replacing a vessel that was issued a moratorium permit for a previous year.

(B) *Application/renewal restriction.* See paragraph (a)(1)(i)(B) of this section.

(C) *Qualification restriction.* See paragraph (a)(1)(i)(C) of this section.

(D) *Change in ownership.* See paragraph (a)(1)(i)(D) of this section.

(E) *Replacement vessels.* See paragraph (a)(1)(i)(E) of this section.

(F) *Upgraded vessel.* See paragraph (a)(1)(i)(F) of this section.

(G) *Consolidation restriction.* See paragraph (a)(1)(i)(G) of this section.

(H) *Vessel baseline specifications.* See paragraph (a)(3)(i)(H) of this section.

(I) [Reserved]

(J) *Confirmation of permit history.* See paragraph (a)(1)(i)(J) of this section.

(K) *Abandonment or voluntary relinquishment of permits.* See paragraph (a)(1)(i)(K) of this section.

(L) *Restriction on permit splitting.* See paragraph (a)(1)(i)(L) of this section.

* * * * *

(6) * * *

(i) *Moratorium permit*--(A) *Eligibility.* To be eligible to apply for a moratorium permit to fish for and retain scup, a vessel must have been issued a scup moratorium permit in a previous year or be replacing a vessel that was issued a scup moratorium permit for a previous year.

(B) Application/renewal restriction. See paragraph (a)(1)(i)(B) of this section.

(C) *Qualification restriction.* See paragraph (a)(1)(i)(C) of this section.

(D) *Change in ownership.* See paragraph (a)(1)(i)(D) of this section.

(E) *Replacement vessels.* See paragraph (a)(1)(i)(E) of this section.

(F) *Upgraded vessel.* See paragraph (a)(1)(i)(F) of this section.

(G) *Consolidation restriction.* See paragraph (a)(1)(i)(G) of this section.

(H) *Vessel baseline specifications.* See paragraph (a)(3)(i)(H) of this section.

(I) [Reserved]

(J) *Confirmation of permit history.* See paragraph (a)(1)(i)(J) of this section.

(K) *Abandonment or voluntary relinquishment of permits.* See paragraph (a)(1)(i)(K) of this section.

(L) Restriction on permit splitting. See paragraph (a)(1)(i)(L) of this section.

* * * * *

(7) * * *

(i) *Moratorium permits*—(A) *Eligibility.* To be eligible to apply for a moratorium permit to fish for and retain black sea bass in excess of the possession limit established pursuant to § 648.145 in the EEZ north of 35°15.3' N. Lat., the latitude of Cape Hatteras Light, NC, a vessel must have been issued a black sea bass moratorium permit in a previous year or be replacing a vessel that was issued a black sea bass moratorium permit for a previous year.

(B) *Application/renewal restrictions.* See paragraph (a)(1)(i)(B) of this section.

(C) *Qualification restriction.* See paragraph (a)(1)(i)(C) of this section.

(D) *Change in ownership.* See paragraph (a)(1)(i)(D) of this section.

(E) *Replacement vessels.* See paragraph (a)(1)(i)(E) of this section.

(F) *Upgraded vessel.* See paragraph (a)(1)(i)(F) of this section.

(G) *Consolidation restriction.* See paragraph (a)(1)(i)(G) of this section.

(H) *Vessel baseline specifications.* See paragraph (a)(3)(i)(H) of this section.

(I) [Reserved]

(J) *Confirmation of permit history.* See paragraph (a)(1)(i)(J) of this section.

(K) *Abandonment or voluntary relinquishment of permits.* See paragraph (a)(1)(i)(K) of this section.

(L) Restriction on permit splitting. See paragraph (a)(1)(i)(L) of this section.

* * * * *

3. Section 648.14 is amended by adding paragraphs (a)(114) and (a)(115) to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(114) Fish for, possess, or land species regulated under this part with or from a vessel issued a limited access permit under §§ 648.4(a)(1)(i), 648.4(a)(2)(i), 648.4(a)(3)(i), 648.4(a)(4)(i), 648.4(a)(5)(i), 648.4(a)(6)(i), or § 648.4(a)(7)(i), that has had the horsepower of such vessel or its replacement upgraded or increased in excess of the limitations specified in § 648.4(a)(1)(i)(E) and (F).

(115) Fish for, possess, or land species regulated under this part with or from a vessel issued a limited access permit under §§ 648.4(a)(1)(i), 648.4(a)(2)(i), 648.4(a)(3)(i), 648.4(a)(4)(i), 648.4(a)(5)(i), 648.4(a)(6)(i), or § 648.4(a)(7)(i), that has had the length, GRT, or NT of such vessel or its replacement upgraded or increased in excess of the limitations specified in § 648.4(a)(1)(i)(E) and (F).

* * * * *

PART 649—AMERICAN LOBSTER FISHERY

1. The authority citation for part 649 continues to read as follows:

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

2. Section 649.4 is amended by revising paragraph (b)(2)(i) and adding paragraphs (b)(3)(iii), (b)(3)(iv), and (b)(3)(v) to read as follows:

§ 649.4 Vessel permits.

* * * * *

(b) * * *

(2) * * *

(i) To be eligible to renew or apply for a limited access lobster permit, a vessel or permit applicant must have been issued either a limited access lobster permit for the preceding year or a confirmation of permit history (CPH), or a vessel must be replacing a valid limited access American lobster permit from the preceding year or permit history confirmation. If more than one applicant claims eligibility to apply for a limited access American lobster permit based on one fishing and permit history, the Regional Administrator shall determine who is entitled to qualify for the limited access permit or permit history confirmation.

* * * * *

(3) * * *

(iii) *Restriction on permit splitting.* A limited access American lobster permit may not be issued to a vessel or its replacement, or remain valid, if a vessel's permit or fishing history has been used to qualify another vessel for another Federal fishery.

(iv) *Consolidation restriction.* Limited access permits may not be combined or consolidated.

(v) *Confirmation of permit history.* Notwithstanding any other provisions of this part, a person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, must apply for and receive a CPH if the fishing and permit history of such vessel has been retained lawfully by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the eligibility requirements, as applicable, in this part. Issuance of a valid CPH preserves the eligibility of the applicant to apply for a limited access permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time, subject to the replacement provisions specified in this section. A CPH must be applied for in order for the applicant to preserve the fishing rights and limited access eligibility of the qualifying vessel. If fishing privileges have been assigned or allocated previously under this part, based on the qualifying vessel's fishing and permit history, the CPH also preserves such fishing privileges. Any decision regarding the issuance of a CPH for a qualifying vessel that has been applied for or been issued previously a limited access permit is a final agency action subject to judicial review under 5 U.S.C. 704. An application for a CPH must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel permit cannot be issued. Failure to do so is considered abandonment of the permit as described in paragraph (q) of this section. A CPH issued under this part will remain valid until the fishing and permit history preserved by the CPH is used to qualify a replacement vessel for a limited access permit. Information requirements for the CPH application are the same as those for a limited access permit with any request for information about the vessel being applicable to the qualifying vessel that has been sunk, destroyed, or transferred. Vessel permit applicants who have been issued a CPH and who wish to obtain a vessel permit for a replacement vessel based upon the previous vessel history may do so pursuant to paragraph (b)(1)(i)(D) of this section.

* * * * *

[FR Doc. 98–30294 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981016290–8260–01; I.D. 090998B]

RIN 0648–AL20

Fisheries of the Exclusive Economic Zone Off Alaska; Vessel Moratorium Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule to implement Amendment 59 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area (BSAI), Amendment 57 to the FMP for Groundfish of the Gulf of Alaska (GOA), and Amendment 9 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area submitted by the North Pacific Fishery Management Council (Council). These amendments would extend the Vessel Moratorium Program (VMP) authorized under the aforementioned FMPs from January 1, 1999, through December 31, 1999, with one change. The one change would be that after December 31, 1998, no person could apply for a new moratorium permit unless the application is based on a moratorium qualification that was used as the basis for issuing a moratorium permit on or before December 31, 1998. Extension of the VMP from January 1, 1999, through December 31, 1999, would prevent a one-year hiatus between the current expiration of the VMP on December 31, 1998, and the start of fishing under the License Limitation Program (LLP) on January 1, 2000.

DATES: Comments on this proposed rule must be received by *December 14, 1998. NMFS invited comments on the amendments themselves through November 17, 1998 (63 FR 49892).*

ADDRESSES: Comments should be addressed to Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228

SUPPLEMENTARY INFORMATION:

The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone (EEZ) are managed by NMFS pursuant to the FMPs for groundfish in the respective management areas. The commercial king crab and Tanner crab fisheries in the Bering Sea and Aleutian Islands are managed by the State of Alaska with Federal oversight, pursuant to the FMP for those fisheries. The FMPs were prepared by the Council, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.*, and are implemented by regulations at 50 CFR part 679. General regulations at 50 CFR part 600 also apply.

NMFS implemented the VMP through regulations effective January 1, 1996, to impose a temporary moratorium on the entry of new vessels into the commercial groundfish fisheries in the EEZ of the GOA and the BSAI and the commercial king crab and Tanner crab fisheries in the Bering Sea and Aleutian Islands (60 FR 40763, August 10, 1995). The Council intended to curtail increases in fishing capacity and provide industry stability while measures such as the LLP, recommended by the Council in June 1995, were developed by the Council, and if approved, implemented by NMFS.

NMFS approved the LLP on September 12, 1997. However, its implementation has required more time than originally anticipated. Fishing under the LLP is scheduled to begin on January 1, 2000; however, the VMP will expire on December 31, 1998. Unless the VMP is extended, a one-year hiatus will occur between the expiration of the VMP and the beginning of fishing under the LLP.

Extension of the VMP requires that the applicable FMPs be amended because the FMPs specify an expiration date of January 1, 1999 for the VMP. The Council submitted amendments to the applicable FMPs that, if approved and implemented by NMFS, would extend the VMP until December 31, 1999. During its consideration of extending the VMP to avoid a hiatus, the Council was concerned about the potential of latent capacity entering the affected fisheries if new applications could be submitted during the extension. Under the existing VMP, an applicant can apply for a new moratorium permit at any time during the VMP. So far, approximately 1,900 moratorium permits, out of a potential of approximately 3,350, have been issued. If the VMP were extended without a restriction on applications, up to 1,450 more moratorium permits could be applied for and issued. Therefore, the Council in its recommended FMP amendments extending the VMP through December 31, 1999, recommended that no person be allowed to apply for a new moratorium permit after the current VMP expiration date, December 31, 1998, unless the application is based on a moratorium qualification that was used as a basis for obtaining a moratorium permit issued on or before that date.

Accordingly, under the proposed rule, an application for a moratorium permit received after December 31, 1998, would be denied unless the moratorium qualification on which the application is based already has been used as a basis for the issuance of a moratorium permit.

To reduce the administrative costs of extending the VMP, the proposed rule would extend existing moratorium permits through December 31, 1999, rather than authorizing the reissuance of new permits with the new expiration date. The only new moratorium permits that would be issued would be those based on moratorium qualification transfers. These new permits would also expire on December 31, 1999.

Classification

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. OMB approved the collection of this information under OMB control number 0648–0213.

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

Approved under 0648–013—Alaska Region Logbook Family of Forms: The estimated time for a vessel owner to complete a moratorium qualification is 0.46 hour per response.

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

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

This action is expected to affect approximately 1,900 moratorium permit holders, 1,450 vessels that are moratorium qualified, but for which permits have not been issued, and an indeterminate number of persons who do not qualify for a license under the upcoming LLP. The approximately 1,900 permit holders will benefit from the proposed rule in that they will be authorized to continue fishing for one year. This positive impact does not trigger a finding of significant economic impact for purposes of the Regulatory Flexibility Act (RFA). The approximately 1,450 vessels that are moratorium qualified, but for which moratorium permits have not been issued, would be affected by this action because the opportunity for the vessel's owner to apply for a moratorium permit based on the moratorium qualification of that vessel will end on December 31, 1998. However, the agency has determined that the effect would be negligible because during the period of the current VMP (1996 - 1998), moratorium permits were not requested for these 1,450 vessels. In any event, these vessels have until the currently scheduled expiration of the VMP (i.e., December 31, 1998) to apply for a permit. Thus, this extension does not limit their ability to apply for a permit any more than it would have been limited under the *status quo*. Finally, the indeterminate number of persons who will qualify for a license under the LLP, but who do not qualify for a moratorium permit, will be precluded from fishing in 1999, unless they receive a moratorium qualification transfer from an existing holder. Although NMFS cannot determine exactly how many persons are in this third category, it believes them to constitute a small number because of the limited time in which this situation could have occurred. Most persons who may qualify for a license under the LLP also qualified for a moratorium permit because the qualifying period for the VMP is similar to the general qualification period for the LLP. However, from February 10, 1992, through June 27, 1992, or 4.5 months, a person could have qualified under the provisions of the LLP without qualifying for a moratorium permit. The limited

time period in which this situation could have occurred (4.5 months) indicated that the resulting number of persons affected would not be substantial when compared to the universe of affected small entities.

As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: November 9, 1998.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is proposed to be amended to read as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.4, (c) heading and paragraphs (c)(1)(ii), (c)(1)(iii)(E), (c)(6) and (c)(7) are revised to read as follows:

§ 679.4 Permits.

* * * * *

(c) *Moratorium permits (applicable through December 31, 1999)*—(1) *General.*

* * * * *

(ii) *Duration*. Notwithstanding the expiration date printed on the permit, a moratorium permit is valid through December 31, 1999, unless otherwise specified.

(iii) * * *

(E) The permit's term indicates an expiration of December 31, 1998, or December 31, 1999.

* * * * *

(6) *Application for permit*—(i) *General.* A moratorium permit will be issued to the owner of a vessel of the United States if he/she submits to the Regional Administrator a complete application that is subsequently accepted and approved and if the vessel's LOA does not exceed the maximum LOA as specified in § 679.2.

(ii) *Contents of application.* A complete application for a moratorium permit must include the following information for each vessel:

(A) Name of the vessel, state registration number of the vessel, and the USCG documentation number of the vessel, if any;

(B) Name(s), business address(es), and telephone and fax numbers of the owner of the vessel;

(C) Name of the managing company;

(D) Valid documentation of the vessel's moratorium qualification, if requested by the Regional Administrator due to an absence of landings records for the vessel from January 1, 1988, through February 9, 1992;

(E) Reliable documentation of the vessel's original qualifying LOA, if requested by the Regional Administrator, such as a vessel survey, builder's plan, state or Federal registration certificate, fishing permit records, or other reliable and probative documents that clearly identify the vessel and its LOA, and that are dated before June 24, 1992;

(F) Specifications of the fishing gear(s) used from January 1, 1988, through February 9, 1992, and, if necessary, the fishing gear(s) used from February 10, 1992, through December 11, 1994;

(G) Specification of the vessel as either a catcher vessel or a catcher/processor vessel;

(H) If applicable, transfer authorization if a permit request is based on transfer of moratorium qualification pursuant to paragraph (c)(9) of this section; and

(I) Signature of the person who is the owner of the vessel or the person who is responsible for representing the vessel owner.

(iii) An application for a moratorium permit will be denied if it is received after December 31, 1998, unless it is based on a moratorium qualification for which a moratorium permit has been issued on or before December 31, 1998.

(7) *Moratorium qualification.*—(i) *Qualification by landings.* A vessel has moratorium qualification if:

(A) The vessel is an original qualifying vessel based on a legal landing of moratorium species between January 1, 1988, and February 9, 1992;

(B) The vessel is not a moratorium exempt vessel under paragraph (c)(2) of this section;

(C) The vessel's moratorium qualification has not been transferred; and

(D) A moratorium permit for the vessel's moratorium qualification has been issued based on an application submitted on or before December 31, 1998.

(ii) *Qualification by transfer.* A vessel has moratorium qualification if:

(A) The vessel receives a valid moratorium qualification by a transfer approved by the Regional Administrator under paragraph (c)(9) of this section;

(B) The vessel is not a moratorium exempt vessel under paragraph (c)(2) of this section;

(C) The moratorium qualification received by transfer has not been subsequently transferred; and

(D) A moratorium permit for the vessel's moratorium qualification has been issued based on an application submitted on or before December 31, 1998.

(iii) *Expiration of moratorium qualification.* A vessel's moratorium qualification will expire on December 31, 1998, unless a moratorium permit has been applied for on or before December 31, 1998, and subsequently issued based on that moratorium qualification.

* * * * *

[FR Doc. 98–30435 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 63, No. 219

Friday, November 13, 1998

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–107–1]

Availability of Memorandum of Understanding With the Forest Service, USDA

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that a Memorandum of Understanding (MOU) between the Animal and Plant Health Inspection Service (APHIS), Wildlife Services, and the Forest Service, United States Department of Agriculture, has been renewed until September 3, 2003, and is available for examination by the public. The MOU establishes guidelines and policy for managing animal damage on National Forest System lands by clarifying the roles and cooperative responsibilities of the Forest Service and APHIS's Wildlife Services in the management of programs under the Animal Damage Control Act of 1931, as amended.

ADDRESSES: Copies of the MOU are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect the MOU are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. Copies of the MOU may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Mendoza, Jr., Director, Operational Support, Wildlife Services, APHIS, 4700 River Road Unit 87, Riverdale, MD 20737–1234, (301) 734–7921.

SUPPLEMENTARY INFORMATION: Under the Animal Damage Control Act of March 2, 1931, as amended (7 U.S.C. 426–426c), the Secretary of Agriculture is authorized to manage wildlife on National Forest System lands to protect humans, and prevent damage to agriculture, forests, wild game animals, fur-bearing animals, and birds.

The Secretary has assigned responsibility for managing wildlife damage to the Animal and Plant Health Inspection Service (APHIS), Wildlife Services. The U.S. Forest Service is responsible for management of wildlife on National Forest System lands. In June of 1993, both agencies signed a Memorandum of Understanding (MOU) which served to: (1) Identify responsibilities of the respective agencies and foster a partnership in discharging the Federal obligation under the Animal Damage Control Act, as amended, for the management of wild vertebrates causing damage on National Forest System lands; (2) establish general guidelines to assist field personnel in carrying out their animal damage management responsibilities consistent with policies of the U.S. Forest Service and Wildlife Services; and (3) strengthen the cooperative approach to animal damage management on National Forest System lands through exchange of information and mutual program support.

The MOU was set to expire after 5 years, and was renewed on September 3, 1998. This notice informs the public that the MOU is available for public inspection.

Done in Washington, DC, this 6th day of November 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–30392 Filed 11–12–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Alaska Region; Legal Notices Required Under 36 CFR Part 215

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with 36 CFR Part 215, Deciding Officers in the Alaska Region will publish Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal in the Legal Notice Section of the newspapers listed in the Supplementary Information Section of this Notice. As provided in 36 CFR 215.5, such notices shall constitute legal evidence that the agency has given timely and constructive Notice of Proposed Actions and Notice of Decisions Subject to Administrative Appeal. Newspaper publication of Notices of Proposed Actions and Notices of Decisions is in addition to direct notice to persons who have requested notice in writing and to persons known to be interested in or affected by a specific proposal or decision.

DATES: Use of these papers for purposes of publishing Legal Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal shall being November 1, 1998.

FOR FURTHER INFORMATION CONTACT: Cherie Shelley, Regional Appeals Coordinator, Alaska Region, USDA Forest Service, EPB, P.O. Box 21628, Juneau, Alaska 99802–1628, Telephone (907) 586–8855.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Alaska Region will give Legal Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive Notice of Proposed Actions and Notice of Decisions Subject to Administrative Appeal. As provided at 36 CFR 215.6, the time frame for public comment on proposed actions shall be based on the date of publication of the Notice in the primary newspaper.

Decisions by the Regional Forester:

Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decisions of Region-wide impact.

Anchorage Daily News, published daily in Anchorage, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decisions of Region-wide impact. Decisions by Chugach Forest

Supervisor and the Glacier District Ranger, Chugach National Forest:

Anchorage Daily News, published daily in Anchorage, Alaska.

Decisions by the Cordova District Ranger, Chugach National Forest:

Anchorage Daily News, published daily in Anchorage, Alaska.

Cordova Times, published weekly in Cordova, Alaska.

Decisions by the Seward District Ranger, Chugach National Forest:

Anchorage Daily News, published daily in Anchorage, Alaska.

Seward Phoenix Log, published weekly in Seward, Alaska.

Peninsula Clarion, published daily except Saturday, Sunday, and official holidays in Kenai, Alaska.

Decisions by the Tongass Forest Supervisor:

Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska, for decisions affecting National Forest System lands on the Chatham Area of the Tongass National Forest.

Ketchikan Daily News, published daily except Saturday and official holidays in Ketchikan, Alaska, for decisions affecting National Forest System lands on the Ketchikan Area of the Tongass National Forest.

Petersburg Pilot, published weekly in Petersburg, Alaska, for decisions affecting National Forest System lands on the Stikine Area of the Tongass National Forest.

Decisions by the Assistant Forest Supervisor for the Chatham Area, the Yakutat District Ranger, the Hoonah District Ranger, the Juneau District Ranger, and the Admiralty National Monument Ranger, Chatham Area of the Tongass National Forest:

Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska.

Decisions by the Sitka District Ranger, Chatham Area of the Tongass National Forest:

Daily Sitka Sentinel, published daily except Saturday and official holidays in Sitka, Alaska.

Decisions by all Deciding Officers of the Ketchikan Area of the Tongass National Forest:

Ketchikan Daily News, published daily except Sunday and official holidays in Ketchikan, Alaska

Decisions by the Assistant Forest Supervisor for the Stikine Area and the Petersburg District Ranger, Stikine Area of the Tongass National Forest:

Petersburg Pilot, published weekly in Petersburg, Alaska.

Decisions by the Wrangell District Ranger, Stikine Area of the Tongass National Forest:

Wrangell Sentinel, published weekly in Wrangell, Alaska.

Dated: October 29, 1998.

James Gladen,

Acting Regional Forester.

[FR Doc. 98–30427 Filed 11–12–98; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Oklahoma

AGENCY: Natural Resources Conservation Service (NRCS), Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Oklahoma for review and comment.

SUMMARY: It is the intention of NRCS in Oklahoma to issue a new and revised conservation practice standards Section IV of the FOTG. The new standard is Contour Buffer Strips (Code 332). The revised standard is Riparian Forest Buffer (Code 391A). These practices may be used in conservation systems that treat highly erodible land.

DATES: Comments will be received for a 30-day period commencing with this date of publication.

ADDRESSES: Address all requests and comments to Keith Vaughan, State Resource Conservationist, Natural Resources Conservation Service (NRCS), 100 USDA, Suite 203, Stillwater, OK 74074–2655. Copies of these standards will be made available upon written request. You may submit electronic requests and comments to Keith.Vaughan@ok.usda.gov.

FOR FURTHER INFORMATION CONTACT: Keith Vaughan, 405–742–1240.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law, to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Oklahoma will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Oklahoma regarding disposition of those comments and a final determination of changes will be made.

Dated: October 21, 1998.

Ronnie L. Clark,

State Conservationist, Stillwater, Oklahoma.

[FR Doc. 98–30345 Filed 11–12–98; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

Determination of the 1988 Fiscal Year Interest Rates on Rural Telephone Bank Loans

AGENCY: Rural Telephone Bank, USDA.

ACTION: Notice of 1998 fiscal year interest rates determination.

SUMMARY: In accordance with 7 CFR 1610.10, The Rural Telephone Bank (Bank) fiscal year 1998 cost of money rates have been established as follows: 5.96% and 5.71% for advances from the liquidating account and financing account, respectively (fiscal year is the period beginning October 1 and ending September 30).

Except for loans approved from October 1, 1987, through December 21, 1987, where borrowers elected to remain at interest rates set at loan approval, all loan advances made during fiscal year 1998 under Bank loans approved in fiscal years 1998 through 1991 shall bear interest at the rate of 5.96% (the liquidating account rate). All loan advances made during fiscal year 1998 under Bank loans approved during or after fiscal year 1992 shall bear interest at the rate of 5.71% (the financing account rate).

The calculation of the Bank's cost of money rates for fiscal year 1998 for the liquidating account are provided in Tables 1 and 2. Since the calculated rates are greater than the minimum rate (5.00%) allowed under 7 U.S.C. 948(b)(3)(A), the cost of money rates for the liquidating account and financing account are set at 5.96% and 5.71%, respectively. The methodology required to calculate the cost of money rates is established in 7 CFR 1610.10(c).

FOR FURTHER INFORMATION CONTACT: Jonathan P. Claffey, Acting Director, Advanced Telecommunications Services Staff, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1701, Room 2919, South Building, Washington, DC 20250, telephone number (202) 720–0530.

SUPPLEMENTARY INFORMATION: The Federal Credit Reform Act of 1990 (''Credit Reform'') (2 U.S.C. § 661a, et seq.) implemented a system to reform the budgetary accounting and

management of Federal credit programs. Bank loans approved on or after October 1, 1991, are accounted for in a different manner than Bank loans approved prior to fiscal year 1992. As a result, the Bank must calculate two cost of money rates: (1) The cost of money rate for advances made from the liquidating account (advances made during fiscal year 1998 on loans approved prior to fiscal year 1992) and (2) the cost of money rate for advances made during fiscal year 1998 on loans approved on or after October 1, 1991 (otherwise referred to as loans from the financing account).

The cost of money rate methodology is the same for both accounts. It develops a weighted average rate for the Bank's cost of money considering total fiscal year loan advances; the excess of fiscal year loan advances over amounts received in the fiscal year from the issuance of Class A, B, and C stocks, debentures and other obligations; and the costs to the Bank of obtaining funds from these sources.

During fiscal year 1998, the Bank was authorized to pay the following dividends: the dividend on Class A stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act (RE Act); no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 7.25%.

Sources and Costs of Funds—Liquidating Account

In accordance with Section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1998. Advances for the purchase of Class B stock and cash purchases for Class B stock were (909,626. Rescissions of loan funds advanced for Class B stock amounted to $140.174. Thus, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was $769,452 ($909,626—$140,174). The amount received by the Bank in fiscal year 1998 from the issuance of Class C stock was $19,669.

The Bank did not issue debentures or any other obligations related to the liquidating account in fiscal year 1998. Consequently, no cost was incurred related to the issuance of debentures subject to 7 U.S.C. 948(b)(3)(D).

The excess of fiscal year 1998 loan advances from the liquidating account over amounts received from issuance of stocks, debentures, and other obligations amounted to $19,884,667. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate for advances from the liquidating account is also provided in Table 1. The methodology required to perform this calculation is described in 7 CFR 1610.10(c). The cost for money rates for fiscal years 1974 through 1987 are defined in section 408(b) of the RE Act, as amended by Pub. L. 100–203, and are listed in 7 CFR 1610.10(c) and Table 1 herein.

Sources and Costs of Funds—Financing Account

In accordance with Section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1998. Advances for the purchase of Class B stock and cash purchases for Class B stock were $1,624,559. Since there were no rescissions of loan funds advanced for Class B stock, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was $1,624,559. The amount received by the Bank in fiscal year 1998 from the issuance of Class C stock was $589.

During fiscal year 1998, issuance of debentures or any other obligations related to the financing account were $32,360,482 at an interest rate of 5.98%.

The excess of fiscal year 1998 loan advances from the financing account over amounts received from issuance of stocks, debentures, and other obligations amounted to $460,828. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate for advances from the financing account is also provided in Table 2. The methodology required to perform this calculation is described in 7 CFR 1610.10(c).

Dated: November 4, 1998.

Christopher A. McLean,

Deputy Governor, Rural Telephone Bank.

BILLING CODE 3410–15–M

TABLE 1

Rural Telephone Bank Cost of Money Rate - Liquidating Account:

FY 1998 Source of Bank Funds	(a) Amount	(b) Cost	(c) (a) x (b)	(c) / Advances
Issuance of Class A Stock	$ -	2.00%	$ -	0.0000%
Issuance of Class B Stock	$ 769,452	0.00%	$ -	0.0000%
Issuance of Class C Stock	$ 19,669	7.25%	$ 1,426	0.0069%
Issuance of Debentures and Other Obligations	$ -		$ -	0.0000%
Excess of Total Advances Over Issuances	$ 19,884,677	6.19%	$ 1,230,862	5.9537%
Total FY 1998 Advances	$ 20,673,798	CALCULATED COST OF MONEY RATE =		5.96%
		MINIMUM RATE ALLOWABLE =		5.00%

Rural Telephone Bank Historical Cost of Money Rate - Liquidating Account:

Fiscal Year	(a) Cost of Money	(b) Advances	(c) (a) X (b)	(c) / Total Advances
FY 1974	5.01%	$ 111,022,574	$ 5,562,231	0.237%
FY 1975	5.85%	$ 130,663,197	$ 7,643,797	0.326%
FY 1976	5.33%	$ 99,915,066	$ 5,325,473	0.227%
FY 1977	5.00%	$ 80,907,425	$ 4,045,371	0.172%
FY 1978	5.87%	$ 142,297,190	$ 8,352,845	0.356%
FY 1979	5.93%	$ 130,540,067	$ 7,741,026	0.330%
FY 1980	8.10%	$ 199,944,235	$ 16,195,483	0.690%
FY 1981	9.46%	$ 148,599,372	$ 14,057,501	0.599%
FY 1982	8.39%	$ 112,232,127	$ 9,416,275	0.401%
FY 1983	6.99%	$ 93,402,836	$ 6,528,858	0.278%
FY 1984	6.55%	$ 90,450,549	$ 5,924,511	0.252%
FY 1985	5.00%	$ 72,583,394	$ 3,629,170	0.155%
FY 1986	5.00%	$ 71,582,383	$ 3,579,119	0.152%
FY 1987	5.00%	$ 51,974,938	$ 2,598,747	0.111%
FY 1988	5.00%	$ 119,488,367	$ 5,974,418	0.255%
FY 1989	5.00%	$ 97,046,947	$ 4,852,347	0.207%
FY 1990	5.00%	$ 107,694,991	$ 5,384,750	0.229%
FY 1991	5.43%	$ 163,143,075	$ 8,858,669	0.377%
FY 1992	6.14%	$ 84,940,822	$ 5,215,366	0.222%
FY 1993	6.05%	$ 84,605,366	$ 5,118,625	0.218%
FY 1994	6.15%	$ 54,530,897	$ 3,353,650	0.143%
FY 1995	6.04%	$ 35,967,133	$ 2,172,415	0.093%
FY 1996	6.05%	$ 30,965,187	$ 1,873,394	0.080%
FY 1997	5.98%	$ 32,602,587	$ 1,949,635	0.083%
	TOTAL ADVANCES	$ 2,347,100,725	COST OF MONEY	6.19%

TABLE 2

Rural Telephone Bank Cost of Money Rate - Financing Account:

FY 1998 Source of Bank Funds	(a) Amount	(b) Cost	(c) (a) x (b)	(c) / Advances
Issuance of Class A Stock	$ -	2.00%	$ -	0.0000%
Issuance of Class B Stock	$ 1,624,559	0.00%	$ -	0.0000%
Issuance of Class C Stock	$ 589	7.25%	$ 43	0.0001%
Issuance of Debentures and Other Obligations	$ 32,360,482	5.98%	$ 1,935,157	5.6179%
Excess of Total Advances Over Issuances	$ 460,828	6.53%	$ 30,092	0.0874%
Total FY 1998 Advances	$ 34,446,458	CALCULATED COST OF MONEY RATE =		5.71%
		MINIMUM RATE ALLOWABLE =		5.00%

Rural Telephone Bank Historical Cost of Money Rate - Financing Account:

Fiscal Year	(a) Cost of Money	(b) Advances	(c) (a) X (b)	(c) / Total Advances
FY 1992	7.38%	$ 4,056,250	$ 299,351	0.149%
FY 1993	6.35%	$ 23,839,200	$ 1,513,789	0.754%
FY 1994	6.40%	$ 56,838,902	$ 3,637,690	1.812%
FY 1995	6.88%	$ 37,161,517	$ 2,556,712	1.273%
FY 1996	6.42%	$ 44,536,621	$ 2,859,251	1.424%
FY 1997	6.54%	$ 34,368,726	$ 2,247,715	1.119%
	TOTAL ADVANCES	$ 200,801,216	COST OF MONEY	6.53%

[FR Doc 98–30396 Filed 11–12–98; 8:45 am]
BILLING CODE 3410–15–C

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Fisheries Finance Program Requirements.

Agency Form Number(s): NOAA Forms 88–1.

OMB Approval Number: 0648–0012.

Type of Request: Revision of a currently approved collection.

Burden: 8,820 hours.

Number of Respondents: 1,080.

Avg. Hours Per Response: Ranges between approximately 8 and 12 hours depending on the requirement.

Needs and Uses: NOAA operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. Applications are required to qualify for such a loan, and persons receiving a loan must file annual financial reports.

Affected Public: Businesses or other for-profit organizations, individuals.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: November 6, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–30382 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Seafood Inspection Services.

Agency Form Number(s): NOAA Forms 89–800, 89–814, 89–819.

OMB Approval Number: 0648–0266.

Type of Request: Revision of a currently approved collection.

Burden: 13,065 hours.

Number of Respondents: 7,082.

Avg. Hours Per Response: Ranges between 5 minutes and 105 hours depending on the requirement.

Needs and Uses: NOAA operates a voluntary fee-for-service seafood inspection program. Federally-inspected products may display official quality grade marks. Those wishing to participate in the program must request the services and submit specific compliance information.

Affected Public: Businesses or other for-profit organizations.

Frequently: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: November 6, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–30383 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Gear-Marking Requirement for Atlantic Large Whale Take Reduction Plan.

Agency Form Number(s): None.

OMB Approval Number: None.

Type of Request: Existing collection in use without OMB approval number.

Burden: 4,206 hours.

Number of Respondents: 1,260.

Avg. Hours Per Response: 6 minutes (multiple responses).

Needs and Uses: Lobster and gillnet fishermen setting gear in right whale critical habitats and other areas where right whales are likely to occur will be required to mark their gear with specific color codes. The purpose of this requirement is to assist in determining where entanglements of endangered whales are occurring.

Affected Public: Businesses or other for-profit organizations, individuals.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: November 6, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–30384 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Secretary's 2000 Census Advisory Committee

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a meeting of the Commerce Secretary's 2000 Census Advisory Committee. The meeting will convene on December 3–4, 1998, at the Embassy Suites Hotel, 1250 22nd Street, NW, Washington, DC. The Committee will continue to review and discuss Census 2000 Dress Rehearsal operations and procedures, such as the preliminary results of the tabulation of race and Hispanic origin data. It will continue to review and discuss Census 2000, including plans for the language program. The Committee will continue working on a final dress rehearsal report for the Secretary of Commerce. Last minute changes to the schedule are possible, and they could prevent us from giving advance notice.

DATES: On Thursday, December 3, 1998, the meeting will begin around 8:45 a.m. and adjourn at approximately 4:30 p.m. On Friday, December 4, 1998, the meeting will begin around 8:45 a.m. and adjourn at approximately 4 p.m.

ADDRESSES: The meeting will take place at the Embassy Suites Hotel, 1250 22nd Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Anyone wishing additional information about this meeting, or who wishes to submit written statements, may contact Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233; telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Committee is composed of a Chair, Vice-Chair, and up to 35 member organizations, all appointed by the Secretary of Commerce. The Committee will consider the goals of Census 2000 and user needs for information provided by that census. The Committee will provide an outside user perspective about how operational planning and implementation methods proposed for Census 2000 will realize those goals and satisfy those needs. The Committee shall consider all aspects of the conduct of the 2000 Census of Population and Housing and shall make recommendations for improving that census.

A brief period will be set aside at the meeting for public comment. However, individuals with extensive statements for the record must submit them in writing to the Commerce Department official named above at least three working days prior to the meeting.

Seating is available to the public on a first-come, first-served basis.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelby Folger at 301–457–2308, TDD 301–457–2540.

Dated: November 9, 1998.

Robert J. Shapiro,

Under Secretary for Economic Affairs, Economics and Statistics Administration.

[FR Doc. 98–30431 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 50–98]

Foreign-Trade Zone 72—Indianapolis, IN; Application for Subzone, Alfa Laval Distribution, Inc. (Parts for Industrial Separators and Decanter Centrifuges), Indianapolis, Indiana

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority, grantee of FTZ 72, requesting special-purpose subzone status for the separator and decanter centrifuge parts distribution facility of Alfa Laval Distribution, Inc., located in Indianapolis, Indiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 5, 1998.

The Alfa Laval facility (22,400 sq. ft. on 2.5 acres) is located at 7601 Winton Drive, Indianapolis, Indiana. The facility (20 employees) is used for storage, inspection, packaging and distribution of a wide variety of parts and components for separator and decanter centrifuge equipment. The products are distributed throughout North and South America, Europe and Asia. About 30 percent of the parts are sourced from abroad and over 30 percent are exported. No authority is being sought for activity conducted under FTZ procedures that would result in a change in tariff classification.

Zone procedures would exempt Alfa Laval from Customs duty payments on foreign parts that are reexported. On its domestic sales, the company would be able to defer duty payments until merchandise is shipped from the facility. The application indicates that the savings from zone procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 12, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period January 27, 1999.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, 11405 N. Pennsylvania St., Ste 106, Carmel, Indiana 46032

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, N.W., Washington, DC 20230

Dated: November 5, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–30416 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 49–98]

Foreign-Trade Zone 1—New York, New York; Application for Subzone, Pfizer Inc. (Pharmaceutical Products), Brooklyn, New York

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of New York, New York, grantee of FTZ 1, requesting special-purpose subzone status for the pharmaceutical manufacturing plant of Pfizer Inc., (Pfizer), in Brooklyn, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 3, 1998.

Pfizer Inc. (U.S.) is a research-based health care company which comprises three global businesses—Health Care, Consumer Health Care and Animal Health.

Pfizer's Brooklyn plant (574,055 sq. ft./1 bldg. on 7.8 acres + proposed 240,000 sq. ft. warehouse expansion) is located at 630 Flushing Avenue,

Brooklyn, New York. The facility (with some 1,200 employees) produces finished pharmaceutical products, primarily Atarax®, Cardura®, Diflucan®, Glucotrol XL®, Navane®, Norvasc®, Unisom®, Zithromax®, and Zoloft®. Pfizer is considering expanding production at the plant to include three new products, VIAGRA® treatment for erectile dysfuntion (HTSUS 3004.90.9040), TIKOSYN® anti-arrhythmia treatment (HTSUS 3004.90.9020) and eletriptan migraine treatment (HTSUS 3004.90.9040). Foreign-sourced materials will account for, on average, 70 percent of material value, and include items from the following categories:

Aromatic ethers and their derivatives
HTSUS 2909.30.4000 10.3%
Aromatic monoamines and their derivatives, salts
HTSUS 2921.49.4500 10.7%
Organo-sulfur compounds
HTSUS 2930.90.9050 3.7%
Heterocyclic compounds with nitrogen hetero-atoms(s):
HTSUS 2933.19.9000 6.8%
HTSUS 2933.59.5300 6.6%
HTSUS 2933.59.7000 10.7%
HTSUS 2933.90.7900 10.7%
HTSUS 2933.90.9000 3.7%
Chemically pure sugar ethers/salts, other than sucrose
HTSUS 2940.00.6000 5.8%

The company may also purchase from abroad other ingredients and materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, clorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in medical sciences.

Zone procedures would exempt Pfizer from Customs duty payments on foreign materials used in production for export (some 9 percent of production). On domestic sales, the company would be able to choose the duty rates that apply to the finished products (duty-free) rather than the duty rates that would otherwise apply to the foreign-sourced materials noted above (duty-free to 18.6 percent). At the outset, it is expected that zone savings would primarily involve choosing the finished product duty rate on Viagra®, Tikosyn®, Zeldox® and eletriptan (duty-free), rather than the rates for their foreign components listed above (duty rates ranging from 3.7% to 10.7%). The application indicates that the savings from zone procedures will help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is [60 days from date of publication]. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 27, 1999).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 6 World Trade Center, Rm. 635, New York, New York 10048

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: November 4, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–30415 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 9801013257–8258–00]

Proposed Withdrawal of Thirty-One Federal Information Processing Standards (FIPS) Publications

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The following Federal Information Processing Standards (FIPS) Publications are proposed for withdrawal from the FIPS series:

—FIPS 21–4, COBOL (ANSI X3.23–1985, X3.23a–1989&X3.23b–1993)
—FIPS 29–3, Interpretation Procedures for Federal Information Processing Standards for Software
—FIPS 101, Guideline for Lifecycle Validation, Verification, and Testing of Computer Software
—FIPS 106, Guideline on Software Maintenance
—FIPS 119–1, Ada (ANSI/ISO/IEC 8652:1995)
—FIPS 132, Guideline for Software Verification and Validation Plans (ANSI/IEEE 1012–1986)
—FIPS 137, Analog to Digital Conversion of Voice by 2,400 Bit/Second Linear Predictive Coding
—FIPS 139, Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical Layer of Data Communications
—FIPS 141, Interoperability and Security Requirements for Use of the Data Encryption Standard with CCITT Group 3 Facsimile Equipment
—FIPS 144, Data Communication Systems and Services User-Oriented Performance Parameters (ANSI X3.102–1983/R1990)
—FIPS 150, Facsimile Coding Schemes and Coding Control Functions for Group 4 Facsimile Apparatus (EIA–538–1988)
—FIPS 151–2, Portable Operating System Interface (POSIX)—System Application Program Interface [C Language] (ISO/IEC 9945–1:1990)
—FIPS 155, Data Communication Systems and Services User-Oriented Performance Measurement Methods (ANSI X3.141–1987)
—FIPS 162, 1,200 Bits Per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 163, 2,400 Bits Per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 164, 2,400 Bits Per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 165, 4,800 Bits Per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 166, 4,800 and 9,600 Bits Per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

—FIPS 167, 9,600 Bits Per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 168, 12,000 and 14,400 Bits Per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits
—FIPS 169, Error Correction in Modems Employing Asynchronous-To-Synchronous Conversion
—FIPS 170, Data Compression in Modems Employing CCITT Recommendation V.42 Error Correction
—FIPS 172–1, VHSIC Hardware Description Language (VHDL) (ANSI/IEEE 1076–1993)
—FIPS 175, Federal Building Standard for Telecommunications Pathways and Spaces (ANSI/EIA/TIA–569–1990)
—FIPS 176, Residential and Light Commercial Telecommunications Wiring Standard (ANSI/EIA/TIA–570–1991)
—FIPS 182, Integrated Services Digital Network (ISDN)
—FIPS 187, Administration Standard for the Telecommunications Infrastructure of Federal Buildings (ANSI/TIA/EIA–606–1993)
—FIPS 189, Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities (ISO/IEC 9945–2:1993)
—FIPS 193, SQL Environments
—FIPS 194, Open Document Architecture (ODA) Raster Document Application Profile (DAP) (ISO/IEC 12064–1 ISP/FOD112)
—FIPS 195, Federal Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA–607–1994)

Many of these FIPS adopt voluntary industry standards for Federal government use, but the FIPS documents have not been updated to reference current or revised voluntary industry standards. Others of these FIPS provide advisory guidance to Federal agencies with no requirements for compulsory and binding use. Federal agencies and departments are directed by the National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, to use technical standards that are developed in voluntary consensus standards bodies. Consequently, there no longer is a need for FIPS that duplicate voluntary industry standards.

Prior to the submission of this proposed withdrawal to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

Interested parties may obtain copies of these standards and guidelines from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, telephone 1–800–553–NTIS (6847) or (703) 605–6000.

DATES: Comments on this proposed withdrawal of these FIPS must be received on or before February 11, 1999.

ADDRESSES: Written comments concerning the withdrawal should be sent to: Information Technology Laboratory, ATTN: Proposed Withdrawal of 31 FIPS, Building 820, Room 562, National Institute of Standards and Technology, Gaithersburg, MD 20899. Electronic comments should be sent to: fips.comments@nist.gov

Comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley M. Radack, telephone (301) 975–2833, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Pub. L. 104–106.

Dated: November 6, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–30340 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Computer System Security and Privacy Advisory Board Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice if hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Wednesday, December 2, 1998, and Thursday, December 3, 1998 from 9 a.m. to 5 p.m. The Advisory Board was established by the Computer Security Act of 1987 (Pub. L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on December 2–3, 1998, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology Gaithersburg, MD in the Administration Building, Lecture Room A.

AGENDA:

—Welcome and Overview
—Issues Update and Briefings
—Trust in Cyperspace Briefing
—GITS/CIO Security Committees Updates
—Privacy Issues Updates
—NIST Computer Security Updates
—Discusison
—Pending Business
—Public Participation
—Agenda Development for March 1999 Meeting
—Wrap-Up

PUBLIC PARTICIPATION: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the pubic who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the CSSPAB Secretariat, Information Technology Laboratory, Building 820, Room 426, National Institute of Standards and Technology, Gaithersburg. MD 20899–0001. It would be appreciated if 35 copies of written material were submitted for distribution to the Board and attendees no later than November 30, 1998. Approximately 20 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, Building 820, Room 426, Gaithersburg, MD 20899–0001, telephone: (301) 975–3696.

Dated: November 6, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–30341 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award's Board of Overseers

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on Thursday, December 3, 1998, from 8:30 a.m. to 3:30 p.m. The Board of Overseers consists of twelve members prominent in the field of quality management and appointed by the Secretary of Commerce, assembled to advise the Secretary of Commerce on the conduct of the Baldrige Award. The purpose of the meeting on December 3, 1998, will be for the Board of Overseers to discuss and review information received from the National Institute of Standards and Technology (NIST) with the chairperson of the Judges Panel of the Malcolm Baldrige National Quality Award, a discussion of pilot on site with oral feedback, proposed to create previous winners categories, and to present recommendations to the NIST Director.

DATES: The meeting will convene December 3, 1998, at 8:30 a.m. and adjourn at 3:30 p.m. on December 3, 1998.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Administration Building Conference Room (seating capacity 36, includes 24 participants), Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2361.

Dated: November 6, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–30371 Filed 11–12–98; 8:45 am]

BILLING CODE 3510–03–M

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, November 19, 1998 3:00 p.m.

LOCATION: Room 410 B/C, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: November 9, 1998.

Sadye E. Dunn,

Secretary.

[FR Doc. 98–30458 Filed 11–9–98; 4:04 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed extension of collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received January 12, 1998.

ADDRESSES: Written comments and recommendations on the information collection should be sent to Tricare Management Activity, Office of General Counsel, 16401 E. Centretech Parkway, Attn: Robert Shepherd, Aurora, CO 80011.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call Tricare Management Activity, Office of General Counsel at (303) 676–3703.

Title Associated With Form, and OMB Number: Statement of Personal Injury—Possible Third Party Liability Champus, DD Form 2527, OMB Number 0720–0003.

Needs and Uses: This information collection is completed by CHAMPUS beneficiaries suffering from personal injuries and receiving medical care at Government expense. The information is necessary in the assertion of the Government's right to recovery under the Federal Medical Care Recovery Act. The data is used in the evaluation and processing of these claims.

Affected Public: Individuals or household, Federal government.

Annual Burden Hours: 17,300.

Number of Respondents: 29,500.

Responses per Respondent: 1.

Average Burden per Response: 35 minutes.

Frequency: On occasion, only when a beneficiary is insured under circumstances creating possible liability in a third party.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653 as implemented by Executive Order No. 11060 and 28 C.F.R. 43 provides for recovery of the reasonable value of medical care provided by the United States to a person who is injured or suffers a disease under circumstances creating tort liability in some third person. DD Form 2527 is required for investigating and asserting claims in favor of the United States arising out of such incidents.

When a claim for CHAMPUS benefits is identified as involving possible third party liability and the information is not submitted with the claim, TRICARE/CHAMPUS contractor requests that the injured party (or a designee) complete DD Form 2527. To protect the interests of the Government, the contractor suspends claims processing until the requested third party liability information is received. The contractor conducts a preliminary evaluation based upon the collection of information and refers the case to a designated appropriate legal officer of the Uniformed Services. The responsible Uniformed Services legal officer uses the information as a basis for asserting and settling the Government' claim. When appropriate, the information is

forwarded to the Department of Justice as the basis for litigation.

Section 1 of the Form is used to collect general information, such as name, address and telephone numbers about the military sponsor and the injured beneficiary.

Section 2 of the Form allows the injured beneficiary to explain in his or her own words how the injury occurred. This allows the beneficiary to explain that he or she was not injured in an accident or that no third party was responsible. If either of these conditions exist, the beneficiary does not have to complete the rest of the form.

Section 3 of the Form is used to collect information about accidents that do not involve motor vehicles. Information such as location, time, date, property owner's name and address and the names and addresses of persons involved or witnesses is collected in this section of the form. Other information relating to police investigations, other injured family members, whether the accident was work related and insurance coverage is also collected.

Section 4 of the Form is used to collect information about motor vehicle accidents. Most of the investigations for possible third party liability involve motor vehicle accidents. A beneficiary must attach a copy of the official police report to the form. Additional information not usually included in police reports is entered in Section 4, including information about insurance coverage of the parties, and whether the accident was work related is collected.

Section 5 of the Form is used for miscellaneous information such as possible medical treatment in a Government hospital, the name and address of the beneficiary's attorney, and information regarding any possible releases or settlements with another party to the accident.

Section 6 of the Form contains the certification, date and signature of the beneficiary (or a designee).

Dated: November 6, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–30310 Filed 11–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Health Affairs/ TRI CARE Management Office), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Health Affairs) announces the following proposed new collection for the DD Forms, ''Loan Verification Form,'' a public information collection and seeks public comment for the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions to the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 30, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Health Affairs), ATTN: Lieutenant Commander Steven Griffitts, Tri Care Management Activity, 555 Leesburg Pike, Falls Church, Virginia 220441.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 681–1740.

Title, Associated Form, and OMB Number: ''Loan Information and Verification Form,'' DD Form, OMB Control Number:

Needs and Uses: Title 10, USC, requires applicants to submit this form, to their Service representative, prior to participation in the Health Loan Repayment Program (HPLR). Lenders will verify the data submitted and respond back to the Service Representative. All loans must met federal standards and be approve by the Department Finance and Accounting office prior to disbursement of funds.

Affected Public: City, County, State and Federal lending Agencies, Banks, and other financial lending agencies. Normally, this form would be completed by the applicant and submitted to the Service for financial disbursement of funds under the Health Loan Repayment Program.

Annual Burden Hours: 175.

Number of Respondents: 700.

Responses per Respondent: 1.

Average Burden per Response: 15 min.

Frequency: On application for the Health Professional Loan Repayment Program.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This information collected provides the Armed Services with the exact loan debits and the loan agency. The DD Form is the method of collecting and verifying outstanding loans for applicant's within the Health Loan Repayment Program. This DoD Form will considered the official request for obtaining loans data on HPLR applicants.

Dated: November 6, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–30311 Filed 11–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of extension of cancer treatment clinical trials demonstration project.

SUMMARY: This notice is to advise interested parties of a one-year extension of a demonstration project in which the DoD provides CHUMPUS reimbursement for eligible beneficiaries who receive cancer treatment under approved National Institutes of Health, National Cancer Institute (NCI) clinical trials. Participation in these clinical trials will improve access to promising cancer therapies for CHAMPUS eligible beneficiaries when their conditions meet protocol eligibility criteria. DoD financing of these procedures will assist in meeting clinical trial goals and arrival at conclusions regarding the safety and efficacy of emerging therapies in the treatment of cancer. At this time, there

is insufficient demonstration data for a full evaluation of costs associated with enrollment in clinical trials. Extending the demonstration for an additional year will allow sufficient time for patient accrual to clinical trials and collection of data which allows for comprehensive economic analysis. This demonstration also affects TRICARE, the managed health care program that includes CHAMPUS. This demonstration project, which is under the authority of 10 U.S.C., section 1092, will expire December 31, 1999.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Kathleen K. Larkin, Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity, (703) 681–1745.

SUPPLEMENTARY INFORMATION:

A. Background

On January 24, 1996, the Department provided notice in the **Federal Register** (61 FR 1899) of an expansion of an existing demonstration for breast cancer treatment clinical trials to include all cancer treatment clinical trials under approved National Cancer Institute (NCI) clinical trials. The demonstration purpose is to improve beneficiary access to promising new therapies, assist in meeting the National Cancer Institute's clinical trial goals, and arrival at conclusions regarding the safety and efficacy of emerging therapies in the treatment of cancer. The January 24, 1996, notice anticipated the possibility of extending the demonstration.

The NCI trails program is the principal means by which the oncology community has developed clinical evidence for the efficacy of various treatment approaches in cancer therapy. Participating institutions include NCI's network of comprehensive and clinical cancer centers, university and community hospitals and practices, and military treatment facilities. Despite this extensive network which includes the nation's premier medical centers, cure rates for most types of cancer remain disappointing, highlighting the significant effort still required for improvement. The principal means by which advances in therapy will be realized is through application of research to victims of cancer. In support of NCI's efforts to further the science of cancer treatment, the Department expanded its breast cancer demonstration to include all NCI-sponsored phase II and phase III clinical trails. This expanded demonstration will enhance current NCI efforts to determine safety and efficacy of promising cancer therapies by expanding the patient population available for entry into clinical trails and stabilizing the referral base for these clinical activities. While this demonstration provides an exception to current CHAMPUS benefit limitations, the Department hypothesizes that this increased access to innovative cancer therapies will occur at a cost comparable to that which the Department has experienced in paying for conventional therapies under the standard CHAMPUS program. Results of this demonstration will provide a framework for determining the scope of DoD's continued participation in the NCI's research efforts.

Dated: November 6, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–30308 Filed 11–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

MacDill 65 Demonstration of Military Managed Care

AGENCY: Department of Defense, Health Affairs.

ACTION: Notice of demonstration project.

SUMMARY: This notice is to advise interested parties of a demonstration project in which DoD will enroll up to 2,000 Medicare-eligible military retirees at MacDill Air Force Base to primary care managers. The MacDill 65 demonstration project seeks to show that a DoD-operated program can provide primary health care services to beneficiaries eligible for both military health care and Medicare more effectively and efficiently than under the current DoD-operated system. In this project, DoD will grant enrollees in the program priority access to primary health care at MacDill in exchange for their agreement to receive all of their primary health care from MacDill AFB. Additional services, available at the military treatment facility at MacDill AFB, will be granted to these enrollees at a higher priority than that granted to other retirees and their family members not enrolled in TRICARE Prime. Funding for the demonstration for care provided will come from an additional $2 million per year over the current level of DoD expenditures on care provided to the MacDill AFB Medicare-eligible population. Claims for care provided to enrollees outside the MTF will be submitted to Medicare on a fee-for-service basis by the civilian provider. At the end of the project, DoD will conduct an analysis of the benefits and costs of the program. DoD will conduct the demonstration over three years, from October 1, 1998, to September 30, 2001. This demonstration project is being conducted under the authority of 10 USC 1092.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Steve Lillie, TRICARE Management Activity (703) 681–1745.

SUPPLEMENTARY INFORMATION:

A. Background

DoD-provided health care for Medicare-eligible military retirees has always been available at MTFs on a space-available basis. Federal law (10 U.S.C. 1086(d)) excludes Medicare-eligible military retirees, survivors, and family members (with the exception of those eligible for Medicare because of a disability or end-stage renal disease) from participation in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the DoD-sponsored health care benefit for military dependents and retirees. When DoD began the transition to the TRICARE program in 1995, the Department again determined it was necessary to exclude Medicare beneficiaries from enrollment in TRICARE Prime, DoD's HMO-like program, based on their exclusion from CHAMPUS and the statutory requirement that TRICARE Prime not increase costs.

In the past, many Medicare beneficiaries have obtained substantial amounts of health care at MTFs. However, because of military budget cutbacks, a series of military base closures, and increased demand for MTF resources from a growing retiree population, Medicare-eligible beneficiaries are finding it increasingly difficult to obtain care at MTFs in many locations.

Also contributing to the reduction of space-available care for Medicare-eligible beneficiaries is the establishment of a priority system for access to MTF care. As mandated by 10 U.S.C. 1097(c), first priority is granted to active duty personnel. Active duty dependents enrolled in TRICARE Prime are assured of second priority over enrolled military retirees and their dependents, who enjoy third priority. Active duty dependents who are not enrolled in Prime are accorded fourth priority. Medicare-eligible beneficiaries are in the fifth and lowest priority group, along with other non-enrolled retirees.

B. Description of MacDill 65 Project

(1) Location of Project: MacDill 65 will be conducted in the catchment area of MacDill Air Force Base, Florida. The catchment area is a 40-mile radius around the base and is identified by zip codes.

(2) MacDill 65 Schedule: Prior to the beginning of health care delivery under this demonstration, 1998, MacDill AFB will issue public announcements providing information about the MacDill 65 program and the enrollment process. These announcements will include the posting of notices in the MTF and publication in local newspapers serving the MTF's catchment areas. The public announcements will indicate that a 30-day application acceptance period will begin, followed approximately 30 days later by the start date of health care delivery under MacDill 65. The project will continue for a maximum of three years to September 30, 2001.

(3) Eligible Population: To be eligible to be enrolled in MacDill 65, a military retiree must (1) be eligible for care from DoD and through Medicare's aged program, (2) be enrolled in Medicare Part B, (3) not be enrolled in a Medicare HMO, (4) reside within the catchment area of MacDill AFB, and (5) have received medical services at MacDill AFB as a dual-eligible beneficiary prior to August 1, 1998, or became eligible for Medicare on or after August 1, 1998.

(4) Enrollment Capacity: There will be 2,000 slots in MacDill 65 enrollment capacity. Additionally, MacDill will offer enrollment to all otherwise eligible applicants who become Medicare-eligible during the demonstration and who, immediately prior to reaching age 65, were enrolled in TRICARE Prime and assigned to a MacDill AFB primary care manager.

(5) Enrollment: Enrollment will be on a first-come/first-served basis. Enrollment applications will be accepted by mail at an address designated by MacDill AFB. If capacity is reached, applications received on the same day will be placed on a waiting list, up to a specified limit, again, in the order in which they are received, and applicants will be granted enrollment as existing enrollment slots are vacated. MacDill will limit its waiting list to a number equal to 10% of its maximum MacDill 65 enrollment capacity as described above.

Marketing and educational meetings began July 1998. Applications were accepted by mail through the month of August. In September, a lottery was used to select the 2,000 enrollees from the applications received. During that time, educational briefings were provided. Applications were available and were accepted by mail.

Enrollment in MacDill 65 is for three years. Beneficiaries may leave the program at any time by submitting a written request. There will be no enrollment fees for MacDill 65, although enrollees will be required to maintain their enrollment in Medicare Part B through the payment of monthly premiums.

As a condition of enrollment, each dual-eligible beneficiary will be asked to receive all of his or her primary health care, except emergency or urgent care, through the MacDill 65 program. If an enrollee requires medical care beyond the scope of primary care, a referral will be provided by the primary care manager. The referral providers may be MTF providers, providers in the TRICARE managed care support contractor's network or other civilian providers who agree to accept Medicare assignment. Enrollees may self-refer or accept the primary care manager's referral. Enrollees may not seek care at an MTF other than through their MTF primary care manager, to whom they have been guaranteed priority access as described below. Those Medicare-eligible beneficiaries who are not enrolled in MacDill 65 will remain eligible for space-available care at the MTF.

(6) Services Covered: The MacDill 65 benefit is a primary care benefit with additional services to the extent available at the MTF. Enrollees will be assigned a primary care manager at MacDill AFB and will be guaranteed access to primary care at the MTF in accordance with the TRICARE Prime access standards (32 CFR 199.17(p)(5)). With respect to non-primary care, additional services, available at the military treatment facility at MacDill AFB, will be granted to these enrollees at a higher priority than that granted to other retirees and their family members not enrolled in TRICARE Prime. Enrollees will not displace TRICARE Prime enrollees, however. There will be no enrollee cost shares associated with care provided at the MTF with the exception of the minimal per diem costs incurred by those receiving inpatient care.

For medical care not available at MacDill AFB, MacDill AFB will refer MacDill 65 enrollees to providers who accept Medicare assignment in the local area. For all medically necessary specialty care, an appropriate referral will be made. Alternatively, the enrollee may chose to obtain services from another Medicare-eligible provider. The cost of care provided outside the MTF is not the responsibility of MacDill AFB. Rather, claims for care provided by civilian providers for MacDill 65 enrollees will be submitted to Medicare on a fee-for-service basis. While an enrollee should receive a referral to the civilian provider from DoD, Medicare regulations will govern payment for such care. Accordingly, the Medicare fiscal intermediary or carrier will have the authority to determine whether a service is a Medicare-covered benefit and will determine the allowable rates and the applicable cost shares and deductibles. Depending upon Medicare payments rules, payment for care by a civilian provider ultimately will be the responsibility of the MacDill 65 enrollee.

MacDill 65 enrollees will have access to the complete drug formulary of the MTF, without regard to whether the prescription was written by an MTF or civilian provider. DoD will not guarantee that a drug prescribed by a provider, either at the MTF or in the civilian sector, will be available at the MTF pharmacy. Prescriptions which must be filled outside the MTF will be the financial responsibility of the enrollee.

Impact of Demonstration Project on Access to Care for Non-Enrolled Medicare-Eligible Beneficiaries

The goal of the MacDill 65 project is to develop a primary care benefit for Medicare-eligible beneficiaries, which will better ensure their access to military health care. This will enable DoD to offer more predictable access to military health care to a limited number of Medicare-eligible beneficiaries and will allow DoD to provide such care in a more cost-effective manner than the current space-available system.

Enrollees in MacDill 65 will benefit from improved access to a broader range of services at MTFs than they currently receive under the space-available system. The current system provides limited amounts of care to a large number of Medicare-eligibles. As a result of the implementation of MacDill 65, those who are not enrolled in the program, either by choice or lack of available enrollment slots will probably find their access to space-available MTF care more limited than it is currently. This is because resources currently devoted to space-available care are expected to be shifted to the care of MacDill 65 enrollees. It is important to note that the *eligibility* of non-enrolled beneficiaries to space-available care in MTFs is not affected by their enrollment status. However, the actual *availability* of space for this group is likely to decrease. While this may result in

higher out-of-pocket costs and reduced convenience for Medicare-eligible beneficiaries as they seek health care using their Medicare benefit, the Department believes that successful conduct of the MacDill 65 project will demonstrate the Department's ability to operate a cost-effective primary care program for Medicare-eligible beneficiaries.

The Department is also aware that the requirement for all MacDill 65 enrollees to have Medicare Part B represents an increased cost for those who rely solely on no-cost, space-available care at the MTF. However, Medicare regulations require Medicare-risk HMO members to also be enrolled in Part B. As the Department is strongly supportive of Medicare Subvention legislation, it is one of the reasons the Department has implemented a policy of encouraging military retirees to enroll in Part B upon reaching age 65. Also, enrollees in MacDill 65 will require Part B coverage to submit claims to Medicare for civilian provider services.

Dated: November 6, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–30309 Filed 11–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Industry Advisory Board to the International Energy Agency will meet November 20, 1998 at the headquarters of the International Energy Agency in Paris, France in connection with a joint meeting of the IEA's Standing Group on Emergency Questions and Standing Group on the Oil Market.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 20, 1998, at the headquarters of the IEA, 9 rue de la Federation, Paris, France, beginning at approximately 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) (part of which will be held jointly with the Standing Group on the Oil Market (SOM)) that is scheduled to be held at the IEA's offices on November 20. The Agenda for the meeting is under the control of the SEQ and SOM. It is expected that the following Agenda will be adopted:

Meeting of the Standing Group on Emergency Questions

1. Adoption of the Agenda
2. Approval of the Summary Record of the 93rd Meeting
3. The 1998 SEQ Work Program
4. The 1999 SEQ Work Program
   - Survey of SEQ/SOM Member Budget and Work Program Priorities
5. Policy and Legislative Developments in Member Countries
   - U.S. Energy Policy and Conservation Act
   - Developments in other IEA countries
6. Current IAB Activities
7. Emergency Reserve Situation of IEA Countries
   - Emergency Reserve and Net Import Situation of IEA Countries on 1 July 1998
8. Emergency Reserve Measurement Issues
   - Treatment of Petroleum Coke for IEA Emergency Reserve Purposes—Proposal by the Spanish Administration
9. Emergency Response Issues of IEA Candidate Countries
   - Emergency Reserve Situation of IEA Candidate Countries
10. Emergency Data System and Related Questions
    - Base Period Final Consumption—Q397—Q298
    - Monthly Oil Statistics (MOS) June 1998
    - MOS July
    - MOS August
11. Emergency Response Reviews of IEA Countries
    - Emergency Response Review of Australia
    - Emergency Response Review of Canada
    - Emergency Response Review of New Zealand
    - Emergency Response Review of Finland
    - Progress Report on the Review Program
    - Updated Schedule of Emergency Response Reviews
12. Emergency Reference Guide
    - Update of Emergency Contact Points List
13. Other Business
    - Discussion of possible event to mark 25 years of SEQ work on energy security

Joint Meeting of the Standing Group on Emergency Questions and the Standing Group on the Oil Market

1. Current Oil Market Situation (Based on the monthly Oil Market Report dated 9 November 1998)
2. Oil Supply in the South Atlantic: A Strategic Outlook to 2005
3. External Economic Influences on the World Oil Market: The Implications of Expectations, Inventories and Prices
   - Dr. Philip K. Verleger, P.K. Verleger LLC
4. Report on the Emergency Response Exercise 98

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), this meeting is open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ and SOM, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, D.C., November 6, 1998.

Mary Anne Sullivan,

General Counsel.

[FR Doc. 98–30436 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–46–000]

Algonquin Gas Transmission Company; Notice of Application

November 6, 1998.

Take notice that on October 29, 1998, Algonquin Gas Transmission Company (Algonquin), 5400 Westheimer Court, Houston, Texas 77251–1642, filed an application pursuant to Section 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations thereunder for a certificate of public convenience and necessity authorizing Algonquin to construct, own, operate and maintain certain facilities and to abandon certain facilities necessary to render a firm transportation service for up to 46,000

dekatherms per day (Dth/d) of natural gas for Tiverton Power Associates Limited Partnership (Tiverton) to serve its gas-fired electric generation facility to be constructed in Tiverton, Rhode Island (Tiverton Plant). Algonquin also seeks authorization to charge the proposed initial incremental surcharge discussed below. The application is on file with the Commission and open to public inspection.

On September 3, 1998, Tiverton and Algonquin entered into a precedent agreement and a service agreement under Algonquin's Rate Schedule AFT–1 (September Agreements). Algonquin states that the term of the service agreement is seventeen years. To implement the firm service contemplated by the September 3rd Agreements, Algonquin proposes to utilize existing unsubscribed capacity; to construct delivery point facilities including a tap, meter and connecting pipeline; uprate two existing compressor units at the Chaplin Compressor Station by 900 Horsepower; replace approximately 0.42 miles of existing 10-inch pipe with 30-inch pipe; and, uprate 15.46 miles of 30-inch mainline downstream of Algonquin's existing Burrillville Compressor Station. The uprate of 30-inch mainline would involve replacing in nine segments a total of approximately 1.85 miles of 30-inch mainline pipe with newer higher strength 30-inch pipe. Algonquin states that the primary receipt point for service to Tiverton is to be located at Brookfield, Connecticut; and, the primary delivery point is to be located at the proposed meter station at Tiverton, Rhode Island. Algonquin proposes to commence construction of the facilities on May 16, 1999, to meet its April 1, 2000 in service date for firm deliveries to the Tiverton Plant.

Algonquin states the cost of the facilities is estimated to be approximately $13,949,960 in year of construction dollars. Algonquin proposes to charge its Rate Schedule AFT–1 system rate and an incremental surcharge. Also, Algonquin is requesting that the Commission approve the rates proposed herein as pro forma rates subject to the condition that Algonquin make a compliance filing 30 days prior to the in-service date to reflect any changes to the Rate Schedule AFT–1 system rates that may occur prior to the in-service date. Algonquin requests authorization to charge the proposed incremental surcharge and to adjust the surcharge prior to the commencement of service to Tiverton.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before November 27, 1998, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to taken but will not serve to make the protestants parties to the proceeding. *The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved.* Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Algonquin to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 98–30312 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–136–000]

Algonquin Gas Transmission Company; Notice of Proposed Change in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Algonquin Gas Transmission Company (Algonquin) submitted for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to become effective January 1, 1999:

Second Revised Sheet No. 689A
Fourth Revised Sheet No. 690

Algonquin asserts that the above listed tariff sheets are being filed to comply with the January 21, 1998, Stipulation and Agreement Concerning Gas Research Institute (GRI) Funding which was certified to the Commission on March 10, 1998, 82 FERC ¶ 63,014 (1998), and approved by the Commission in its Order Approving Settlement issued April 29, 1998, 83 FERC ¶ 61,093 (1998), and the Order on Rehearing issued June 26, 1998, 83 FERC ¶ 61,331 (1998).

Algonquin states that a voluntary contribution mechanism provision has been added to the General Terms and Conditions to allow customers to make voluntary contributions to GRI in such amounts and for such GRI projects or project areas as customers shall specify. Algonquin also states that, consistent with the Stipulation and Agreement, this voluntary contribution mechanism is not a pipeline rate, rate provision, or term or condition of service.

Algonquin states that copies of the filing were mailed to all affected customers of Algonquin 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.

David P. Boergers,

Secretary.

[FR Doc. 98–30318 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–130–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, El Paso Natural Gas Company tendered for filing as part of its FERC Gas Tariff, the following tariff sheets with an effective date of January 1, 1999:

Second Revised Volume No. 1–A

Fourteenth Revised Sheet No. 20
Eighth Revised Sheet No. 22
Fourteenth Revised Sheet No. 23
Eighteenth Revised Sheet No. 24
Fourteenth Revised Sheet No. 26
Fourteenth Revised Sheet No. 27
Twelfth Revised Sheet No. 28
Second Revised Sheet No. 37
Second Revised Sheet No. 38
Fifth Revised Sheet No. 256
Fifth Revised Sheet No. 257

Third Revised Volume No. 2

Forty-Third Revised Sheet No. 1–D.2
Thirty-Seventh Revised Sheet No. 1–D.3

El Paso states that the filing is being made pursuant to Subpart C of Part 154 of the Commission's Regulations and in compliance with the Commission's order issued September 29, 1998 at Docket No. RP98–235–000

El Paso states that the tariff sheets are being filed to revise the Gas Research Institute surcharges and add the voluntary ''check the box'' contribution mechanism.

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.

David P. Boergers,

Secretary.

[FR Doc. 98–30321 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–133–000]

Mississippi River Transmission Corporation; Notice of Filing

November 6, 1998.

Take notice that on November 2, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing a Reconciliation Report of MRT's recovery of Gas Supply Realignment Costs (GSRC).

MRT states that pursuant to Section 16.3 (g)(i) of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, MRT is required to file a reconciliation report of the recovery of its GSRC within 60 months from November 1, 1993. MRT estimates a total over-recovery of approximately $763,000 from its FT and SCT customers. MRT further states that within 90 days of the reconciliation report, it will file a repayment plan to refund to its Firm customers any over-collection plus carrying charges.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or 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 on or before November 12, 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 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.

David P. Boergers,

Secretary.

[FR Doc. 98–30315 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–134–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheet to be effective January 1, 1999:

Third Revised Sheet No. 228

MRT states that this filing is being submitted pursuant to the provisions of the settlement in Docket Nos. RP97–149–003, *et al*, whereby MRT and other participating pipelines agreed to act as collection agent for customers who wish to participate in voluntary funding for the GRI.

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.

David P. Boergers,

Secretary.

[FR Doc. 98–30316 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP99–132–000 and TM99–1–92–000]

Mojave Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Mojave Pipeline Company (Mojave) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of January 1, 1999:

Second Revised Sheet No. 11
First Revised Sheet No. 233

Mojave states that the filing is pursuant to Subpart C of Part 154 of the Commission's Regulations and in compliance with the Commission's order issued September 29, 1998 at Docket No. RP98–235–000.

Mojave states that the tariff sheets are being filed to revise the Gas Research Institute surcharges and add the voluntary ''check the box'' contribution mechanism.

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.

David P. Boergers,

Secretary.

[FR Doc. 98–30314 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR98–11–002]

PanEnergy Louisiana Intrastate Company; Notice of Compliance Filing

November 6, 1998.

Take notice that on September 24, 1998, PanEnergy Louisiana Intrastate Company (PELICO) in compliance with the September 21, 1998 Letter Order in PR98–11–000, filed an amended page 3 of the Statement of Operating Conditions (Statement), to be effective April 12, 1998.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions or protests must be filed on or before November 17, 1998. The petition for rate approval is on file with the Commission and is available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–30313 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–138–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Change in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to be effective January 1, 1999:

First Revised Sheet No. 290A

Panhandle states that the purpose of this filing is to comply with the January 21, 1998, Stipulation and Agreement Concerning Gas Research Institute (GRI) Funding approved by the Commission in Gas Research Institute, 83 FERC ¶ 61,093 (1998), order on reh'g, 83 FERC ¶ 61,331 (1998). Specifically, a voluntary contribution mechanism provision has been added to the General Terms and Conditions to allow shippers to make voluntary contributions to GRI in such amounts and for such GRI research and development projects or project areas as customers shall specify. Consistent with the Stipulation and Agreement, this voluntary contribution mechanism is not a pipeline rate, rate provision nor term or condition of service.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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.

David P. Boergers,

Secretary.

[FR Doc. 98–30320 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–135–000]

Texas Eastern Transmission Corporation; Notice of Proposed Change in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following revised tariff sheets to become effective January 1, 1999:

Tenth Revised Sheet No. 631
First Revised Sheet No. 631A
Fifth Revised Sheet No. 632

Texas Eastern asserts that the above listed tariff sheets are being filed to comply with the January 21, 1998, Stipulation and Agreement Concerning Gas Research Institute (GRI) Funding which was certified to the Commission on March 10, 1998, 82 FERC ¶ 63,014 (1998), and approved by the

Commission in its Order Approving Settlement issued April 29, 1998, 83 FERC ¶ 61,093 (1998), and the Order on Rehearing issued June 26, 1998, 83 FERC ¶ 61,331 (1998).

Texas Eastern states that a voluntary contribution mechanism provision has been added to the General Terms and Conditions to allow customers to make voluntary contributions to GRI in such amounts and for such GRI projects or project areas as customers shall specify. Texas Eastern also states that, consistent with the Stipulation and Agreement, this voluntary contribution mechanism is not a pipeline rate, rate provision, or term or condition of service.

Texas Eastern states that copies of the filing were mailed to all affected customers of Texas Eastern 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 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commisson'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.

David P. Boergers,

Secretary.

[FR Doc. 98–30317 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–131–000]

Texas Gas Transmission Corporation; Notice of Filing of Tariff Sheets

November 6, 1998.

Take notice that on November 2, 1998, Taxas Gas Transmission Corporation (Texas Gas) tendered for filing, as part of its FERC Gas Tariff, First Revised Volume No. 1, with an effective date of January 1, 1999:

Second Revised Sheet No. 189

Texas Gas states that the tariff sheet being filed herein revises Section 22 of Texas Gas's General Terms and Conditions to include language providing invoices have a ''check the box'' option for shippers to voluntarily contribute funds to the Gas Research Institute (GRI). This provision was established as a part of the Stipulation and Agreement concerning GRI Funding in Docket Nos. RP97–391–000, RP97–149–002 and RP97–3–000 (not consolidated). The instant filing is made in compliance with Commission Order dated April 28, 1998 (83 FERC 61,093) which allows shippers to voluntarily contribute funds in addition to those collected through the GRI surcharge.

Texas Gas states that copies of the tariff sheets are being served upon Texas Gas'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 Referance Room.

David P. Boergers,

Secretary.

[FR Doc. 98–30322 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–540–000]

Transcontinental Gas Pipe Line Corporation; Notice of Site Visit

November 6, 1998.

On November 16 through 19, 1998. The Office of Pipeline Regulation (OPR) staff will conduct an inspection of the route proposed by Transcontinental Gas Pipe Line Corporation (Transco) for its Market Link Expansion Project. The proposed route and route alternatives, crossing portions of Pennsylvania and New Jersey, will be inspected by helicopter and automobile.

The current itinerary is to conduct a ground inspection on November 16 and 19, and an aerial inspection on November 17 and 18, 1998. If weather conditions preclude an overflight, the inspection will be conducted by automobile only from a location to be determined. Representatives of Transco will accompany the OPR staff. All interested parties may attend, although those planning to attend must provide their own transportation.

For further information, please contact Paul McKee at (202) 208–1088.

David P. Boergers,

Secretary.

[FR Doc. 98–30369 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–137–000]

Trunkline Gas Company; Notice of Proposed Change in FERC Gas Tariff

November 6, 1998.

Take notice that on November 2, 1998, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective January 1, 1999:

Second Revised Sheet No. 217
Original Sheet No. 217A

Trunkline states that the purpose of this filing is to comply with the January 21, 1998, Stipulation and Agreement Concerning Gas Research Institute (GRI) Funding approved by the Commission in Gas Research Institute, 83 FERC ¶ 61,093 (1998), order on reh'g, 83 FERC ¶ 61,331 (1998). Specifically, a voluntary contribution mechanism provision has been added to the General Terms and Conditions to allow shippers to make voluntary contributions to GRI in such amounts and for such GRI research and development projects or project areas as customers shall specify. Consistent with the Stipulation and Agreement, this voluntary contribution mechanism is not a pipeline rate, rate provision nor term or condition of service.

Trunkline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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.

David P. Boergers,

Secretary.

[FR Doc. 98–30319 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–7–000, et al.]

Tri Energy Company Limited, et al.; Electric Rate and Corporate Regulation Filings

November 3, 1998.

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

1. Tri Energy Company Limited

[Docket No. EG99–7–000]

Take notice that on October 1, 1998, Tri Energy Company Limited (the Applicant) whose address is Grand Amarin Tower, 16th Floor, 1550 New Petchburi Road, Ratchathewi, Bangkok 10320, Thailand, 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 states that it will be engaged directly and exclusively in the business of owning a nominal 700 MW combined cycle power plant located in Ratchaburi Province and selling electric energy at wholesale, as that term has been interpreted by the Commission. The Applicant is an exempt wholesale generator under Section 32(a)(1) of the Public Utility Holding Company Act of 1935.

Comment date: November 16, 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. Public Service Company of New Hampshire

[Docket No. EL95–71–002]

Take notice that on October 26, 1998, the Public Service Company of New Hampshire tendered for filing a compliance filing as required by the Commission's October 6, 1998 ''Order Denying Rehearing, Denying Clarification and Ordering Compliance with May 29 Order and Ordering Refunds,'' in the above-captioned matter.

Comment date: November 25, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Northern Indiana Public Service Company

[Docket No. ER99–359–000]

Take notice that on October 29, 1998, Northern Indiana Public Service Company (Northern Indiana), filed a Service Agreement pursuant to its Power Sales Tariff with Strategic Energy Ltd., (SEL).

Northern Indiana has requested an effective date of October 30, 1998.

Copies of this filing have been sent to SEL, to the Indiana Utility Regulatory Commission, and to the Indiana Office of Utility Consumer Counselor.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Illinois Power Company

[Docket No. ER99–381–000]

Take notice that on October 29, 1998, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which PG&E Energy Trading-Power, L.P., will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of October 1, 1998.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Carolina Power & Light Company

[Docket No. ER99–382–000]

Take notice that on October 29, 1998, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with Consumers Energy Company and The Detroit Edison Company referred to collectively as the Michigan Companies under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. This Service Agreement supersedes the un-executed Agreements originally filed in Docket No. ER98–3385–000 and approved effective May 18, 1998.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Virginia Electric and Power Company

[Docket No. ER99–384–000]

Take notice that on October 28, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Virginia Electric and Power Company and UGI Energy Services, Inc., under the FERC Electric Tariff (Second Revised Volume No. 4), which was accepted by order of the Commission dated August 13, 1998 in Docket No. ER98–3771–000. Under the tendered Service Agreement, Virginia Power will provide services to UGI Energy Services, Inc., under the terms and conditions of the Tariff.

Virginia Power requests an effective date of October 29, 1998.

Copies of the filing were served upon UGI Energy Services, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Electric Power Company

[Docket No. ER99–385–000]

Take notice that on October 29, 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 Virginia Electric and Power Company.

Wisconsin Electric respectfully requests an effective date of October 28, 1998, to allow for economic transactions.

Copies of the filing have been served on Virginia Electric and Power Company, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power

[Docket No. ER99–386–000]

Take notice that on October 29, 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 FirstEnergy Corp.

Wisconsin Electric respectfully requests an effective date of October 28, 1998, to allow for economic transactions.

Copies of the filing have been served on FirstEnergy Corp., the Michigan

Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Arizona Independent Scheduling Administrator Association

[Docket No. ER99–388–000]

Take notice that on October 29, 1998, Arizona Independent Scheduling Administrator Association (AISA), tendered for filing a comprehensive document including: Articles of Incorporation, AISA By-laws, AISA Schedule Administration Agreement, AISA Tariff, list of AISA Board Members, Arizona Corporation Commission (ACC) letter support approval of the AISA, support information developing the AISA transmission surcharge, ACC Decision #61071 in support of its request seeking the Commission's approval for implementation of the AISA on January 1, 1999.

A copy of this filing has been served on the Arizona Corporation Commission and to other Parties contained in the Service List included in the filing.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Tampa Electric Company

[Docket No. ER99–389–000]

Take notice that on October 29, 1998, Tampa Electric Company (Tampa Electric), tendered for filing revisions to the addenda containing unbundled generation, transmission, and ancillary service rates for economy energy coordination transactions that it had filed previously in compliance with Order No. 888, and that were accepted for filing in Docket No. OA97–244–000. Tampa Electric states that the revisions are necessary to conform the unbundled rates to the settlement open access tariff rates approved by the Commission in Docket Nos. ER95–1775–000, OA96–116–000, and OA96–116–001.

Tampa Electric proposes that the revised addenda be made effective on January 1, 1997, in keeping with the Order No. 888 requirement for unbundling of such rates.

A copy of the filing has been served on each of the other utilities that is a party to a contract, service schedule, or letter of commitment affected by the filing, and the Florida Public Service Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Enron Power Marketing, Inc.

[Docket No. ER99–364–000]

Take notice that on October 29, 1998, Enron Power Marketing, Inc., filed a proposed amendment to its FERC Electric Rate Schedule No. 1, to allow it to sell electric energy and capacity at wholesale to its affiliate Portland General Electric Company under its market-based rate authority, to become effective December 28, 1998.

Copies of the filing were served upon the Oregon Public Utility Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Deseret Generation & Transmission Co-operative

[Docket No. ER99–365–000]

Take notice that on October 29, 1998, Deseret Generation & Transmission Co-operative tendered for filing an executed umbrella short-term firm point-to-point service agreement with TransAlta Energy Marketing (U.S.) under its open access transmission tariff.

Deseret requests a waiver of the Commission's notice requirements for an effective date of October 29, 1998.

Deseret's open access transmission tariff is currently on file with the Commission in Docket No. OA97–487–000. TransAlta Energy Marketing (U.S.) has been provided a copy of this filing.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Delmarva Power & Light Company

[Docket No. ER99–367–000]

Take notice that on October 29, 1998, Delmarva Power & Light Company filed a notification of termination of its service agreement with Vastar Power Marketing, Inc., Service Agreement No. 45 of Delmarva's FERC Electric Tariff, Original Volume No. 14 (Market-Based Sales Tariff).

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–369–000]

Take notice that on October 29, 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. 7 to add three (3) new Customers 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 28, 1998, to Atlantic City Electric Company, Delmarva Power & Light Company and Tenaska Power Services Company.

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: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. PP&L, Inc.

[Docket No. ER99–370–000]

Take Notice that on October 29, 1998, PP&L, Inc. (formerly known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated October 7, 1998 with Strategic Energy Ltd. (Strategic), under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Volume No. 5. The Service Agreement adds Strategic as an eligible customer under the Tariff.

PP&L requests an effective date of October 29, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Strategic and to the Pennsylvania Public Utility Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. PJM Interconnection, L.L.C.

[Docket No. ER99–371–000]

Take notice that on October 29, 1998, PJM Interconnection, L.L.C. (PJM), tendered for filing a notice of termination of four service agreements for Network Integration Transmission Service under the PJM Open Access Transmission Tariff. These agreements were necessary to accommodate the Pennsylvania Retail Competition Pilot program which ends on December 31, 1998.

Copies of this filing were served upon the parties to the service agreements, and the Pennsylvania Public Utility Commission.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER99–373–000]

Take notice that on October 29, 1998, Wolverine Power Supply Cooperative, Inc. (Wolverine), tendered for filing proposed changes in its Rate Schedule FERC No. 4. The proposed changes amend Rate Schedule FERC No. 4 by revising the Power Supply Cost Recovery Charge in compliance with the Commission's Order of December 23, 1998, in Docket No. ER98–413–000. The change does not propose an increase in rates.

Copies of the filing were served on the public utility's customers.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Ameren Services Company

[Docket No. ER99–375–000]

Take notice that on October 29, 1998, Ameren Services Company (ASC) as Agent for Union Electric Company (UE), tendered for filing a Service Agreement for Market Based Rate Power Sales between UE and the City of St. James (the City), Missouri. ASC asserts that the purpose of the Agreement is to permit ASC to make sales of capacity and energy at market based rates to the City pursuant to ASC's Market Based Rate Power Sales Tariff filed in Docket No. ER98–3285–000.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Ameren Services Company

[Docket No. ER99–376–000]

Take notice that on October 29, 1998, Ameren Services Company (ASC), tendered for filing a Network Operating Agreement and a Service Agreement for Network Integration Transmission Service between Ameren Services and the City of St. James, Missouri (the City). Ameren Services asserts that the purpose of the Agreement is to permit Ameren Services to provide transmission service to the City pursuant to Ameren's Open Access Tariff.

ASC requests that as directed in the Commission's Order No. 888, the Service Agreement be allowed to become effective November 1, 1998.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Allegheny Power Service Corporation, on behalf of Monongahela Power Co., The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–378–000]

Take notice that on October 29, 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. 38, to add FirstEnergy Trading and Power Marketing, Inc., to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000.

The proposed effective date under the Service Agreement is October 28, 1998.

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.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. PECO Energy Company

[Docket No. ER99–379–000]

Take notice that on October 29, 1998, PECO Energy Company (PECO), tendered for filing a Notice of Termination for the Power purchase Agreement between PECO and Baltimore Gas and Electric Company (BG&E), for Long Term Sale of Firm Electric Capacity and Associated Energy, dated May 19, 1994, as subsequently amended.

PECO requests that the termination be made effective as of September 10, 1998.

PECO states that copies of its filing have been served on the Pennsylvania Public Utility Commission and on BG&E.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. New England Power Pool

[Docket No. ER99–387–000]

Take notice that on October 30, 1998, the New England Power Pool (NEPOOL), Executive Committee submitted the Thirty-Eighth Agreement Amending New England Power Pool Agreement, amending provisions relating to the pricing of 10-Minute Spinning Reserve service and making corrections to various provisions of the Restated NEPOOL Agreement and the Restated Open Access Transmission Tariff.

The NEPOOL Executive Committee states that copies of these materials were sent to the participants in the New England Power Pool, and the New England state governors and regulatory commissions.

Comment date: November 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Deseret Generation & Transmission Co-operative

[Docket No. ER99–366–000]

Take notice that on October 29, 1998, Deseret Generation & Transmission Co-operative tendered for filing an executed umbrella non-firm point-to-point service agreement with TransAlta Energy Marketing (U.S.) Inc., under its open access transmission tariff.

Deseret requests a waiver of the Commission's notice requirements for an effective date of October 29, 1998.

Deseret's open access transmission tariff is currently on file with the Commission in Docket No. OA97–487–000. TransAlta Energy Marketing (U.S.) Inc., has been provided a copy of this filing.

Comment date: November 19, 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. 98–30323 Filed 11–12–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of September 28 Through October 2, 1998

During the week of September 28 through October 2, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: November 3, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 105

Personnel Security

Personnel Security Hearing, 9/30/98, *VSO–0204*

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 C.F.R. Part 710. The Hearing Officer found that the respondent did not have a personality disorder as diagnosed by a psychiatrist because the psychiatrist stated that it was a close case and had based his diagnosis upon some incorrect information. The Hearing Officer also found, however, that the respondent had not provided convincing evidence to contradict the psychiatrist's diagnosis that he suffered from alcohol abuse. Under these circumstances, the Hearing Officer found that the respondent's access authorization should not be reinstated.

Personnel Security Hearing, 10/1/98, *VSO–0205*

After reviewing the record concerning the individual's rehabilitation from his bipolar-two mental condition, an OHA hearing officer issued an Opinion recommending that the individual's access authorization not be restored.

Refund Applicaitons

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Crude Oil Supplemental Refunds	RB272–00144	9/29/98
Don Nicolaysen et al	RK272–04820	9/29/98
Nueces Electric Coop, Inc.	RF272–94582	9/29/98

Dismissals

The following submissions were dismissed.

Case No.	Name
Jerry T. Ensminger	RK272–04395
Personnel Security Hearing	VSO–0231

[FR Doc. 98–30387 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of August 17 Through August 21, 1998

During the week of August 17 through August 21, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: November 3, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 99

Appeals

Baker, Donelson, Bearman & Caldwell, 8/20/98, *VFA–0430*

Baker, Donelson, Bearman & Caldwell filed an Appeal from a determination issued to it by the Golden Field Office of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act. The law firm request sought records related to the DOE's ''Building America'' program and a particular Request for Proposal issued pursuant to that program. The Golden Field Office released all responsive records except for one document which it withheld in full pursuant to Exemption 4. In considering the Appeal, the DOE determined that the determination letter employed three, analytically distinct, Exemption 4 tests: for trade secrets, for commercial or financial information that is voluntarily submitted, and for commercial or financial information that is involuntarily submitted. Because the tests are analytically distinct, they are mutually exclusive, and cannot be melded together for the same information. In addition, the determination letter did not explain the application of any of these three standards. Accordingly, the DOE granted the appeal in part and remanded the matter to the Golden Field Office to issue a new determination.

Bernice McCulloch, 8/17/98, *VFA–0427*

The DOE issued a Decision and Order denying a Freedom of Information Act (FOIA) Appeal that was filed by Bernice McCulloch. In her Appeal, Ms. McCulloch challenged the adequacy of the search for responsive documents performed by the Oak Ridge Operations Office. In the Decision, the DOE found that the search was adequate.

HANFORD EDUCATION ACTION LEAGUE, 8/17/98 VFA–0431

The DOE's Office of Hearings and Appeals (OHA) granted an appeal of a determination in response to a request for documents from the DOE's Richland Operations Office (DOE/RL). While finding that DOE/RL conducted an adequate search for documents, the OHA remanded the matter to the DOE's FOI and Privacy Group for a search of offices at DOE Headquarters.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Crude Oil Supple Refund Dist	RB272–00142	8/19/98

[FR Doc. 98–30394 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of August 24 through August 28, 1998

During the week of September 24 through August 28, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: November 3, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 100

Appeal

Neutron Technology Corporation, 8/27/98, *VFA–0432*

The OHA denied an appeal of a determination in response to a request for documents from the DOE's Brookhaven National Laboratory (BNL). The OHA found that, pursuant to the contract under which the requested documents were created, the documents were the property of the contractor and thus not agency records subject to the FOIA.

Personnel Security

Personnel Security Hearing, 8/24/98, VSO–0207

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization under the provisions of 10 C.F.R. Part 710. The Hearing Officer found the individual had not produced sufficient evidence to mitigate the security concern raised by a positive test result for marijuana. In particular, the Hearing Officer found that the individual's inconsistent statements regarding her knowledge and intention of marijuana use raised substantial doubt about whether she had falsified information that she provided in a Personnel Security Interview. On the basis of those unresolved security concerns, the Hearing Officer recommended that the individual's access authorization not be restored.

Refund Application

Varity Kelsey-Hayes Company F/K/A Fruehauf Corp., 8/26/98, *RC272–00391*

The DOE issued a Decision and Order rescinding half of a refund from one company and denying two Applications for Supplemental Refund and two Applications for Refund from two other companies in the crude oil refund proceeding. The two latter companies, Fruehauf Trailer Corp. (FTC) and Fruehauf Trailer Services, Inc. (FTS) applied for refunds based on the original refund that the first company, Fruehauf Corp. (Fruehauf) had received. The OHA first found that FTC and FTS were ineligible for either supplemental or original refunds because those applicants were simply challenging the propriety of the grant of the original refund to Fruehauf. The OHA deemed this challenge to be untimely because FTS and FTC had failed to meet the June 30, 1995 crude oil proceeding filing deadline. Moreover, the OHA examined the material FTS and FTC submitted and found that Fruehauf had been ineligible to receive half the refund it had been granted. The OHA therefore rescinded half of Fruehauf's original refund. However, because the OHA also granted a supplemental refund based on the remaining gallonage, the successor corporation to Fruehauf was not required to repay any funds to the Department of Energy.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Cherokee Brick Co. et al	RF272–98900	8/27/98
General Car & Truck Leasing	RF272–98964	8/28/98
Grumman Aerospace Corp.	RF272–52464	8/26/98
Grumman Aerospace Corp.	RD272–52464	
Ilene Deatherage et al	RK272–01586	8/28/98
Morton International et al	RK272–01965	8/28/98
Renaissance Westchester Hotel	RK272–04415	8/27/98
Twin County Service Co.	RG272–00151	8/27/98

Dismissals

The following submissions were dismissed.

Case No.	Name
Edna Schonthaler	RK272–01755
John Gilmore	VFA–0425
Jurischik Bros. Drywall, Inc.	RK272–04071
Montpelier Orchard Mgmt. Co.	RK272–04377
Star Foundation	VFA–0440
Watson & Watson	RK272–04572

[FR Doc. 98–30395 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of October 5 through October 9, 1998

During the week of October 5 through October 9, 1998, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: November 3, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 106

Appeals

Baker, Donelson, Bearman, & Caldwell, 10/9/98, *VFA–0443*

The Department of Energy's Office of Hearings and Appeals (OHA) issued a decision granting a Freedom of Information Act (FOIA) Appeal filed by the law firm of Baker, Donelson, Bearman, & Caldwell (Baker). Baker sought the release of information withheld under Exemption 4 of the FOIA by the Department's Golden Field Office (Golden). The OHA found that Golden had failed either to provide an adequate justification for withholding the requested document in its entirety, or to release segregable material. The matter was therefore remanded to Golden.

Missouri River Energy Services, 10/9/98, *VFA–0444*

Missouri River Energy Services (Missouri) filed an Appeal from a determination issued by the Department of Energy's Western Area Power Administration (WAPA). WAPA denied a request for information that Missouri filed under the Freedom of Information Act (FOIA). In its Appeal, Missouri asserted that WAPA failed to: (1) produce an index of the documents it provided and indicate whether it segregated non-exempt material from those documents; (2) specifically identify the exemption applicable to each withheld document; (3) provide an adequate justification for applying Exemptions 4 and 5 to each of the withheld documents; and (4) provide sufficient information in its determination to permit Missouri to make a meaningful appeal. The DOE found that WAPA failed to identify the exemption applicable to each withheld document and to provide an adequate justification for withholding documents under FOIA Exemptions 4 and 5. Consequently, the Appeal filed by Missouri was granted and remanded to WAPA to issue another, more detailed determination.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

CJC Leasing, Inc., et al	RC272–00393	10/5/98
Curtis Hoskins, Jr., et al	RF272–96326	10/5/98
Davis Paint Co.	RF272–53572	10/5/98
Eunice & Ronald Meilstrup, et al	RF272–95300	10/5/98
Highland Superstores	RK272–04846	10/8/98

Dismissals

The following submissions were dismissed.

Case No.	Name
City of Willoughby Hills	RF272–83042
Dakota Barge Service	RK272–04535
Dexter Corp.	RK272–04823
Gallup McKinley Cnty. Schools	RF272–83056
Granite Island Group	VFA–0442
Personnel Security Hearing	VSO–0228
Personnel Security Hearing	VSO–0235
Putnam Asphalt Co.	RK272–04824

Case No.	Name
Raffie & Swanson, Inc.	RG272–00134

[FR Doc. 98–30411 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 13 Through July 17, 1998

During the week of July 13 through July 17, 1998, the decisions and orders listed below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585–0107, Monday through Friday, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: November 3, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Buckeye Countrymark, Inc.	RF272–94054	7/13/98
City of Woodruff	RF272–83069	7/14/98
City of Oneonta	RF272–83077	.....
Edwin L. Cording et al	RK272–02420	7/14/98
Indian River Transport, Inc.	RF272–80896	7/16/98
Aime Bellavance & Sons, Inc.	RF272–83150	.....
Luppes Transport Co., Inc.	RF272–80899	.....
National Transportation Service, Inc.	RF272–94513	7/15/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Colorado Springs School District 11	RF272–95313
Personnel Security Hearing	VSO–0215

[FR Doc. 98–30412 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Proposed Rate Schedule Changes

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of Proposed Changes to Southwestern Power Administration Rate Schedules and Opportunity for Public Review and Comment.

SUMMARY: The Administrator, Southwestern Power Administration (Southwestern), has determined that minor revisions to the terms and conditions within existing rate schedules NFTS–98 and P–98A are required. Since the proposed changes to the rate schedules are associated with the terms and conditions of service, the net results of the 1997 Integrated System Power Repayment Studies, which was the basis for the existing rate schedules, will not be altered. Southwestern held informal meetings with customers to discuss proposed changes and to provide opportunity for input in the development of these changes.

DATES: Written comments on the proposed rate schedule changes are due on or before December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Forrest E. Reeves, Assistant Administrator, Office of Corporate Operations, Southwestern Power Administration, Department of Energy, One West Third Street, Tulsa, Oklahoma 74103, (918) 595–6696.

SUPPLEMENTARY INFORMATION:

Changes to Rate Schedule NFTS–98 (Wholesale Rates for Non-Federal Transmission Service)

The name of the rate schedule will be changed to NFTS–98B in order to reflect the fact that revisions have been made. Minor corrections and modifications were made throughout the rate schedule for the purpose of clarification; however two areas have been revised. The changes made to the terms and conditions of both Real Power Losses and the Capacity Overrun Penalty are addressed in detail below.

The existing rate schedule (NFTS–98) determined the rate for Real Power Losses based upon the cost of energy for Southwestern's marketing area during the previous Fiscal Year, as set forth in the most recently available Energy Information Administration (EIA) Publication. The EIA has recently ceased to compile this information, making it necessary for Southwestern to develop an alternative source upon which to base its rate for Real Power Losses. The basis for determining the rate to charge for Real Power Losses was therefore modified to reflect the average actual costs incurred by Southwestern for the purchase of energy to replace Real Power Losses during the most

recent twelve-month period. The rate for Real Power Losses will be posted on Southwestern's OASIS. Southwestern proposes to initially implement this rate effective January 1, 1999, and thereafter the rate will be reviewed and adjusted to become effective at the beginning of each Fiscal Year (October 1).

The Capacity Overrun Penalty provision in the existing rate schedule set forth a penalty of $0.05 per kilowatthour for any energy which flows outside the authorized bandwidth from a range of 1 to 2,000 kilowatts and a penalty of $0.10 per kilowatthour for any energy which flows outside the authorized bandwidth from 2,001 kilowatts or greater. As a result of this past summer's price escalation for power and the potential unauthorized use of Southwestern's system, Southwestern has revised its Capacity Overrun Penalty provision. It was determined that the penalty to be applied would need to be increased to provide a greater deterrent not to overrun Southwestern's system. The proposed Capacity Overrun Penalty provision has been revised to assess a $0.10 per kilowatthour penalty for *any* energy which flows outside of the authorized bandwidth during the months of March, April, May, October, November, and December. A penalty of $0.30 per kilowatthour will likewise be assessed during the months of January, February, June, July, August, and September.

Changes to Rate Schedule P–98A (Wholesale Rates for Hydro Peaking Power)

The name of the rate schedule will be changed to P–98B in order to reflect the fact that revisions have been made. Minor corrections and modifications were made throughout the rate schedule for the purpose of clarification; however four areas have been revised. The section discussing and listing the Power Customer-specific credit, which ended June 30, 1998, has been removed since it is no longer applicable. The changes made to the terms and conditions of Real Power Losses, Energy Imbalance Service, and the Capacity Overrun Penalty are addressed in detail below.

The existing rate schedule (P–98A) determined the rate for Real Power Losses based upon the cost of energy for Southwestern's marketing area during the previous Fiscal Year, as set forth in the most recently available Energy Information Administration (EIA) Publication. The EIA has recently ceased to compile this information, making it necessary for Southwestern to develop an alternative source upon which to base its rate for Real Power Losses. The basis for determining the rate to charge for Real Power Losses was therefore modified to reflect the average actual costs incurred by Southwestern for the purchase of energy to replace Real Power Losses during the most recent twelve-month period. The rate for Real Power Losses will be posted on Southwestern's OASIS. Southwestern proposes to initially implement this rate effective January 1, 1999, and thereafter the rate will be reviewed and adjusted to become effective at the beginning of each Fiscal Year (October 1).

The Energy Imbalance Service description has been modified to clarify that because the Energy Imbalance Service bandwidth specified in Southwestern's Open Access Transmission Tariff does not apply to the deliveries of Hydro Peaking Power and associated energy, Energy Imbalance Service is not charged on such deliveries. However, Power Customers who consume a capacity of Hydro Peaking Power greater than their Peak Contract Demand may be subject to a Capacity Overrun Penalty.

The Capacity Overrun provision set forth in the existing rate schedule assess a penalty of $0.05 per kilowatthour for any energy which flows outside the authorized bandwidth from a range of 1 to 2,000 kilowatts and a penalty of $0.10 per kilowatthour for any energy which flows outside the authorized bandwidth from a range of 2,001 kilowatts or greater. As a result of this past summer's recent price escalation for power and the potential unauthorized use of Southwestern's system, Southwestern has revised the Capacity Overrun Penalty provision. It was determined that this penalty would need to be increased to provide a greater deterrent not to overrun Southwestern's system. The Capacity Overrun Penalty provision has been revised to assess a $0.10 per kilowatt penalty during the months of March, April, May, October, November, and December for each hour during which Hydro Peaking Power was provided at a rate greater than that to which the Power Customer is entitled. A penalty of $0.30 per kilowatt will likewise be assessed during the months of January, February, June, July, August, and September.

Redlined versions of the revised rate schedules NFTS–98B and P–98B will be made available upon request. To request a copy, please contact Barbara Otte, 918–595–6674 or Tracey Hannon, 918–595–6677.

The Administrator has determined that written comments will provide adequate opportunity for public participation in the rate schedule revision process. Therefore an opportunity is presented for interested parties to submit written comments on the proposed rate schedule changes. Written comments are due on or before thirty (30) days following publication of the notice in the **Federal Register**. Five copies of written comments should be submitted to: Michael A. Deihl, Administrator, Southwestern Power Administration, One West Third Street, Tulsa, OK 74103.

Following review and consideration of written comments, the Administrator will finalize and submit the proposed rate schedules to the Deputy Secretary of Energy for approval on an interim basis. The Deputy Secretary will then submit the proposed rate schedules to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Dated: November 5, 1998.

Michael A. Deihl,

Administrator.

[FR Doc. 98–30413 Filed 11–12–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6188–6]

Agency Information Collection Activities Up for Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Water Quality Inventory Reports, ICR #1560.04, OMB #2040–0071, which expires on February 28, 1999. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 12, 1999.

ADDRESSES: Office of Wetlands, Oceans, and Watersheds (4503F), 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sarah Lehmann, National 305(b) Coordinator, telephone: (202) 260–7021; facsimile: (202) 260–1977; e-mail: Lehmann.Sarah@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities affected by this action are the 50 States, the District

of Columbia, five Territories (Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands). Two Interstate River Basin Commissions and one Indian Tribe or Tribal Group also sent data to EPA during the period covered by the current ICR. The SIC code for respondents is 9511 (Administration of Environmental Quality Programs: Air and Water Resources and Solid Waste Management).

Title: National Water Quality Inventory Reports (Clean Water Act Sections 305(b), 303(d), and 314(a)). OMB Control Number 2040–0071. Expiration date: February 28, 1999.

Abstract: Section 305(b)(1) of the Clean Water Act (Public Law 92–500, 33 U.S.C 1251 *et seq.*; most recently amended in 1987 by Public Law 100–4) requires each State to prepare and submit a biennial water quality assessment report to the EPA Administrator. Regulations for water quality monitoring, planning, management and reporting are found in 40 CFR part 130. Each 305(b) report includes such information as a description of the quality of waters of the State; an analysis of the extent to which these waters provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water; recommendations for additional action necessary to achieve such uses; an estimate of the environmental impact and economic and social costs as well as the economic and social benefits of such achievement; and a description of the nature and extent of nonpoint sources of pollutants and recommendations as to programs needed to control each category of such sources.

Under CWA section 314(a)(2), States must incorporate their Clean Lakes Report into the 305(b) reports. Clean Lakes Reports include an identification and classification according to trophic condition of all publicly owned lakes; a description of the methods to control sources of pollution and restore these lakes; methods to mitigate the harmful effects of high acidity; a list and description of publicly owned lakes for which uses are known to be impaired; and an assessment of the status and trends of water quality in lakes.

Section 303(d)(1) of the CWA requires States to identify and rank water-quality limited waters which will not meet State water quality standards after implementation of technology-based point source controls.

Reporting under sections 305(b) and 314 is thus required of the 50 States. Reporting activities under section 303(d) may be submitted as part of the 305(b) report or may be submitted under separate cover. Other respondents (Territories, River Basin Commissions, certain Indian Tribes or Tribal Groups) also prepare 305(b) reports to document the quality of their waters to EPA, Congress, and the public and, in some cases, to meet grant conditions.

The 305(b) reporting process is an essential component of the EPA water pollution control program. EPA's Office of Water uses the 305(b) reports as the principal information source for assessing nationwide water quality, progress made in maintaining and restoring water quality, and the extent of remaining water pollution problems. EPA prepares the National Water Quality Inventory Report to Congress and evaluates impacts of EPA's water pollution control programs with the information and data supplied in the State and Tribal 305(b) reports and the corresponding national database, the EPA Waterbody System. The Office of Water uses the Report to Congress to target persistent and emerging water quality problems with new initiatives and to improve or eliminate ineffective programs.

EPA uses the information submitted under section 314 to evaluate the effectiveness of the Clean Lakes grant program. The Agency assembles national information on water quality trends in lakes eligible for section 314 grants, initiation and completion of Clean Lakes Projects funded with 314 grants, and tangible results of lake restoration projects.

Under section 303(d), EPA must review and approve or disapprove the State lists of water-quality limited waterbodies still requiring total maximum daily loads (TMDLs). Section 303(d) of the CWA establishes the TMDL process to provide for more stringent water-quality based controls when required Federal, State or local controls are inadequate to achieve State water quality standards. TMDLs encourage a holistic view of water quality problems considering all contributions and instream water quality and provide a method to allocate those contributions to meet water quality standards.

EPA is currently developing proposed revisions to the TMDL program regulations and, as part of that effort, will determine whether it needs to prepare a new ICR based on the proposed regulatory revisions. While at this time, EPA believes that it is likely that a new ICR will be needed, no final decision will be made and the Agency will continue to undertake the necessary analyses needed to make such a final decision.

EPA is also working with our partners on the development of 1998 Clean Water Action Plan Unified Watershed Assessments (UWA). EPA and its partners are looking into whether these assessments should be updated in the future. If the UWA are updated and are subject to ICR requirements, EPA will conduct a complete burden analysis.

The next 305(b) reports and 303(d) lists are due to EPA in April 2000. EPA has published guidelines on the types of information requested of respondents in their 305(b) reports. The current edition is Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates: Report Contents, EPA841–B–97–002A, and Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates: Supplement, EPA841–B–97–002B (see contact information above).

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR part 9. This ICR renewal does not involve third-party and public disclosures not previously reviewed and approved by OMB.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The existing burden estimate for all reporting and recordkeeping is 229,805 burden hours per year. This estimate was based on 59 respondents and a biennial response frequency, and is equivalent to an average of 3,895 burden hours per year. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. EPA intends to reduce the burden in the future by encouraging additional States to undertake abbreviated reporting and

annual electronic reporting on core elements for the geographic areas covered in that year.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: November 3, 1998.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans and Watersheds.

[FR Doc. 98–30398 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00562; FRL–6044–1]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of scientific issues being considered by the Agency in connection with methodology for conducting comparative ecological risk assessments, developmental neurotoxicity study (a retrospective analysis), and a status report on use of the FQPA 10x safety factor.

The Agency will present methods for comparing the potential ecological risk of pesticides used on similar crop sites. Risk indices or quotients are calculated and the results are compared to established levels of concern (LOCs). The resultant exceedances are used to rank pesticides and use sites. In addition, since numerous calculations are made using a range of use rates and toxicity values, pesticides and their use sites are compared based on frequency distributions of LOC exceedances. The comparisons include acute and chronic endpoints for terrestrial and aquatic organisms, as well as incident reports and information on extent of use. Pesticide specific ecotoxicology data and environmental fate and transport data are used in the analysis. Models such as GENEEC and FATE are used to estimate pesticide exposure. The Agency will also present two sessions concerning human health risk assessment. The first session will concern a retrospective analysis of 12 developmental neurotoxicity studies. The Agency will also provide an update of activities concerning the FQPA 10x safety factor.

DATES: The meeting will be held on Tuesday and Wednesday, December 8 and 9, 1998, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held at: The Sheraton Crystal Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia. The telephone number for the hotel is: (703) 486–1111.

By mail, submit written comments (one original and 20 copies) to: Paul I. Lewis, Designated Federal Official (DFO) for the FIFRA/Scientific Advisory Panel (7101C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by delivery service, bring comments to: Room 117S, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

Comments and data also may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data also will be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00562.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: By mail: Paul I. Lewis, DFO, FIFRA Scientific Advisory Panel (7101C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460; Office location: Rm. 117S, CM #2, 1921 Jefferson Davis Highway, Arlington, VA; telephone: (703) 305–5369; e-mail: Lewis.Paul@epamail.epa.gov

A meeting agenda is currently available and copies of EPA primary background documents for the meeting will be available no later than November 13, 1998. The meeting agenda and EPA primary background documents are available on the EPA web site http://www.epa.gov/pesticides/SAP/ or may be obtained by contacting the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; Office location: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA; telephone: (703) 305–5805.

SUPPLEMENTARY INFORMATION: Any member of the public wishing to submit written comments should contact Paul I. Lewis at the address or the phone number given above to confirm that the meeting is still scheduled and that the agenda has not been modified or changed. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advanced written request to the DFO, interested persons may be permitted by the Chair of the Scientific Advisory Panel to present oral statements at the meeting. There is no limit on the length of written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately five minutes. The Agency will allow additional time for presentation of oral comments at the FQPA 10x safety factor session to provide public commenters sufficient time to state their remarks at the meeting. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written statements should notify the DFO and submit 20 copies of the summary information. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the time necessary to consider and review the comments.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as CBI. Information marked CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. An edited copy of the comment that does not contain the CBI material must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket. All comments and materials received will be made part of the public record and will be considered by the Panel.

A public record has been established for this notice under docket number ''OPP–00562'' (including comments and data submitted electronically). A public version of this record, including printed versions of electronic comments, which does not include information claimed as CBI, is available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental

Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Copies of the Panel's report of their recommendations will be available approximately 30 working days after the meeting and may be obtained by contacting the Public Information and Records Integrity Branch at the address or telephone number given above.

List of Subjects

Environmental protection.

Dated: November 3, 1998.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 98–30393 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00564; FRL–6045–1]

Pesticide Spray Drift Data Review Workshop; Notice of Public Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Pesticide Programs (OPP) will hold a public workshop to discuss scientific data submitted to the EPA by the pesticide industry's Spray Drift Task Force (SDTF). This workshop will focus on the data which was generated to characterize spray drift associated with orchard airblast, ground hydraulic, chemigation application methods.

DATES: The workshop will be held on Wednesday, December 2, 1998, from 1 p.m. to 5:30 p.m. and Thursday, December 3, 1998, from 8 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held at the Ramada Plaza Hotel, Old Town, 901 N. Fairfax St., Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Arnet Jones, Norman Birchfield, or Gail Maske, Office of Pesticide Programs (7507C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Telephone numbers and e-mail addresses: Arnet Jones (703) 305–7416, jones.arnet@epa.gov; Norman Birchfield (703) 605–0582, birchfield.norman@epa.gov; and Gail Maske (703) 305–5245, maske.gail@epa.gov.

SUPPLEMENTARY INFORMATION: The purpose of the workshop is to discuss the scientific aspects of the orchard airblast, ground hydraulic, and chemigation field studies and supporting data (including integration studies) which the pesticide industry's SDTF submitted to EPA to fulfill registration requirements. The participants in the workshop will include OPP's Environmental Fate and Effects Division, EPA's Office of Research and Development, USDA's Agricultural Research Service, Environment Canada, and California EPA's Department of Pesticide Regulation, all of which have prepared reviews of these studies. In addition to these organizations, four independent scientists who have prepared reviews under contract to OPP will also make presentations. A list of studies submitted by the pesticide industry's SDTF is available from any of the individuals listed under ''FOR FURTHER INFORMATION CONTACT.''

The invited reviewers will present conclusions of their technical reviews of the studies discussed in this document. However, outside observers (interested parties who were not part of the technical review) will have an opportunity to comment on scientific and technical issues related to the studies after the initial presentations. Additional comments may also be made on the afternoon of December 3rd, after the reviewers have discussed the issues raised on the previous afternoon and have prepared a summary of responses. OPP plans to discuss the results of this peer review workshop and related issues with the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Scientific Advisory Panel at the Panel's February 1999 meeting.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: November 6, 1998.

Joseph J. Merenda, Jr.,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 98–30449 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6188–5]

42 U.S.C. Section 122(i), Proposed Administrative Order on Consent with Compromise of CERCLA Response and Oversight Costs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed AOC.

SUMMARY: EPA is proposing to sign and issue an Administrative Order on Consent (AOC) under section 106 of CERCLA for a removal action at the Carbographics Industries Corporation Superfund Site. Respondents have agreed to perform a clean up, in return for EPA waiving response costs of approximately $5,000. EPA today is proposing to sign and issue this AOC because it expeditiously achieves a necessary removal action without resort to time-consuming and costly litigation.

DATES: Comments on this proposed settlement must be received by December 14, 1998.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Janet Pope at (312)353–0628 before visiting the Region V Office). Janet Pope, OPA (P19–J) U.S. Environmental Protection Agency, Region V, Office of Superfund, Removal and Enforcement Response Branch, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Janet Pope, Community Relations Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 353–0628.

FOR FURTHER INFORMATION CONTACT: Janet Pope, Office of Public Affairs, at (312) 353–0628.

SUPPLEMENTARY INFORMATION: The Carbographics Site is a one story, industrial, brick building (approximately 25,000 square feet) located at 4757 North Ronald Street,

Harwood Heights, Illinois, which is a suburban industrial area with surrounding residential and commercial areas. Single family homes adjacent to the east fence of the site are within approximately thirty feet of the property and multi-unit apartment buildings are adjacent to the north and east of the Site. The Harwood Heights United States Post Office is located to the east across Ronald Street. There is an elementary school located approximately 0.25 mile southeast of the Site and a high school located approximately 0.5 mile southwest of the Site. On March 13, 1998, U.S. EPA conducted a Removal Site Assessment and identified approximately 850 one gallon, 345 five gallon, 20 fifteen gallon, 3 thirty gallon, 144 fifty-five gallon containers and various gas cylinders throughout the building. Labels on many of the containers indicated the contents were flammable, organic peroxides, acids, and caustics. Analytical results from samples collected from four fifty-five gallon drums confirmed that the contents exhibit the RCRA characteristics for ignitability and corrosivity. In addition to the containers located within the building, two underground storage tanks which were used to store solvents are located under the south parking lot. Within the building is a small electro plating operation. Minor releases were observed inside the Carbographics building. The potential for fire and explosion appear to be the major threat of release due to the significant amount of flammable materials inside the building. Subsurface contamination has also been documented in the south parking lot area.

Though recently boarded up by the Village of Harwood Heights, the Site is accessible. Based on the presence of graffiti within the building, and notwithstanding past efforts to secure the building, it appears that the Site is routinely visited by gangs and children. Several windows are broken and the roof, which appears to have been damaged by fire, is unstable. After EPA had sampled and assessed the situation, EPA contacted the named Respondent parties (two officers and an employee of the now dissolved Carbographics Industries Incorporated)and negotiated an Administrative Order on Consent for the remainder of the removal action.

A 30-day period, beginning on the date of publication, is open pursuant to section 122(i) of CERCLA for comments on the proposed settlement.

Comments should be sent to Janet Pope of the Office of Public Affairs (P–19J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Brian A. Barwick,

Assistant Regional Counsel.

[FR Doc. 98–30397 Filed 11–12–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy Regarding the National Environmental Policy Act of 1969

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final Statement of Policy.

SUMMARY: As part of the FDIC's systematic review of its regulations and written policies under section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI Act), the FDIC is revising its Statement of Policy on the National Environment Policy Act of 1969 (NEPA). The original Statement of Policy, issued on March 31, 1980, describes the FDIC's responsibility and procedures with respect to the NEPA.

The revised Statement of Policy reflects the FDIC's experience in applying the current NEPA Statement of Policy, and primarily affects applications for deposit insurance for de novo institutions, establishment of a domestic branch, and relocation of a domestic branch or main office. Categorical exclusions are established for all other filings submitted to the FDIC pursuant to 12 CFR part 303. In extraordinary circumstances, however, the NEPA procedures may also impact categorically excluded filings. The revision also makes the Statement of Policy more concise and understandable.

On July 15, 1998, the FDIC published for comment in the **Federal Register** its revised Statement of Policy (63 FR 38172–74). During the 45-day public comment period, no comments were received. Accordingly, the revised Statement of Policy has been adopted by the FDIC's Board of Directors.

DATES: The revised Statement of Policy will become effective December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Marilyn Reddy, Review Examiner, Division of Supervision (202) 898–6772; A. Ann Johnson, Counsel, Legal Division (202) 898–3573; David Fisher, Counsel, Legal Division (202)-736–3103, Federal Deposit Insurance Corporation, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is conducting a systematic review of its regulations and written policies. Section 303(a) of the CDRI Act, 12 U.S.C. 4803(a), requires the FDIC to streamline and modify its regulations and written policies in order to improve efficiency, reduce unnecessary costs, and eliminate unwarranted constraints on credit availability. Section 303(a) also requires the FDIC to remove inconsistencies and outmoded and duplicative requirements from its regulations and written policies.

As part of this review, the FDIC has determined that its Statement of Policy on the NEPA should be revised. The NEPA sets forth a national policy to promote preservation of the environment. It requires, in part, that all agencies of the Federal Government include in every recommendation or report on major Federal actions significantly affecting the quality of the human environment a detailed statement that addresses the environmental impact of the proposal. The Council on Environmental Quality (CEQ) has adopted regulations that implement this requirement. 40 CFR part 1500.

The FDIC issued its current Statement of Policy in 1980 to provide guidance on the NEPA and its implementing regulations. The Statement of Policy provides that the FDIC will consider relevant environmental factors and make a threshold determination that a proposed action does or does not significantly affect the environment. The determination is required for applications for deposit insurance, to establish a branch, to merge, or to move an office. The current Statement of Policy also provides detailed information on the preparation of an environmental impact statement.

Consistent with the goals of the CDRI Act review, the FDIC is modifying the Statement of Policy to enhance efficiency in implementing the NEPA requirements. Pursuant to the CEQ regulations (40 CFR 1507.3(b)), the revised Statement of Policy establishes categorical exclusions for all filings made by depository institutions pursuant to 12 CFR part 303 with the exception of applications for deposit insurance for de novo institutions, and applications for establishment of a domestic branch or relocation of a domestic branch or main office. Absent extraordinary circumstances, filings subject to a categorical exclusion require no further NEPA action.

For those applications that are categorically excluded, the revised Statement of Policy provides that the FDIC may request additional information from applicants if extraordinary circumstances indicate

that a normally excluded action may have a significant environmental effect. For example, additional information may be requested where filings involve real property with endangered or threatened species, wetlands or floodplains, cultural or historic sites, or where construction is proposed.

The revised Statement of Policy also describes the responsibilities of the applicant in submitting a part 303 filing and the FDIC in reviewing the filing. Before approving a filing that is not categorically excluded, the FDIC must prepare an environmental assessment (EA). The applicant is required to submit sufficient information for the FDIC to determine whether the application may affect the quality of the human environment.

If the EA prepared by the FDIC indicates that approval of the filing will not significantly affect the quality of the human environment, the NEPA process will conclude with a finding of no significant impact (FONSI) to document the FDIC's determination.

On the other hand, if the EA indicates that approval of the filing may significantly affect the quality of the human environment, the FDIC will prepare and circulate an environmental impact statement (EIS) in accordance with the CEQ regulations. Because cases that involve the preparation of an EIS are expected to be extremely rare, the revised Statement of Policy no longer includes detailed information on the preparation of an EIS. Instead, the revised Statement of Policy states that the FDIC will comply with the requirements of the CEQ regulations.

In addition, the revised Statement of Policy provides for public involvement in the FDIC's NEPA compliance activities.

According to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the FDIC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Although the revised Statement of Policy does not create or change any collection of information, OMB has approved the information collections referenced in the revised Statement of Policy as parts of a larger collection of information. OMB control numbers for the approved information collections specifically referenced in the revised Statement of Policy are OMB control number 3064–0001, expiring on July 31, 2000, for applications dealing with deposit insurance, and OMB control number 3064–0070, expiring on November 30, 2000, for applications dealing with establishment of a branch, relocation of a main office, and relocation of a branch. Application requirements and procedures are located at 12 CFR part 303 *et seq.*

On July 15, 1998, the FDIC published for comment in the **Federal Register** its revised Statement of Policy (63 FR 38172–74). During the 45-day public comment period, no comments were received. Accordingly, the Board of Directors of the FDIC has adopted the revised Statement of Policy on the National Environmental Policy Act, as proposed in the **Federal Register** on July 15, 1998 and set forth below.

Statement of Policy

National Environmental Policy Act Procedures Relating to Filings Made With the FDIC

This Statement of Policy addresses the FDIC's compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4331, *et seq.* (NEPA), with respect to applications, notices, and requests (filings) submitted to the FDIC in accordance with governing regulations at 12 CFR part 303. The procedures in this Statement of Policy primarily affect applications for deposit insurance for de novo institutions, establishment of a domestic branch, and relocation of a domestic branch or main office. There may be extraordinary circumstances where these NEPA procedures also impact other filings submitted pursuant to part 303.

A. Responsibility of the FDIC

The NEPA sets forth a national policy to promote preservation of the environment. Section 102(2)(C) of the NEPA requires, in part, that all agencies of the Federal Government include in every recommendation or report on major Federal actions significantly affecting the quality of the human environment a detailed statement that addresses the environmental impact of the proposal. The Council on Environmental Quality (CEQ) has adopted regulations that implement section 102(2)(C) of the NEPA. 40 CFR part 1500.

The FDIC believes that its decisions on part 303 filings will rarely have a significant effect on the human environment. Nevertheless, it is the policy of the FDIC to evaluate fully its regulatory actions, as necessary, in accordance with the requirements of the NEPA. This Statement of Policy supplements, and shall be used by the FDIC in conjunction with, the CEQ regulations.

B. Background

NEPA and the implementing CEQ regulations require a Federal agency to prepare an ''environmental impact statement'' (EIS) to analyze the effects of, and discuss alternatives for, any proposed major Federal action (including approval of a filing) significantly affecting the quality of the human environment. Often, to determine whether an EIS must be prepared, an agency will prepare an ''environmental assessment'' (EA). The EA will result in either a finding that an EIS must be prepared, or a finding of no significant impact (FONSI).

C. Definitions

As used in this statement of policy:

- *Major Federal action* includes actions with effects that may be major and which are potentially subject to Federal control and responsibility.
- *Environmental impact statement* (EIS) means a detailed written statement as required by section 102(2)(C) of the NEPA which analyzes the environmental impact of the FDIC's approval of a filing.
- *Environmental assessment* (EA) means a concise document that sets forth sufficient information for the FDIC to determine whether to prepare an EIS.
- *Finding of no significant impact* (FONSI) means a determination that approval of the filing will not have a significant effect on the quality of the human environment and therefore no further NEPA analysis is required.
- *Categorical exclusion* means a category of filings that do not individually or cumulatively have a significant effect on the human environment, and which require no NEPA analysis.

D. Categorical Exclusions

The CEQ regulations require Federal agencies to develop categorical exclusions as part of the agencies' NEPA procedures. 40 CFR 1507.3(b)(2)(ii). Accordingly, the FDIC is establishing categorical exclusions for all filings made by depository institutions pursuant to part 303 with the exception of applications for:

(1) Deposit insurance for de novo institutions.

(2) Establishment of a domestic branch, or relocation of a domestic branch or main office.

All other part 303 filings are subject to categorical exclusions and, therefore, require no further NEPA action. Consistent with the CEQ regulations, however, the FDIC may request additional information from applicants if extraordinary circumstances indicate that a normally categorically excluded action may have a significant environmental effect. Such extraordinary circumstances may exist,

for example, where filings involve real property where endangered or threatened species, wetlands or floodplains may be present, where the applicant's proposed activity impacts cultural or historic sites, or where construction is proposed.

E. FDIC Procedure

In reviewing a part 303 filing, the FDIC will determine whether the filing falls within the categorical exclusions established by this statement of policy. If the filing falls within the categorical exclusions, the FDIC will determine whether the proposal involves any extraordinary circumstances that require NEPA analysis. If necessary, the FDIC may request additional information from an applicant to aid in this determination.

1. Environmental Assessment

The FDIC must prepare an EA before approving a filing for (1) deposit insurance for a de novo institution, or (2) establishment of a domestic branch, or relocation of a domestic branch or main office. The applicant must provide sufficient information for the FDIC to determine whether the application may affect the quality of the human environment.

The applicant shall provide information on compliance with local zoning laws and regulations, and effects on traffic patterns (including, for example, adequacy of roads and parking places, increase or decrease of traffic hazards and congestion, and favorable impacts such as potential decrease in pollution or fuel consumption). The FDIC may request additional information, as warranted, on other matters. Based on its evaluation of this information, the FDIC will prepare the EA.

2. Finding of No Significant Impact

If the EA indicates that approval of the filing will not significantly affect the quality of the human environment, the NEPA process will conclude with a FONSI to document the FDIC's determination of no significant effect on the human environment.

3. Environmental Impact Statement

If the EA indicates that approval of the filing may significantly affect the quality of the human environment, the FDIC will prepare an EIS in accordance with the CEQ regulations.

F. Public Involvement

Pursuant to the CEQ regulations, the FDIC will make diligent efforts to involve the public in its NEPA compliance activities. In addition to the public notice requirements set forth in part 303, the FDIC will apprise the public of the availability of any environmental impact statements it prepares and will provide opportunity for public comment prior to the finalization of those documents.

G. Summary and Conclusion

Most of the filings made by depository institutions pursuant to part 303 will fall within the categorical exclusions established by this Statement of Policy. For those filings not falling within the categorical exclusions, or involving extraordinary circumstances, the FDIC will analyze relevant information with respect to environmental factors and incorporate it into the FDIC's environmental assessment. Filings that require the FDIC's preparation of an environmental impact statement are expected to be extremely rare. When those instances arise, the FDIC will comply with the requirements of the CEQ regulations regarding the preparation and processing of environmental impact statements.

H. Information Requests

Inquiries regarding specific filings and requests for documents and information should be directed to the appropriate regional director of the FDIC's Division of Supervision.

By order of the Board of Directors.

Dated at Washington, DC, this 27th day of October, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–30367 Filed 11–12–98; 8:45 am]

BILLING CODE 6714–01–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 December 7, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Alabama National BanCorportion, Birmingham, Alabama; to acquire 100 percent of the voting shares of Community Bank of Naples, N.A., Naples, Florida.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Port William Bancshares, Inc., Carrollton, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Carrollton, Carrollton, Kentucky.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Bryan Family Management Trust, and Bryan Heritage Limited Partnership, both of Bryan, Texas, to acquire The First National Bank of Bryan, Bryan, Texas.

2. Diboll State Bancshares, Inc., Diboll, Texas; to merge with First Bancorporation of Cleveland, Inc., Cleveland, Texas, and thereby indirectly acquire First Cleveland Delaware Financial Corporation, Dover, Delaware, and First Bank & Trust, Cleveland, Texas.

3. Sulphur Springs Bancshares, Sulphur Springs, Texas; Sulphur Springs Delaware Financial Corporation, Dover, Delaware; and The City National Bank of Sulphur Springs, Sulphur Springs, Texas; to acquire 100 percent of the voting shares of First National Bank, Sulphur Springs, Texas.

D. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Eggemeyer Advisory Corp., Castle Creek Capital, LLC, Castle Creek Capital Partners Fund-I, LP, all of Rancho Santa Fe, California; to acquire more than 5 percent of the voting shares of PNB Financial Group, Newport Beach, California, and thereby indirectly acquire Pacific National Bank, Newport Beach, California.

2. Western Bancorp, Newport Beach, California; to acquire 100 percent of the voting shares of PNB Financial Group, Newport Beach, California, and thereby indirectly acquire Pacific National Bank, Newport Beach, California.

Board of Governors of the Federal Reserve System, November 9, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–30439 Filed 11–12–98; 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: 10:00 a.m., Thursday, November 19, 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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: November 10, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–30612 Filed 11–10–98; 3:53 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Policy Concerning Disclosures of Nonmerger Competition and Consumer Protection Investigations

AGENCY: Federal Trade Commission.

ACTION: Notice of revised policy.

SUMMARY: The Federal Trade Commission is revising its policy concerning disclosure of investigations. The Commission's policy, subject to specified exceptions, is to conduct its investigations on a nonpublic basis. The revised policy permits limited disclosures about nonmerger investigations where: A target has publicly disclosed the relevant information in either a press release or a filing with a government agency; or the investigation or the practice has received substantial publicity and the disclosure does not identify a target that has not already disclosed its own identity. Inquiries seeking disclosure under this authority should be addressed to the Commission's Office of Public Affairs.

EFFECTIVE DATE: The policy is effective on November 13, 1998. The Commission will, however, accept comments on the policy that are received on or before December 14, 1998 and may re-evaluate the policy in light of those comments.

FOR FURTHER INFORMATION CONTACT: Victoria A. Streitfeld, Office of Public Affairs, 202–326–2718, or Debra A. Valentine, General Counsel, 202–326–2481.

SUPPLEMENTARY INFORMATION: Commission policy is to hold confidential the existence and targets of law enforcement investigations until the Commission issues an administrative complaint, authorizes or files a judicial complaint, announces a proposed settlement, or closes a matter. *See* 42 FR 64135 (1977). The Commission believes generally that public disclosure of pending investigations and identification of targets before the Commission has had an opportunity to weigh the evidence may unjustifiably harm the companies investigated and interfere with the conduct and successful resolution of such matters. However, the Commission's policy has long included exceptions for disclosure of industrywide investigations and of investigations that involve significant risk of economic harm or risk to public health or safety. *Id.* More recently, the Commission announced a further exception that permits its Office of Public Affairs (''OPA'') to disclose that the agency is investigating a merger or similar transaction where a party to the underlying transaction had announced it in a press release or a public filing with a governmental body. 62 FR 18630 (1977).[1]

The first aspect of the modified policy applies if a target has publicly disclosed, in either a press release or a filing with a government agency, that it is the subject of a nonmerger investigation. In such cases, OPA could: (1) Confirm information that the target has already disclosed, to the extent that such information bears on the investigation of *that* target, and (2) with the approval of a Director or Deputy Director of the Bureau of Competition or Consumer Protection, disclose limited additional information about the general nature and scope of the investigation. These limited additional disclosures, which might be needed to correct misimpressions, could not identify additional targets that have not already identified themselves. This aspect of the policy contemplates, for example, disclosures that the Commission is investigating competitive practices in a particular industrial sector or that it is investigating a type of claim for a particular category of product. It also permits disclosure, in appropriate cases, of whether an investigation is wide-ranging or narrow in scope.

The second aspect of the modified policy permits OPA to make limited disclosures about the general nature and scope of a nonmerger investigation in unusual cases where there has been substantial publicity about the investigation or the underlying practice. *See Also* United States Attorneys' Manual (1997) Ch. 1–7.530 (allowing comments about an investigation in ''unusual circumstances'' where a matter has received substantial publicity). These limited disclosures of the general nature and scope of an investigation, like the disclosures contemplated above, are permitted only if approved by the relevant Bureau Director or Deputy Director. As a general rule, ''substantial publicity'' consists of, among other things, significant factual material concerning the investigation or the underlying practice that has appeared in the print or electronic media. By contrast, ''substantial publicity'' does not include mere rumors or statements, for which journalists seek confirmation by the Commission, that have not already been independently corroborated by significant coverage in the print or electronic media.

In addition, where an investigation can be disclosed under the conditions

[1] An investigation may also be disclosed because of a petition to limit or quash compulsory process. *See* 16 CFR 4.9(b)(4).

set forth above and the recipient of compulsory process announces that the Commission has issued such process, the policy permits confirmation of such process.

Nothing in this notice shall be construed as modifying the authority of the Commission (as opposed to the Commission's staff) to make appropriate disclosures concerning nonpublic investigations whenever it determines that doing so would be in the public interest. The Commission will continue to keep confidential, as appropriate under its existing laws and policies, nonpublic information submitted to the agency.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–30372 Filed 11–12–98; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–257]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

(1) *Type of Information Collection Request:* Revision of a currently approved collection;

Title of Information Collection: Medicare+Choice Disenrollment Form.

Form Nos.: HCFA–R–257 (OMB# 0938–0741).

Use: The primary purpose of the form is to receive and process the beneficiary's request for disenrollment from a Medicare+Choice plan and to return to original (fee-for-service) Medicare. The secondary purpose of the new form is to obtain the reason for the disenrollment, for analysis and reporting.

Frequency: As requested by beneficiary;

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit institutions, and Federal government;

Number of Respondents: 60,000 annually;

Total Annual Responses: 20,000 in first year, 60,000 thereafter;

Total Annual Hours: 3,960.

(2) *Type of Information Collection Request:* Revision of a currently approved collection;

Title of Information Collection: Information Collection Requirements in HSQ–108–F Assumption of Responsibilities and Supporting Regulations in 42 CFR 412.44, 412.46, 431.630, 456.654, 466.71, 466.73, 466.74, and 466.78;

Form No.: HCFA–R–0071 (OMB# 0938–0445);

Use: This purpose of this collection is to create the Utilization and Quality Control Peer Review Organization (PRO) program which replaces the Professional Standards Review Organization (PSRO) program and streamlines peer review activities. This rule outlines the review functions to be performed by the PRO and outlines the relationships among PROs, providers, practitioners, beneficiaries, fiscal intermediaries, and carriers.

Frequency: Other, as needed;

Affected Public: Business or other for-profit;

Number of Respondents: 53;

Total Annual Responses: 880;

Total Annual Hours: 46,653.

(3) *Type of Information Collection Request:* Extension of a currently approved collection;

Title of Information Collection: Sole Community Home Health Agencies (HHA) and Supporting Regulations in 42 CFR Section 424.22;

Form No.: HCFA–R–0085 (OMB# 0938–0489);

Use: These regulations implement the rules for participation of HHAs in Medicare and the establishment and review of plans of care for home health services. These regulations make it easier for certain HHAs to meet certification and plan of care requirements.

Frequency: Annually;

Affected Public: Business or other for-profit and not-for-profit institutions;

Number of Respondents: 20;

Total Annual Responses: 20;

Total Annual Hours: 40.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: November 15, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–30429 Filed 11–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

National Institutes of Health (NIH)

National Institutes of Health Clinical Center (NIHCC); Opportunity for Cooperative Research and Development Agreement (CRADA) in the Fields of Rehabilitation Medicine and Speech-Language Pathology Using Ultrasound Imaging or Similar Technology

AGENCY: Rehabilitation Medicine Department, NIHCC, NIH, DHHS.

ACTION: Notice of a Cooperative Research and Development Agreement (CRADA) opportunity.

SUMMARY: The Rehabilitation Medicine Department, Speech-Language Pathology Section, of the National Institutes of Health Clinical Center (NIHCC), seeks a Cooperative Research and Development Agreement (CRADA) with one or more collaborators in the ultrasound imaging or related technology fields. The purpose of the collaboration will be to develop a method to examine the movements of the oral pharynx including the tongue base, pharynx, and soft palate during

sleep using ultrasound imaging. The objectives of the research include the development of a noninvasive and reliable procedure to examine the components of sleep apnea and the development of an ultrasound transducer that can be used to assist the physician in determining which patients will benefit from tongue base or palatal reduction procedures.

Obstructive sleep apnea currently affects more than four (4) percent of the population, causing significant morbidity and mortality. Due to a current deficiency in methods of examination and diagnosis, the location of the obstruction(s) and the physiology of the response remain unknown. Because surgical procedures are considered as possible treatment for this disorder, it is necessary to know the anatomical and structural location of the obstruction. Currently, there is no inexpensive, noninvasive method for visualizing this entity. Therefore, a noninvasive ultrasonic device for the examination and diagnosis of sleep apnea is necessary to fill the current void.

The anticipated term of the CRADA is four (4) years.

Sponsors will be selected based upon their ability to collaborate with NIHCC for the development of the ultrasonic diagnostic device.

DATES: Interested parties should submit a one paragraph statement of interest addressing the collaborator's ability to perform the collaboration responsibilities. The statement of interest should be submitted to NIHCC in writing no later than December 14, 1998.

ADDRESSES: Inquiries and statements of interest regarding this opportunity should be addressed to Steven Galen, Technology Development Coordinator, National Institutes of Health, Warren Grant Magnuson Clinical Center. Phone: (301) 594–4509, FAX (301) 402–2143, 6011 Executive Boulevard, Suite 511, Rockville, MD 20852.

SUPPLEMENTARY INFORMATION: A CRADA is the anticipated joint agreement to be entered into the NIHCC pursuant to the Federal Technology Transfer Act of 1986 as amended by the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113 (Mar. 7, 1996)) and by Executive Order 12591 of April 10, 1987.

The CRADA objective is the rapid publication of research findings and the timely commercialization of improved diagnostic and treatment strategies in the field of ultrasound imaging or similar technology. Particular emphasis is placed on discoveries that enhance clinical research.

Under a CRADA, the NIHCC can offer selected collaborators access to facilities, staff, materials, and expertise. The collaborator may contribute facilities, staff, materials, expertise and funding to the collaboration. *The NIHCC cannot contribute funding.* The CRADA collaborator may elect an option to an exclusive or non-exclusive license to Government intellectual property rights arising under the CRADA and may qualify as co-inventor of new technology developed under the CRADA.

CRADA proposals will be evaluated under the following criteria:

- Corporate research and development competencies.
- Demonstrated abilities to productively collaborate in research programs.
- Expertise in performing clinical phase trials and regulatory affairs.
- The nature of resources to be contributed to the collaboration.
- Key staff expertise, qualifications and relevant experience.
- Willingness to assign technical staff to on-site collaborative efforts.
- Ability to effectively commercialize new discoveries.

The role of the National Institutes of Health Clinical Center includes the following:

(1) The NIHCC will provide:

(a) Expertise in oral pharyngeal ultrasound imaging, including anatomy and physiology of the intra-oral structure;

(b) Expertise in defining the abnormalities associated with obstructive sleep apnea;

(c) Input on the design of the transducer;

(d) Technological considerations for patient safety, position and comfort;

(e) Ongoing evaluation of the technologic advances and designs;

(f) Normal subjects and apnea patients for testing of equipment;

(g) Use of existing transducers for comparison of technologic advances; and

(h) Input from multidisciplinary researchers with expertise in apnea.

(2) The NIHCC will provide an existing protocol or create a new protocol for the phase I clinical study of the resulting diagnostic devise.

The role of the CRADA Collaborator includes the following:

(1) The development of an ultrasound device which can be used to aid physicians in the examination, diagnosis and treatment of sleep apnea.

(2) Conducting phase I clinical studies of the diagnostic device to be performed in compliance with the NIHCC protocol to be provided.

(3) Commercialization of the resulting device including providing the resources necessary.

Dated: November 5, 1998.

Kathleen Sybert,

Acting Director, Technology Development and Commercialization Branch, National Institutes of Health.

[FR Doc. 98–30433 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 99–19, P60 review, area A.

Date: January 20–22, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Young A. Shin, PHD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 99–18, P60 review, area B.

Date: January 21–23, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate applications.

Place: Gaithersburg Hilton Hotel, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: H. George Hausch, PHD, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and

Disorders Research, National Institutes of Health, HHS)

Dated: November 6, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30298 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1–GRB 6 (J2).

Date: December 3, 1998.

Time: 2:00 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Bldg., 45 Center Drive, Room 6AS–37, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Neal A. Musto, PHD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37A, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7798.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Date: November 6, 1998.

Anna Snouffer,

Committee Management Officer, NIH.

[FR Doc. 98–30299 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: November 24, 1998.

Time: 10:00 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Antonio Noronha, PHD, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–7722, anoronha@willco.niaaa.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: November 24, 1998.

Time: 1:00 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Antonio Noronha, PHD, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–7722, anoronha@willco.niaaa.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians, National Institutes of Health, HHS)

Dated: November 6, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30300 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–7 (J3).

Date: December 7–9, 1998.

Time: December 7, 1998, 7:00 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: New York's Hotel Pennsylvania, Seventh Avenue and 33rd Street, New York, NY 10001.

Contact Person: Lakshmanan Sankaran Ph.D Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 6, 1998.

Anna Snouffer,

Committee Management Officer, NIH.

[FR Doc. 98–30301 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, Institutional National Research Service Award Applications.

Date: November 13, 1998.

Time: 1:00 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Natcher Bldg, Bethesda, MD 20892–6400, (Telephone Conference Call).

Contact Person: Mary J. Stephens-Frazier, Ph.D, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health/PHS/DHHS, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594–5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: November 4, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30302 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel ZDK1 GRB–7 (J1).

Date: December 9–11, 1998.

Time: December 9, 1998, 7:30 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: The Mayflower Hotel, 15 Central Park West, New York, NY 10023–7709.

Contact Person: Lakshmanan Sankaran, Ph.D Scientific Review Administrator Review Branch, DEA, NIDDK Natcher Building, Room 6AS–37 National Institutes of Health Bethesda, MD 20892–6600 (301) 594–7799.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–8 Special Emphasis Panel.

Date: December 14–16, 1998.

Time: 7:00 PM to 11:00 AM.

Agenda: To review and evaluate grant applications.

Place: The Clarion Carriage House Inn, 738 Boston Post Road, Subdury, MA 01776.

Contact Person: Roberta J. Haber, Phd, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8898.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hermatology Research, National Institutes of Health, HHS)

Dated: November 5, 1998.

Anna Snouffer,

Committee Management Officer, NIH.

[FR Doc. 98–30303 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: December 1, 1998.

Time: 8:15 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Lawrence E. Chaitkin, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Parklawn Building, 5600 Fishers Lane, Room 9C–26, Rockville, MD 20857, 301–443–6470.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: December 1, 1998.

Time: 10:00 AM to 11:30 AM.

Agenda: To review and evaluate grant applications.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, (Telephone Conference Call).

Contact Person: Mary Sue Krause, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Parklawn Building, 5600 Fishers Lane, Room 9C–26, Rockville, MD 20857, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: November 4, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30305 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Critical Research Communication.

Date: November 9, 1998.

Time: 10:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20852.

Contact Person: Aida K. Vasquez, Grant Technical Assistant, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892, 301–443–9788, avasquez@willco.niaaa.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: November 12, 1998.

Time: 8:30 AM to 10:00 AM.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Aida K. Vasquez, Grant Technical Assistant, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892, 301–443–9788, avasquez@willco.niaaa.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: November 16, 1998.

Time: 1:00 PM to 2:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Suite 409, Rockville, MD 20853, (Telephone Conference Call).

Contact Person: Aida K. Vasquez, Grant Technical Assistant, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892, 301–443–9788, avasquez@willco.niaaa.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: November 23, 1998.

Time: 8:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Aida K. Vasquez, Grant Technical Assistant, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892, 301–443–9788, avasquez@willco.niaaa.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: November 6, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30306 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 16, 1998.

Time: 3:PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John L. Bowers, Phd. Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892–6600 (301) 594–7799.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 20, 1998.

Time: 2:30 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: J. Terrell Hoffeld, Phd, DDS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 22–23, 1998.

Time: 1:00 PM to 5:30 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Syed M. Quadri, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 23, 1998.

Time: 8:00 AM to 5:PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Nancy Shinowara, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, Shinowan@drg.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 23, 1998.

Time: 2:00 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Garrett V. Keefer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7808, Bethesda, MD 20892, (301) 435–1152.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: November 24, 1998.

Time: 7:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gertrude K. McFarland, DNSC, FAAN, RN, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7816, Bethesda, MD 20892, (301) 435–1784.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 4, 1998.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–30304 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Long-Acting Testosterone Androgenic Compounds and Pharmaceutical Compositions Thereof

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in: U.S. Patent 4,948,790, issued August 14, 1990 entitled, ''Long-Acting Androgenic Compounds, and Pharmaceutical Compositions Thereof'' to N.V. Organon, having a place of business in The Netherlands. The United States of America is an assignee of the patent rights in this invention.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before January 12, 1999, will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Dennis H. Penn, Pharm.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 211; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: In an effort to develop an efficacious treatment for human reproductive disorders this invention describes testosterone bucyclate, which provides a means for prolonged androgenic activity when administered intramuscularly as an aqueous crystalline suspension. This compound may have utility as a therapeutic androgen for patients with androgen deficiency syndromes, male contraception, and as an androgen replacement in other methods of male contraception.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to the use of the invention for the development of pharmaceutical compounds to treat human androgen deficiency syndromes and male contraception.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: November 5, 1998.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 98–30432 Filed 11–12–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Mandatory Guidelines for Federal Workplace Drug Testing Programs

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Revisions to the Mandatory Guidelines.

SUMMARY: On September 30, 1997, the Department of Health and Human Services (HHS) published a notice in the **Federal Register**, 62 FR 51118, revising the testing cutoff levels for opiates that were in Mandatory Guidelines for Federal Workplace Drug Testing Programs, 59 FR 29916 (June 9, 1994). The **Federal Register** notice indicated that May 1, 1998, was the effective date for implementing the new opiate testing cutoff levels. Subsequent to the publication of that notice, it became clear that not all manufacturers of immunoassay test kits would be able to provide a sufficient supply of the modified opiate reagents by that date, that it would take more time for the certified drug testing laboratories to validate the new immunoassay test kits and confirmatory test procedures for opiates, and that it would take more time to verify the performance of each laboratory using external performance testing samples. For these reasons, on February 4, 1998, the Division of Workplace Programs sent a letter to all Federal agencies, HHS certified and applicant drug testing laboratories, and immunoassay test kit manufacturers informing them that the effective date would be delayed 4 to 6 months beyond the May 1, 1998, effective date published in the September 30, 1997, **Federal Register** notice. This notice establishes a new effective date.

EFFECTIVE DATE: December 1, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. Donna M. Bush, Drug Testing Team Leader, Division of Workplace Programs, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, Maryland 20857, tel. (301) 443–6014.

SUPPLEMENTARY INFORMATION: The Division of Workplace Programs is satisfied that the manufacturers of test kits can provide an adequate supply of the modified opiate test kits to the certified laboratories by the December 1, 1998, effective date. During June 1998, the certified laboratories received a special set of performance testing samples from the National Laboratory Certification Program (NLCP) contractor to evaluate each laboratory's ability to conduct the initial and confirmatory tests at the revised testing levels for opiates. The results for this set of samples indicate that all the laboratories were able to conduct the initial test using the modified opiate test kits provided by the immunoassay test kit manufacturers. Based on this information, all the manufacturers were contacted and informed that a December 1, 1998, effective date has been selected. There was unanimous agreement among the manufacturers that each would be able to provide a sufficient number of kits to the laboratories before that date. A second set of special performance testing samples will be sent to the laboratories in September 1998 to further ensure that all laboratories are prepared to test specimens for opiates using the revised testing levels.

The September 30, 1997, **Federal Register** notice discusses the background and summary of public comments regarding the changes to the testing cutoff levels of opiates. The Department's responses to those comments and the proposed policy have

not changed. However, to ensure that there is no misunderstanding, the changes to the Mandatory Guidelines for Federal Workplace Drug Testing Programs published on June 9, 1994 (59 FR 29916) are restated in this notice.

Information Collection Requirements: There are no new paperwork requirements subject to the Office of management and Budget approval under the Paperwork Reduction Act of 1980.

Dated: September 21, 1998.

Nelba Chavez,

Administrator, Substance Abuse and Mental Health Services Administration.

Dated: October 31, 1998.

Donna E. Shalala,

Secretary.

The following amendments are made to the Mandatory Guidelines for Federal Workplace Drug Testing Programs published on June 9, 1994 (59 FR 29916):

Subpart B

1. Section 2.4(e)(1), the initial test level for opiate metabolites appearing in the table, is amended by changing the value of ''300'' to ''2,000'' and deleting the footnote that had specified a 25 ng/mL testing level if the immunoassay test was specific for free morphine.

2. Section 2.4(f)(1), the confirmatory test level for morphine appearing in the table, is amended by changing the value of ''300'' to ''2,000.''

3. Section 2.4(f)(1), the confirmatory test level for codeine appearing in the table, is amended by changing the value of ''300'' to ''2,000.''

4. Section 2.4(f)(1), the table of confirmatory test levels, is amended by adding a new line under opiates to read as follows:

6-Acetylmorphine[4] 10 ng/mL

5. Section 2.4(f)(1), the table of confirmatory test levels, is amended by adding a new footnote under the table to read as follows:

[FR Doc. 98–30403 Filed 11–12–98; 8:45 am]

BILLING CODE 4160–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–40]

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: December 14, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable, (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: November 4, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Title of Proposal: Loan Guarantee Program—Mortgage Credit Analysis and Transmittal for Payment of Loan Guarantee Fee.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0200.

Description of the Need for the Information and its Proposed Use: The forms will be used by lenders to determine the borrowers' credit worthiness and to forward specific loan data to Treasury. The lender must analyze the borrower's ability to repay the mortgage debt. Once the borrower is approved, a fee of 1 percent is submitted to HUD. This is a one-time fee and can be included in the mortgage amount.

Form Number: HUD–53036 and HUD–53038.

Respondents: Business or Other-For-Profit.

Frequency of Submission: On Occasion.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
53036	500		1		.10		50
53038	500		1		.083		42

[4] Test for 6–AM when the morphine concentration exceeds 2,000 ng/mL.

Total Estimated Burden Hours: 92.

Status: Reinstatement without changes.

Contact: Karen Garner-Wing, HUD, (202) 675–1600 x3317, Joseph F. Lackey, Jr., OMB, (202) 395–7316

Dated: November 4, 1998.

[FR Doc. 98–30292 Filed 11–12–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4341–N–35]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area-MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; *COE:* Mr. Robert Swieconek, Army Corps of Engineers, Management & Disposal Division, Pulaski Building, Room 4224, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000; (202) 761–1749; *Energy:* Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; *GSA:* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–2059; *Navy:* Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; (These are not toll-free numbers).

Dated: November 5, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 11/13/98

Suitable/Available Properties

Buildings (by State)

California

Natl Weather Svc. Station
Blue Canyon Airport
Emigrant Gap CA 95715–
Landholding Agency: GSA
Property Number: 549840007
Status: Surplus
Comment: 3140 sq. ft., presence of asbestos, most recent use—ofc/residential/storage, land agreements w/U.S. Forest Service exist, special use permit
GSA Number: 9–C–CA–1521

New York

Naval Reserve Center
201 Third Avenue
Frankfort NY 13340–1419
Landholding Agency: Navy
Property Number: 779840017
Status: Unutilized
Comment: 10,000 sq. ft., most recent use—training facility

Ohio

Lorain Housing
238–240 Augusta Ave.
Lorain OH 44051–
Landholding Agency: GSA
Property Number: 549840006
Status: Excess
Comment: 3000 sq. ft. duplex, 2-story, good condition, possible lead based paint, existing easements
GSA Number: 1–U–OH–814

Rhode Island

Bldg. 70
Naval Station, Newport
Middletown Co: Newport RI 20842–
Landholding Agency: Navy
Property Number: 779840018
Status: Unutilized
Comment: 1900 sq ft., most recent use—storage, off-site use only

Bldg. 111
Naval Station, Newport
Middletown Co: Newport RI 20842–
Landholding Agency: Navy
Property Number: 779840019
Status: Unutilized
Comment: 560 sq. ft., most recent use—storage, off-site use only

Texas

Soil Testing Lab
4815 Cass St.
Dallas TX 75235–
Landholding Agency: GSA
Property Number: 549840008
Status: Excess
Comment: 40,000 sq. ft., most recent use—laboratory
GSA Number: 7–D–TX–1059

Suitable/Unavailable Properties

Land (by State)

Kentucky

Portion of Tract 3300
Fishtrap Lake Co: Pike KY 41548–
Landholding Agency: COE
Property Number: 319830002
Status: Excess
Comment: 0.40 acre encroachment, steep hill

Unsuitable Properties

Buildings (by State)

Idaho

Bldg. 101
Mountain Home Air Force Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189840001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
Mountain Home Air Force Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189840002
Status: Unutilized
Reason: Extensive deterioration

Michigan

Tract 100–1
Calumet Air Force Station
Calmut Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 549840003
Status: Excess
Reason: Other
Comment: no legal access
GSA Number: 1–D–MI–659A

Tracts 100–2, 100–3
Calumet Air Force Station
Calmut Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 549840004
Status: Excess
Reason: Other
Comment: no legal access
GSA Number: 1–D–MI–659A

Montana

Bldg. 803
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189840003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 1060
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189840004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 1846
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189840005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 1847
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189840006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

New Mexico

Bldg. 18, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419840001
Status: Unutilized
Reason: Secured Area Extensive deterioration

Oklahoma

Bldg. 502
Max Westheimer Field
Norman Co: Cleveland OK 73069–
Landholding Agency: GSA
Property Number: 549840005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 7–D–OK–405–B

Washington

Bldg. 918
Puget Sound Naval Shipyard
Bremerton, WA 98314–5000
Landholding Agency: Navy
Property Number: 779840020
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

[FR Doc. 98–30129 Filed 11–12–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

National Indian Gaming Commission

Notice of the Proposed Appointment of Elizabeth Lohah Homer to the National Indian Gaming Commission

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Indian Regulatory Act, 25 U.S.C. 2701 et. seq. provides for a three person National Indian Gaming Commission. One member, the chairman, is appointed by the President with the advice and consent of the Senate. Two associate members are appointed by the Secretary of the Interior. Prior to appointing members, the Secretary is required to give public notice of a proposed appointment and allow for a comment period. Notice is hereby given of the proposed appointment of Elizabeth Lohah Homer as an associate member of the National Indian Gaming Commission.

DATES: Comments must be received before or on December 12, 1998.

ADDRESSES: Comments should be submitted to the Director, Office of Executive Secretariat, United States Department of the Interior, 1849 C Street, NW, Mail Stop 7229, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Robert Moll, Assistant Solicitor, Division of General Law, Branch of General Legal Services, United States Department of the Interior, 1849 C Street, NW, Mail Stop 6531, Washington, DC 20240; telephone 202–208–5216.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act establishes the National Indian Gaming Commission (Commission), composed of three full-time members; a chairman and two associate members. 25 U.S.C. 2704(b). Commission members serve for a term of three years. 25 U.S.C. 2704(b)(2)(4)(A). The chairman is appointed by the President with the advice and consent of the Senate. 25 U.S.C. 2704(b)(1)(A). The two associate members are appointed by the Secretary of the Interior. 25 U.S.C. 2704(b)(1)(B). Prior to appointing an associate member to the Commission, the Secretary is required to ''publish in the **Federal Register** the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and shall allow a period of not less than thirty days for receipt of public comment.'' 25 U.S.C. 2704(b)(2)(B). Notice is hereby given of

the proposed appointment of Elizabeth Lohah Homer as an associate member of the Commission for a term of three years.

Ms. Homer appears well-qualified to serve as an associate member of the Commission. She has served as the Director, Office of American Indian Trust, United States Department of the Interior, since December, 1994. In that capacity she has provided executive direction and management over the development, coordination, and implementation of Indian trust policies. Ms. Homer served as a Special Attorney in the Criminal Division, United States Department of Justice from August, 1992 to December, 1994. Between October, 1989 and August, 1992 Ms. Homer was an Assistant District Attorney, Violent Crimes Division, Office of the District Attorney for the Second Judicial District of New Mexico. Ms. Homer was the Deputy Director of Americans for Indian Opportunity from January, 1982 to April, 1986. From August, 1980 to December, 1981, Ms. Homer served as a Policy Analyst for the Council of Energy Resource Tribes. She was a Tribal Programs Analyst for the Osage Tribe of Oklahoma from July, 1979 to July, 1980.

Ms. Homer is a member of the Osage Tribe of Oklahoma. She received a Bachelor of Arts Degree in Political Science from the University of Colorado in 1979. Ms. Homer also holds a Juris Doctor from the University of New Mexico School of Law, awarded in 1989. Among Ms. Homer's professional associations are membership in the State Bar of New Mexico, the Federal Bar for the District of New Mexico and the American Indian Law Enforcement Association. Ms. Homer does not appear to have any financial interests that would make her ineligible to serve on the Commission under 25 U.S.C. 2704(b)(5)(B).

Any person wishing to submit comments on this proposed appointment may submit written comments to the address listed above. Comments must be received by the due date, which is 30 days from the date of the publication of this notice.

Dated: November 6, 1998.

Edward B. Cohen,

Deputy Solicitor.

[FR Doc. 98–30376 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Colorado's Ocean Journey, Denver, CO, PRT–004334

The applicant request a permit to import Asian bony tongue (*Sceleropages formusus*) fish from Dragon Fish Industry, LCK Agrotechnology Park, Singapore and Totoaba (*Cynoscion macdonaldi*) fish from Facultad de Ciencias Marinas, Ensenada Baja California, Mexico for the purpose of enhancement of the survival of the species through conservation education.

Applicant: Kansas City Zoological Gardens, Kansas City, MO, PRT–004333

The applicant request permits to import two captive born Western Lowland Gorilla (*Gorilla gorilla gorilla*) from Calgary Zoo, Alberta, Canada, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: November 6, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–30307 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Revised Recovery Plan for Todsen's Pennyroyal (Hedeoma todsenii) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of the draft revised recovery plan for Todsen's pennyroyal (*Hedeoma todsenii*), a plant from the San Andres and Sacramento mountains in south-central New Mexico. This species is know from 18 sites in pinyon-juniper woodland in Otero and Sierra counties, New Mexico. The Service solicits review and comment from the public on this draft revised recovery plan.

DATES: Comments on the draft revised recovery plan must be received on or before January 12, 1999 to ensure they receive consideration by the Service.

ADDRESSES: Persons wishing to receive the draft revised recovery plan may obtain a copy by contacting the Field Supervisor, New Mexico Ecological Services Field Office, 2105 Osuna, NE, Albuquerque, New Mexico 87113 (Telephone 505/346–2525). Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Charles B. McDonald, Botanist, at the address and telephone number (Ext. 112) given above.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the needed recovery measures.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery

plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Todsen's pennyroyal was listed under the Act as an endangered species on January 18, 1981 (46 FR 5729). When listed, it was known from only two sites in the San Andres Mountains on the White Sands Missile Range in Sierra County, New Mexico. A recovery plan for Todsen's pennyroyal was approved in 1985. Subsequent to development of the original recovery plan, 15 new sites for the plant were found on the western slope of the Sacramento Mountains in Otero County, New Mexico. The new sites are on the Lincoln National Forest and on public lands administered by the Bureau of Land Management. The discovery of the new sites plus additional new information about the biology and ecology of the species have necessitated revision of the original recovery plan.

Recovery will focus on the continuing protection efforts of the three Federal agencies responsible for land management of existing sites. Additional recovery efforts will focus on research to determine the biological and ecological requirements of the species with the goal of developing management practices that will ensure the maintenance of self-sustaining populations in natural habitat.

The availability of a draft Todsen's Pennyroyal Revised Recovery Plan for review and comment was announced in the **Federal Register** on October 14, 1994 (59 FR 52189). The revised plan, however, was never completed and further changes to the plan have been made since then. This notice gives the public another opportunity for review and comment before the draft revised plan is approved.

Public Comments Solicited

The Service solicits written comments on the draft Todsen's Pennyroyal Revised Recovery Plan. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 2, 1998.

Renne Lohoefener,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. 98–30337 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability

AGENCY: Fish and Wildlife Service, Interior.

Receipt of an application for an incidental take permit and availability of the Misstex Habitat Conservation Plan for take of one red-cockaded woodpecker group on 80 acres of private land in Montgomery County, Texas.

SUMMARY: A private landowner, Mr. Charles H. Lewis III of Misstex Properties, L.C., has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The applicant has been assigned permit number TE–003596–0. The proposed permit would authorize the applicant to take one red-cockaded woodpecker (RCW) group incidental to timber harvest operations and proposed development of 80 acres of timberland on a 753-acre tract of land located in Montgomery County, Texas.

This notice advises the public that the Service has opened the comment period on the permit application. The permit application includes the Misstex RCW Habitat Conservation Plan (HCP).

Based upon guidance in the Service's November 1996, Habitat Conservation Planning Handbook, the Misstex RCW HCP qualifies as a ''Low Effect'' HCP. Therefore, this action is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further National Environmental Policy Act (NEPA) documentation will be made. This notice is provided pursuant to section 10c of the Act and NEPA regulations (40 CFR 1506.6).

The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the RCW based upon the Misstex RCW HCP. The final determinations will not be completed until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

DATES: Comments on the Misstex RCW HCP, should be received in writing on or before December 14, 1998.

ADDRESSES: Persons wishing to review the application and HCP may obtain a copy by contacting Mr. Jeffrey A. Reid, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, 701 N. First Street, Lufkin, Texas 75901. Written comments should also be sent to Jeffrey A. Reid at the same address; please refer to permit No. TE–003596–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Reid (Fish and Wildlife Biologist) at the above address or telephone (409/639–8546). Documents will also be available for public inspection, by appointment, during normal business hours at the above address and at 711 Stadium Drive, Suite 252, Arlington, Texas 76011. An appointment may be scheduled at the Arlington Office by calling (817/277–1100).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the RCW. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidential to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22. The applicant owns approximately 2,000 contiguous acres in Montgomery County, Texas, that includes this 753-acre tract. The balance of the timber on the 2,000 acres was harvested except for an 80-acre RCW area that is part of the 753-acre tract. This 80 acres was retained for the RCWs to provide two clusters and associated foraging habitat. Approximately 5 to 6 seedtrees per acre were retained on the remaining 1,920 acres.

The applicant has determined that retaining the timber that supports the RCW group is not an acceptable alternative and that harvesting the entire tract, including the two RCW clusters, is the preferred alternative. Consequently, the incidental taking of the RCW group is unavoidable, and the adverse impacts of the proposed timber harvesting activities cannot be minimized.

Two RCW clusters comprised of three natural cavity trees are located on the 80 acres. Two of these cavity trees are considered to be unusable, because they contain enlarged cavities. A fall 1997, afternoon roost check revealed that two RCWs were utilizing the 80 acres. One RCW roosted in the only usable cavity tree, and the other roosted in the open. To provide additional roosting/nesting cavities, the landowner had four

artificial cavity inserts installed upon request of the Service. Two of the four inserts were active by March 1998, one of which was identified as the nest tree in May 1998. Harvesting the 80 acres will incidentally take at least two RCWs (and any offspring produced), three natural cavity trees, and four trees with artifical cavity inserts.

The applicant proposes to provide $50,000 to implement the Misstex RWC HCP. The mitigative aspects of this HCP involve translocating juvenile RCWs from the 80 acres in Montgomery County to Champion International's Brushy Creek RCW Management Area in Trinity County, Texas, in an attempt to establish an additional breeding pair on a permanently protected 210-acre site. If an additional RCW group has not been established on the Brushy Creek RCW Management Area after four breeding seasons, Champion International agrees to assume responsibility for the mitigation of the group located on the applicant's property.

The permanent protection and management of 210 acres on Brushy Creek RCW Management Area is intended to compensate for the loss of 80 acres of RCW habitat on the applicant's property. The agreement by Champion to ncrease its baseline number of RCW groups by one, essentially results in relocating one breeding group instead of the loss of one group. The balance of the funds that remain after the applicant's mitigation is considered complete will be place in an endowment fund to be managed by the National Fish and Wildlife Foundation for RCW recovery programs on state and private lands.

Dated: November 3, 1998.

Geoffrey L. Haskett,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 98–30428 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P, AA–9245, AA–9254, AA–9255, AA–9273, AA–9276, AA–9278, AA–9312, AA–9332, and AA–11440]

Alaska Native Claims Selections

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Calista Corporation for 9 sites aggregating approximately 158.6 acres. The lands involved are in the vicinity of Nunivak Island, Alaska.

Seward Meridian

T. 3 S., R. 96 W.,
T. 4 S., R. 96 W.,
T. 4 S., R. 99 W.,
T. 3 N., R. 100 W.,
T. 3 S., R. 100 W.,
T. 4 S., R. 100 W.,

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until December 14, 1998 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 98–30350 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–99–1320–01; COC 61357]

Notice of Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report, and Fair Market Value; Application for Competitive Coal Lease COC 61357; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by Oxbow Mining, Inc., requesting the Bureau of Land Management offer for competitive lease 3,702.81 acres of federal coal in Delta and Gunnison Counties, Colorado. Tract delineation by the Uncompahgre Field Office resulted in the addition of 160 acres of federal coal in sec. 32, T. 12 S., R. 90 W., 6th P.M. for a grand total of 3,862.81 acres.

DATES: The public hearing will be held at 7 p.m., December 3, 1998. Written comments should be received no later than December 17, 1998.

ADDRESSES: The public hearing will be held in the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado. Written comments should be addressed to the Bureau of Land Management, Field Office Manager, Uncompahgre Field Office, 2505 South Townsend Avenue, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT: Allan Belt, field Office Manager, Uncompahgre field Office at the address above, or by telephone at (970) 240–5315.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on December 3, 1998, at 7 p.m., in the Paonia Town Hall at the address given above.

An application for coal lease was filed by Oxbow Mining, Inc., requesting the Bureau of land Management offer for competitive lease federal coal in the lands outside established coal production regions described as:

T. 12 S., R. 90 W., 6th P.M.
Sec. 31, lots 1 to 14, inclusive, and NE¼;
Sec. 32, lots 3 to 6, inclusive, lots 11 to 14, inclusive, and NW¼.
T. 12 S., R. 91 W., 6th P.M.
Sec. 35, lots 1, 2, and 4 to 8, inclusive, 13 to 16, inclusive, lots 21, 22, and that part of HES No. 134 lying in the NE¼;
Sec. 36, lots 1 to 17, inclusive, NE¼, E½NW¼, SW¼NW¼, and that part of HES No. 134 lying in lot 1.
T. 13 S., R. 90 W., 6th P.M.
Sec. 5, lots 7 to 10, inclusive;
Sec. 6, lots 8 to 17, inclusive.
T. 13 S., R. 91 W., 6th P.M.
Sec. 1, lots 1 and 4, inclusive, S½NW¼ and SW¼;
Sec. 2, lot 1, and S½NE¼;
Sec. 12, S½NE¼, and NW¼.
Containing 3,862.81 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,

(2) The impact that mining the coal in the proposed leasehold may have on the area; and

(3) The methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the December 3, 1998, public hearing should be received at the Uncompahgre Field Office prior to the close of business December 3, 1998. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.
2. The price that the mined coal would bring in the market place.
3. The cost of producing the coal.
4. The interest rate at which anticipated income streams would be discounted.
5. Depreciation and other accounting factors.
6. The mining method or methods which would achieve maximum economic recovery of the coal.
7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease area, and
8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the uncompahgre Field Office at the above address prior to close of business on December 17, 1998.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The Environmental Assessment and Maximum Economic Recovery Report are available from the Uncompahgre Field Office upon request.

A copy of the Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as priorietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be avaiable for public inspection at the Colorado State Office, 2850 Youngfield, Lakewood, Colorado, 80215.

Dated: November 05, 1998.

Karen A. Purvis,

Solid Minerals Team Resource Services.

[FR Doc. 98–30424 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

[MT–960–1150–00]

District Advisory Council Meeting

AGENCY: Bureau of Land Management, North Dakota Field Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Dakotas Resource Advisory Council will be held January 11 & 12, 1999, at the Expressway Suites, 180 E. Bismarck Expressway, Bismarck, North Dakota. The session will convene at 8:00 a.m. on January 11th and resume at 8:00 a.m. on the 12th. Agenda items include updates on the South Dakota Land Exchange, coordination with the U. S. Forest Service, and Off-Road Vehicle use on public lands. Election of a Chairperson for 2000 will also be on the agenda.

The meeting is open to the public and a public comment period is set for 8:00 a.m. on January 12th. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per-person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying.

The 12-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the Dakotas.

FOR FURTHER INFORMATION CONTACT: Douglas Burger, Field Office Manager, North Dakota Field Office, 2933 3rd Avenue West, Dickinson, ND 58601. Telephone (701) 225–9148.

Dated: November 4, 1998.

Douglas J. Burger,

Field Office Manager.

[FR Doc. 98–30325 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–910–0777–74]

Alaska Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Alaska Resource Advisory Council meeting.

SUMMARY: The Alaska Resource Advisory Council will conduct an open meeting Wednesday, December 2, 1998, from 9:30 a.m. until 4:30 p.m. and Thursday, December 3, 1998, from 9 a.m. until 3 p.m. The council will review BLM land management issues and take public comment on those issues. The meeting will be held at the BLM Alaska State Office, located on the 4th floor of the Anchorage Federal Office Building at 7th Avenue and C Street.

Public comment will be taken from 1–2 p.m. Wednesday, December 2. Written comments may be submitted at the meeting or mailed to the address below prior to the meeting.

ADDRESSES: Inquiries about the meeting should be sent to External Affairs, Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, AK 99513–7599.

FOR FURTHER INFORMATION CONTACT: Teresa McPherson, (907) 271–5555.

Dated: November 6, 1998.

Brenda Zenan,

Acting Associate State Director.

[FR Doc. 98–30349 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–960–99–1990–00]

Resource Advisory Council Meeting, Missoula, Montana

AGENCY: Butte Field Office, Bureau of Land Management, DOI.

ACTION: Notice of Butte Resource Advisory Council meeting, Missoula, Montana.

SUMMARY: The Butte Resource Advisory Council will convene at 9 a.m., Thursday, December 10, 1998, at the Missoula Field Office, 3255 Fort Missoula Road, Missoula, Montana. The main issue will be to continue work on guidelines for BLM trails and roads.

The meeting is open to the public and written comments may be given to the

Council. Oral comments may be presented to the Council at 3 p.m. The time allotted for oral comment may be limited, depending on the number of persons wishing to be heard. Individuals who plan to attend and need further information about the meeting, or who need special assistance, such as sign language or other reasonable accommodations, should contact the Butte Field Office, 106 North Parkmont (P.O. Box 3388), Butte, Montana 50702–3388, telephone 406–494–5059.

FOR FURTHER INFORMATION CONTACT: BLM Butte Field Manager Merle Good at the above address or telephone number.

Dated: November 6, 1998.

Merle Good,

Butte Field Manager.

[FR Doc. 98–30532 Filed 1–12–98; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–1430–00; WYW 82535]

Notice Providing for Opening of Public Land; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates the temporary segregative effect as to 1,153.30 acres of public land which were originally included in application for exchange, Wyoming 82535.

EFFECTIVE DATE: November 13, 1998.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM Wyoming State Office, PO Box 1828, Cheyenne, Wyoming 82003–1828, 307–775–6115.

SUPPLEMENTARY INFORMATION: Pursuant to the regulations contained in 43 CFR 2091.3–2(b), at 9 a.m. on November 13, 1998, the following described lands will be relieved of the temporary segregative effect of exchange application WYW 82535.

Sixth Principal Meridian, Wyoming

T. 33 N., R. 108 W.,
Sec. 2, lots 1, 2, SNE, SNW, NESW, NWSE;
Sec. 3, SENE;
Sec. 4, SNE;
Sec. 9, NWNW;
Sec. 10, SWSW;
Sec. 15, WNW.
T. 36 N., R. 108 W.,
Sec. 26, SWSE;
Sec. 34, lots 3, 4, SNE, SENW, NESW, NSE;
Sec. 35, lots 3, 4, SNW, NWSW.

The area described contains 1,153.30 acres in Sublette County.

1. At 9 a.m. on November 13, 1998, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 13, 1998, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

2. At 9 a.m. on November 13, 1998, the lands will be opened to location and entry under the United States mining laws. Appropriations of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 23, 1998.

Alan L. Kesterke,

Associate State Director.

[FR Doc. 98–30351 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–952–09–1420–00]

Arizona; Notice of Filing of Plats of Survey

November 3, 1998.

1. The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat representing the dependent resurvey of a portion of H.E.S. No. 214 and a metes-and-bounds survey of tract 37 in unsurveyed Township 4½ North, Range 31 East, Gila and Salt River Meridian, Arizona, was accepted July 6, 1998 and was officially filed July 17, 1998.

This plat was prepared at the request of the United States Forest Service.

A plat representing the survey of the Ninth Standard Parallel North, (south boundary), the Fourth Guide Meridian East, (east boundary), the west and north boundaries and the subdivisional lines, Township 37 North, Range 16 East, of the Gila and Salt River Meridian, Arizona, was accepted August 31, 1998, and was officially filed September 10, 1998.

This plat was prepared at the request of the Bureau of Indian Affairs, Navajo Area Office.

A plat representing the survey of the Ninth Standard Parallel North, (south boundary), Township 37 North, Range 17 East, of the Gila and Salt River Meridian, Arizona, was accepted August 31, 1998, and was officially filed September 10, 1998.

This plat was prepared at the request of the Bureau of Indian Affairs, Navajo Area Office.

A plat representing the survey of the Ninth Standard Parallel North, (south boundary), the east boundary, a portion of the west boundary, a portion of the subdivisional lines, and the subdivision of Sections 29 and 32, Township 37 North, Range 18 East, of the Gila and Salt River Meridian, Arizona, was accepted August 31, 1998, and was officially filed September 10, 1998.

This plat was prepared at the request of the Bureau of Indian Affairs, Navajo Area Office.

A plat, in two sheets, representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of Section 16, and a metes-and-bounds survey in Section 16, Township 5 South, Range 8 East, of the Gila and Salt River Meridian, Arizona, was accepted July 28, 1998, and was officially filed July 30, 1998.

This plat was prepared at the request of the National Park Service.

A plat, in two sheets, representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of Sections 8 and 9, Township 19 South, Range 16 East, of the Gila and Salt River Meridian, Arizona, was accepted July 6, 1998, and was officially filed July 17, 1998.

This plat was prepared at the request of the United States Forest Service.

A plat, in eleven sheets, representing the survey of the legal descriptive boundary of the South Maricopa Mountains Wilderness Area in Townships 5 South, Ranges 1, 2 and 3 West, and 1 East. Townships 6 South, Ranges 1 and 2 West, and 1 East, of the Gila and Salt River Meridian, Arizona, was accepted August 10, 1998, and was officially filed August 21, 1998.

This plat was prepared at the request of the Bureau of Land Management, Phoenix Field Office.

A plat, in two sheets, representing the dependent resurvey of a portion of the subdivisional lines and a portion of the U.S. Customs and Immigration Reserve, the subdivision of the Southeast Quarter of Section 6, and a metes-and-bounds

survey, in Section 6, Fractional Township 18 South, Range 5 West, of the Gila and Salt River Meridian, Arizona, was accepted July 13, 1998, and was officially filed July 17, 1998.

This plat was prepared at the request of the National Park Service.

A plat, in five sheets, representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of Section 8, and the metes-and-bounds survey of the Mount Tipton Wilderness Area Boundary, in Township 24 North, Range18 West, of Gila and Salt River Meridian, Arizona, was accepted July 23, 1998, and was officially filed July 30, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

A plat representing the dependent resurvey of a portion of the Sixth Standard Parallel North through Range 19 West, a portion of the Fifth Guide Meridian West through Township 24 North, and a portion of the subdivisional lines, and the metes-and-bounds survey of the Mount Tipton Wilderness Area Boundary, in Township 24 North, Range 19 West, of the Gila and Salt River Meridian, Arizona, was accepted July 28, 1998, and was officially filed July 30, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

A plat, in three sheets, representing the dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines, the subdivision of Sections 18, 30 and 31, and the metes-and-bounds survey of the Mount Tipton Wilderness Area Boundary, in Township 25 North, Range 17 West of the Gila and Salt River Meridian, Arizona, was accepted July 21, 1998, and officially filed July 24, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

A plat, in four sheets, representing the dependent resurvey of portions of the Sixth Standard Parallel North, through Range 18 West, portions of the Fifth Guide Meridian West, through Township 25 North, and a portion of the subdivisional lines, the subdivision of Sections 17, 18 and 31, and the metes-and-bounds survey of the Mount Tipton Wilderness Area Boundary, in Township 25 North, Range 18 West, of the Gila and Salt River Meridian, Arizona, was accepted July 22, 1998, and was officially filed July 24, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

A plat, in ten sheets, representing the survey of the legal descriptive boundary of the Mount Tipton Wilderness Area in Townships 24 North, Ranges 17, 18 and 19 West, Townships 25 North, Ranges 17 and 18 West, and Township 26 North, Range 18 West, of the Gila and Salt River Meridian, Arizona, was accepted August 17, 1998, and was officially filed August 28, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

A plat, in four sheets, representing the dependent resurvey of a portion of the south and east boundaries and a portion of the subdivisional lines, the subdivision of Sections 28 and 34, and the metes-and-bounds survey of the Mount Tipton Wilderness Area Boundary in Township 26 North, Range 18 West, of Gila and Salt River Meridian, Arizona, was accepted July 8, 1998, and was officially filed July 17, 1998.

This plat was prepared at the request of the Bureau of Land Management, Kingman Field Office.

2. These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

3. All inquires relating to these land should be sent to the Arizona State Office, Bureau of Land Management, 222 N. Central Avenue, PO Box 1552, Phoenix, Arizona 85001–1552.

Kenny D. Ravnikar,

Chief Cadastral, Surveyor of Arizona.

[FR Doc. 98–30430 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service, DOI.

ACTION: Notice of information collection solicitation.

SUMMARY: Under the Paperwork Reduction Act of 1995, the Minerals Management Service (MMS) is soliciting comments on an information collection, Designation of Royalty Payment Responsibility (OMB Control Number 1010–0107, Form MMS–4425), which expires on December 31, 1998.

FORM: MMS–4425, Designation of Royalty Payment Responsibility.

DATES: Written comments should be received on or before January 12, 1999.

ADDRESSES: Comments sent via the U.S. Postal Service should be sent to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A613, Denver Federal Center, Denver, Colorado 80225; e:mail address is RMP.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Publications Staff, phone (303) 231–3046, FAX (303) 231–3385, e-mail Dennis.C.Jones@mms.gov.

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act of 1995, Section 3506 (c)(2)(A), we are notifying you, members of the public and affected agencies, of this collection of information, Designation of Royalty Payment Responsibility, which expires December 31, 1998. We are requesting OMB approval for a three year extension of this existing collection authority. Is this information collection necessary for us to properly do our job? Have we accurately estimated the industry burden for responding to this collection? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the burden of this information collection on the respondents by using automated collection techniques or other forms of information technology?

The Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA), Pub. L 104–185, as corrected by Pub. L. 104–200, establishes the owners of operating rights and/or lease record title (who are jointly defined as ''lessees'' under RSFA) as responsible for making royalty and related payments on a Federal lease. The Secretary of the Interior is responsible for the collection of royalties from lessees producing minerals from leased Federal lands. The Secretary is required by various laws to manage the production of mineral resources on Federal onshore and offshore leases, to collect the royalties due, and to distribute the funds in accordance with those laws. MMS performs the royalty management functions for the Secretary. When a company or individual enters into a contract to develop, produce, and dispose of minerals from Federal lands, that company or individual agrees to pay the United States a share (royalty) of the full value received for the minerals taken from leased lands.

Currently, it is common for a payor rather than a lessee to make royalty and related payments on a Federal lease. When a payor pays royalties on a

Federal lease on behalf of a lessee, RSFA requires that the lessee certify to MMS, in writing, that a particular payor has been designated by the lessee to make such royalty and related payments to MMS on behalf of the lessee. RSFA made this payor designation requirement effective for lease production beginning September 1, 1996. We may require some payors to provide us information regarding the lessees on whose behalf they are paying if we need to inform those lessees that they must certify to MMS in writing their respective payors as their designees. We are asking lessees and payors (designees) to provide data required under RSFA so that we can fully implement the Act.

The Bureau of Land Management (BLM) maintains records of operating rights owners and lessees. To facilitate the collection of lessee and payor data described above, MMS is discussing with BLM their assistance in including language in the lease transfer instrument, when operating rights and/or lease record title transfers from one owner to another, notifying new operating rights and/or lease record title owners that they must file their written designation of payors with MMS. The form the lessee must file with MMS, the Designation of Royalty Payment Responsibility form, Form MMS–4425, will be available from the MMS Home Page on the Internet, from MMS offices directly, and perhaps from BLM offices also.

We estimate that 20,000 Designation of Royalty Payment Responsibility forms will be completed annually by 20,000 lessees and 2,500 payors (designees). We estimate that a lessee and a payor (designee) will take ¾ hour and ¼ hour, respectively, to complete this form. These estimates include time for learning requirements, research, lessee/payor contact and coordination, and preparation and transmission of the information to MMS. We estimate that the annual burden is 20,000 hours (20,000 forms × ¾ hour + 20,000 forms × ¼ hour), and that the annual cost is $1,000,000 (20,000 hours × $50).

Dated: November 6, 1998.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 98–30329 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Snake River Project, Arrowrock Dam Outlet Works Rehabilitation, Ada County, ID

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public scoping meetings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has scheduled public meetings to collect scoping input for the proposed rehabilitation of outlet works at Arrowrock Reservoir. These meetings will assist in determining issues associated with the project that will be evaluated in the environmental impact statement. The primary purposes of the proposed action are to correct deficiencies in the values, reduce the difficulty and environmental impacts of future inspection and maintenance of Arrowrock Dam's outlet works, and to provide increased operational flexibility.

DATES: The scoping meetings will be held on December 14, 1998, from 1 to 3 p.m. and from 7 to 9 p.m.

Comments on the proposed project can be sent to the address below and will be accepted through December 28, 1998.

ADDRESSES: The scoping meetings will be held at The Natural Resources Center, 1387 South Vinnell Way, Boise, Idaho.

Comments may be addressed to the Bureau of Reclamation, Snake River Area Office, 214 Broadway Avenue, Boise, Idaho 83702–7298.

FOR FURTHER INFORMATION CONTACT: Steve Dunn, Natural Resource Specialist, at the above address or by telephone at (208) 334–9844.

SUPPLEMENTARY INFORMATION: A notice of intent to prepare an environmental impact statement was published in the **Federal Register** on October 20, 1998 (63 FR 56047, October 20, 1998).

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. Arrowrock is one of three storage dams on the Boise River. Anderson Ranch Dam is located upstream of Arrowrock 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, and released through the summer for irrigation.

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.

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 at the base of the dam could be abandoned, which would significantly reduce maintenance. The clamshell gates would be designed to allow inspection and maintenance without the need for dewatering.

Dated: November 6, 1998.

Kenneth R. Pedde,

Acting Regional Director, Bureau of Reclamation.

[FR Doc. 98–30347 Filed 11–12–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Regional Community Policing Institute Surveys: Pre-test and Post-test.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until January 12, 1999. Written comments and suggestions from the

public and affected agencies concerning the proposed collection of information are requested.

Comments should address one or more of the following four points:

(1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the COPS Office, PPSE Division, 1100 Vermont Ave, NW, Washington, DC 20530–0001. Comments also may be submitted to the COPS Office via facsimile to 202–633–1386. In addition, comments may be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20503. Comments may be submitted to DOJ via facsimile to 202–514–1534.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: Regional Community Policing Institute Surveys: Pre-Test and Post-test.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: COPS 30/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: A sample of local law enforcement officers and community members receiving training on community policing from COPS funded RCPI will be surveyed regarding their attitudes toward the RCPI training experience and the impact of training on the delivery of police services and police-citizen relations. The surveys will also capture information on the respondents' training histories, including training taken prior to RCPI participation and a description of the RCPI training program in which they enrolled.

To uphold its mandate to enhance and advance community policing and to foster training and education on community policing, the COPS Office has provided continued funding to 30 Regional Community Policing Institutes (RCPI). The RCPIs are a mechanism to provide training and technical assistance on community policing to law enforcement agencies and the communities they serve. RCPIs are charged with providing comprehensive and innovative education, training, and technical assistance to COPS grantees and other departments throughout a designated region. The geographic distribution of RCPIs has resulted in the availability of training to law enforcement agencies and communities throughout the nation.

Innovations in traditional training methods are necessary to continue the advancement of community policing in law enforcement agencies throughout the United States. In turn, it is necessary to understand and document the impact of these innovative training programs. The evaluation of the RCPI program will provide vital information on the impact of these training endeavors by closely examining the outcomes of training programs and by assessing police officer and community members' attitudes and behaviors related to the training opportunities. The Regional Community Policing Institute Surveys: Pre-test and Post-test will provide essential information on the impact of training on the behavior and attitudes of police officers and sample of citizen trainees. The pre-test survey will be administered to officers and community members prior to receiving training from RCPI and the post-test will be administered to the same group of trainees three months after they receive training.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: This collection includes pre and post-test surveys. Approximately 3,000 respondents will be surveyed pre and post. Estimated time to complete each survey is 45 minutes with no preparation time.

(6) An estimate of the total public burden (in hours) associated with the collection: Approximately 4,500 hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G street, NW, Washington, DC 20530.

Dated: November 9, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–30408 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA'')

Notice is hereby given that a proposed Consent Decree (''Decree'') in *United States* versus *ANRFS Holdings, Inc., et al,* Civil Action No. 98–0400–E–BLW, was lodged on October 9, 1998, with the United States District Court for the District of Idaho.

The complaint and amended complaints filed in the above-referenced matter allege that defendants ANRFS Holdings, Inc.; FMC Corporation; J.R. Simplot Company; Lucent Technologies, Inc.; Monsanto Company; and Terteling Company, Inc. (together ''Settling Defendants'') are jointly and severally liable for the United States' response costs at the McCarty's/Pacific Hide and Fur Superfund Site (''Site'') in Pocatello, Idaho, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a).

The Site is comprised of 17 acres located in northwest Pocatello, Idaho that as used as part of a gravel mining operation as early as 1949, and as a metal salvaging yard beginning in the late 1950s and continuing until approximately 1979. Metal was salvaged at the Site from many sources, including transformers, which were stored in and around a gravel pit (''Pit'') in the southwest corner of the Site. Lead from lead-acid batteries was also salvaged at the Site. As a result of these activities, the Site was contaminated with lead and polychlorinated biphenyls (''PCBs''), which are hazardous substances within the meaning of CERCLA, and the United States incurred response costs responding to the release or threat of release of these hazardous substances at the Site.

Under the proposed Decree, Settling Defendants shall pay the United States approximately $1.25 million towards the United States' approximately $3.2 million in unreimbursed response costs at the Site. In exchange, the Decree provides Settling Defendants a covenant

not to sue under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606–9607.

Sampling shows that the entire Site is now cleaned to residential levels.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* versus *ANRFS Holdings, Inc., et al,* DOJ Ref. #90–11–2–47B.

The proposed consent decree may be examined at the office of the United States Attorney, District of Idaho, P.O. Box 32, Boise, Idaho, 83707, (208) 334–1211; the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553–1796; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy of the Decree, *with all attachments,* please refer to the referenced case and enclose a check in the amount of $41.25 (25 cents per page reproduction costs), payable to the Consent Decree Library. In requesting a copy of the Decree *without the attachments,* please enclose a check in the amount of $6.75.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–30422 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

On October 29, 1998, the United States lodged a proposed consent decree in the case of *United States* v. *Campbell Soup Co. and Silgan Can Co.,* Civil Action No. S–95–1854 (E.D. Cal.), with the United States District Court for the Eastern District of California.

The proposed consent decree resolves claims that the United States asserted against Campbell Soup Company and Silgan Can Company in a civil lawsuit first filed on October 6, 1995. The complaint in this case alleges that Campbell constructed or modified and then operated can manufacturing equipment at its facility located at 6200 Franklin Blvd. in Sacramento, California, without complying with the Clean Air Act, the state implementation plan, or with permits issued by the Sacramento Metropolitan Air Quality Management District. Coatings and other compounds used in the can manufacturing process emit Volatile Organic Compounds (''VOCs'') into the atmosphere, which creates ground level ozone and smog. Among other things, the United States' lawsuit alleges that Campbell operated without permits, failed to limit VOC emissions with Best Available Control Technology (''BACT''), and failed to provide offsets for the VOC emissions from its modified machinery.

On June 2, 1998, Silgan took over operation of the can manufacturing facility from Campbell, and our complaint alleges that Silgan operated and is operating the facility with many of the same violations committed by Campbell. Campbell and Silgan have informed the United States that they intend to replace the equipment at issue in our complaint with a new can manufacturing line that incorporates BACT, resulting in the permanent shutdown of the machinery at issue in our lawsuit by August 1, 2000.

The proposed Consent Decree requires Campbell to pay a civil penalty of $1,215,000, requires Defendants to cease operating all sources of VOC emissions at the three-piece can facility by August 1, 2000, requires Defendants to limit VOC emissions from the facility prior to August 1, 2000, and requires Defendants to transfer Emission Reduction Credits to Environmental Resources Trust, a non-profit organization.

The Department of Justice will accept comments relating to this Consent Decree for a period of thirty (30) days from the date of this publication. *See* 28 CFR 50.7. Address your comments to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and send a copy to Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105. Your comments should refer to *U.S.* v. *Campbell Soup Co. and Silgan Can Co.,* Civil No. S–95–1854 (E.D. Cal.), and DOJ No. 90–5–2–1–1971.

You may examine the proposed consent decree at the office of the United States Attorney, Eastern District of California, 555 Capitol Mall, Suite 1550, Sacramento, California 95814; or at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. You may also obtain a copy of the consent decree in person or by mail from the Consent Decree Library. Your request for a copy of the consent decree in *U.S.* v. *Campbell Soup Co. and Silgan Can Co.* should refer to that case title, Civil No. S–95–1854 (E.D. Cal.), and DOJ No. 90–5–2–1–1971, and must include a check for $5.50 (25 cents per page reproduction cost) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–30420 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

On October 23, 1998, the United States lodged a proposed consent decree in the case of *United States* v. *Guam Power Authority,* Civil Action No. 97–00030 (D. Guam), with the United States District Court for the Territory of Guam.

The proposed consent decree resolves claims that the United States asserted against Guam Power Authority (''GPA'') in a civil complaint filed on April 29, 1997. The filed complaint alleges that GPA failed to burn low-sulfur fuel-oil at its Cabras-Piti area electricity generating plants when required, submitted late reports to EPA, and violated other monitoring and reporting requirements contained in a waiver that EPA issued to GPA under section 325 of the Clean Air Act, 42 U.S.C. 7425–1.

The proposed Consent Decree requires GPA to comply with the waiver requirements, to pay a civil penalty of $170,000, and to spend at least $800,000 on a Supplemental Environmental Project that will automate GPA's fuel-switching operations and reduce sulfur emissions from GPA's Cabrias-Piti plants.

The Department of Justice will accept comments relating to this Consent Decree for a period of thirty (30) days from the date of this publication. *See* 28 C.F.R. 50.7. Address your comments to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and send a copy to Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105. Your comments should refer to *U.S.* v. *Guam Power Authority,* Civil No. 97–00030 (D. Guam), and DOJ No. 90–5–2–1–2060.

You may examine the proposed consent decree at the office of the United States Attorney, Territory of Guam, Suite 502–A, Pacific News Bldg., 238 Archbishop Flores Street, Agana,

Guam 96910; or at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. You may also obtain a copy of the consent decree in person or by mail from the Consent Decree Library. Your request for a copy of the consent decree in *U.S.* v. *Guam Power Authority* should refer to that case title, Civil No. 97–00030 (D. Guam), and DOJ No. 90–5–2–1–2060, and must include a check for $5.75 (25 cents per page reproduction cost) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–30419 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Axys Pharmaceuticals, Inc./Luminex Corporation

Notice is hereby given that, on September 15, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Axys Pharmaceuticals, Inc./Luminex Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Axys Pharmaceuticals, Inc., La Jolla, CA; and Luminex Corporation, Austin, TX. The nature and objectives of the venture are to develop and demonstrate technology that will be applied to the fields of gene discovery and DNA diagnostics. The technology is based on the manipulation of thousands of elements in arrays in miniature (microarray technology) and will utilize methods that are innovative and proprietary.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–30421 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance

Notice is hereby given that, on May 6, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Chrysalis Symbolic Design, Inc., North Billerica, MA; Gatefield Corp. (formerly Zycad), Fremont, CA; Global UniChip Corp., Hsinchu Science Park, TAIWAN; Henry Davis Consulting, Inc., Soquel, CA; Qualis Design Corp., Lake Oswego, OR; RocketChips, Inc., Ames, IA; Scottish Enterprise, Glasgow, SCOTLAND; Silicon Automation Systems, Bangalorc, Karnataka, INDIA; Simutech, Vancouver, WA; and Xentec, Inc., Oakville, Ontario, CANADA have been added as parties to this venture. Also, Caseium, Inc., Santa Clara, CA; Compass Design Automation, San Jose, CA; GEC Plessey Semiconductor, Plymouth, Devon, UNITED KINGDOM; Nippon Telegraph & Telephone, Kanagawa, JAPAN; Olympus Optical Co., Ltd., Tokyo, JAPAN; Precedence, Inc., Campbell, CA; Tower Semiconductor, San Jose, CA; ViewLogic, Rockville, MD; and Zycad, Fremont, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 27, 1996, VSI Alliance filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on February 27, 1998. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 1998 (63 FR 40742).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–30423 Filed 11–12–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

November 9, 1998.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of the ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ({202} 219–5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Title: National Longitudinal Survey of Women (NLS).

OMB Number: 1220–0110 (Revision).

Frequency: Biennially.

Affected Public: Individuals or households.

Number of Respondents: 7,221.

Estimated Time Per Response: 64.5 minutes.

Total Burden Hours: 7,762.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 0.

Description: The Department of Labor will use the information to help understand and explain the employment activities, unemployment activities, and retirement decisions of women. The mature women currently are ages 62–76 and the young women are ages 45–55. We first interviewed them for the NLS in 1967 and 1968 respectively.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98–30437 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,834]

Blanchard Shirt Company, Mt. View, Arkansas; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 10, 1998 in response to a worker petition which was filed on behalf of workers at the Capital Mercury Apparel, Ltd, d/b/a Blanchard Shirt Company, Mt. View, Arkansas.

An active certification covering the petitioning group of workers is already in effect (TA–W–34,833A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of October 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30363 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,570]

Buena Vista Manufacturing Company, Buena Vista, Virginia; Notice of Revised Determination on Reconsideration

On August 18, 1998, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on September 4, 1998 (63 FR 47325).

The Department initially denied TAA to workers of Buena Vista Manufacturing Company, Buena Vista, Virginia producing knit children's apparel because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met.

On reconsideration, the Department conducted further survey analysis of the major customer of Buena Vista manufacturing Company and reviewed purchases of both licensed and non-licensed children's knit apparel. The survey revealed that the former customer imported substantial amounts of children's knit apparel. Further, the Department reviewed import data for children's knit apparel. The review indicated that imports of women's and girl's blouses during the 12 month period April, 1997—March, 1998 were over 215% of U.S. shipments. Further, while data on U.S. shipments of men's and boy's shirts is not yet available for the same time period, imports of men's and boy's shirts increased from 1.35 billion units in 1996 to 1.62 billion units in 1997. In addition, imports during the 12 month period April 1997 through march, 1998 were 1.7 billion units compared to 1.4 billion units during the previous 12 months.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with children's knit apparel, contributed importantly to the declines in sales or production and to the total or partial separation of workers of Buena Vista manufacturing Company, Buena Vista, Virginia. In accordance with the provisions of the Act, I make the following certification:

All workers of Buena Vista Manufacturing Company, Buena Vista, Virginia who became totally or partially separated from employment on or after May 11, 1997 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C. this 3rd day of November 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30359 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,762; TA–W–34,762D]

Dresser Oil Tools, Dresser Industries, Incorporated, Production and Sales Representatives, Dallas, Texas, and Operating at Various Locations in Louisiana; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 18, 1998 applicable to all workers of Dresser Oil Tools, Dallas, Texas [TA–W–34,762] and operating at various locations in Louisiana [TA–W–34,762D]. The notice was published in the **Federal Register** on October 9, 1998 (63 FR 54495).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of oilfield equipment and provide office, administration, management and sales services. Company information shows that Dresser Industries, Incorporated is the parent firm of Dresser Tools located in Dallas, Texas. New information provided by the State shows that some workers separated from employment at Dresser Tools had their wages reported under a separate unemployment insurance (UI) tax account for Dresser Industries, Incorporated, Dallas, Texas. Based on these findings, the Department is amending the certification to include workers of Dresser Industries, Incorporated.

The intent of the Department's certification is to include all workers of Dresser Tools who were adversely affected by increased imports of oilfield equipment.

The amended notice applicable to TA–W–34,762 is hereby issued as follows:

All workers of Dresser Oil Tools, Dresser Industries, Incorporated, Dallas Texas [TA–

W–34,762] and operating at various locations in Louisiana [TA–W–34,762D], who became totally or partially separated from employment on or after July 6, 1997 through September 18, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of November, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30356 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,031]

Halliburton Energy Services, Duncan, Oklahoma; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 28, 1998, in response to a petition filed on the same date on behalf of workers at Haliburton Energy Services, Duncan, Oklahoma.

A certification applicable to a larger group of Halliburton workers in various states covers the petitioning group. That certification was issued on October 28, 1998, and is currently in effect (TA–W–35,056). consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of October, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30364 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,992]

Halliburton Energy Services, Midland, Texas; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 21, 1998, in response to a petition filed on the same date on behalf of workers at Halliburton Energy Services, Midland, Texas.

A certification applicable to a larger group of Halliburton workers in various states covers the petitioning group. That certification was issued on October 28, 1998, and is currently in effect (TA–W–35,056). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of October, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30365 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,001]

NACCO Materials Handling Group, Incorporated Counterbalanced Development Center & Headquarters, Fairview, Oregon; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 28, 1998 in response to a worker petition which was filed on behalf of workers at the NACCO Materials Handling Group, Incorporated, Counterbalanced Development Center & Headquarters, Fairview, Oregon.

An active certification covering the petitioning group of workers is already in effect (TA–W–34, 718B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 3 day of November, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance, Office of Trade Adjustment Assistance.

[FR Doc. 98–30352 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,718; TA–W–34,718B]

NACCO Materials Handling Group, Incorporated, Yale Materials, Flemington, New Jersey; Counterbalanced Development Center & Headquarters, Fairview, Oregon; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 8, 1998, applicable to workers of NACCO Materials Handling Group, Incorporated, Yale Materials, located in Flemington, New Jersey. The notice will be published soon in the **Federal Register**.

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Counterbalanced Development Center & Headquarters, Fairview, Oregon of NACCO Materials Handling Group, Incorporated. The Fairview, Oregon location provides support function services, administration, research and development for the subject firms' production facilities including Flemington, New Jersey. The workers produce forklift components.

The intent of the Department's certification is to include all workers of NACCO Materials Handling Group, Incorporated who were adversely affected by increased imports. Accordingly, the Department is amending the certification to cover the workers of NACCO Materials Handling Group, Incorporated, Counterbalanced Development Center & Headquarters, Fairview, Oregon.

The amended notice applicable to TA–W–34,718 is hereby issued as follows:

All workers of NACCO Materials Handling Group, Incorporated, Yale Materials, Flemington, New Jersey (TA–W–34,718), and the Counterbalanced Development Center & Headquarters, Fairview, Oregon (TA–W–34,718B) who became totally or partially separated from employment on or after June 18, 1997 through September 8, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of November, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30360 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34–758; TA–W–34, 758A]

Nordictrack, Glencoe, Minnesota, Chaska, Minnesota; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on October 15, 1998, applicable for all workers of Nordictrack, Glencoe, Minnesota. The notice will soon be published in the **Federal Register**.

At the request of the State agency, the State agency, the Department reviewed the certification for workers of the subject firm. New information submitted to the Department shall that worker separations have occurred at the subject firm's Chaska, Minnesota location. The NordicTrack workers in Chaska provide services and administrative support for the production of exercise equipment at the Glencoe plant.

The intent of the Department's certification is to include all workers of Nordictrack who were affected by increased imports. Accordingly, the Department is amending the worker certification to include the workers of the subject firm in Chaska, Minnesota, providing services and administrative support of the Glencoe plant.

Other findings on review show that the Department incorrectly set the impact date at July 7, 1997. The workers at the subject firm were covered under an earlier certification, TA–W–32, 707, which expired September 12, 1998. In order to avoid an overlap in coverage, the Department is also amending this certification to set the impact date at September 13, 1998.

The amended notice applicable to TA–W–34, 758 is hereby issued as follows:

All workers of NordicTrack, Glencoe, Minnesota (TA–W–34, 758) and Chaska, Minnesota (TA–W–34, 758A), who became totally or partially separated from employment on or after September 13, 1998 through October 15, 2000, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of November 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30357 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,398; TA–W–34,398B]

Semitool, Incorporated, Kalispell, Montana; Semitool—Austin Central Region, Austin, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 28, 1998, applicable to all workers of Semitool, Incorporated located in Kalispell, Montana. The notice was published in the **Federal Register** on June 22, 1998 (63 FR 33958).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New information received by the company shows that worker separations occurred at Semitool—Austin, Central Region of Semitool, Incorporated located in Austin, Texas. Workers at the Austin, Texas location provide administrative and customer support services for Semitool's wafer processing equipment production facilities including Kalispell, Montana.

The intent of the Department's certification is to include all workers of Semitool, Incorporated who were adversely affected by increased imports. Accordingly, the Department is amending the certification to cover the workers of Semitool, Incorporated, Semitool—Austin, Central Region, Austin, Texas.

The amended notice applicable to TA–W–34,398 is hereby issued as follows:

All workers of Semitool, Incorporated, Kalispell, Montana (TA–W–34,398), and Semitool—Austin, Central Region, Austin, Texas (TA–W–34,398B) who became totally or partially separated from employment on or after March 14, 1997 through May 28, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of November, 1998.

Grant D. Deale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30358 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address show below, not later than November 23, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 23, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 26th day of October, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 10/26/1998]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
35,113	Thorn Apple Valley (Co.)	Forrest City, AR	10/15/1998	Weiners.
35,114	Dana Corporation (Wkrs)	Traverse City, MI	10/06/1998	Mirror Systems, Bracketry for Trucks.
35,115	Santoro Clothing (UNITE)	Fall River, MA	10/16/1998	Men's Suits.
35,116	David Clothing (UNITE)	Brockton, MA	10/16/1998	Men's Army and Navy Coats.
35,117	Justin Clothing (UNITE)	New Bedford, MA	10/16/1998	Men's Suites.
35,118	Institute For Scientific (Wkrs).	Cherry Hill, NJ	10/29/1998	Gather Scientific Information.
35,119	Tri State Associated (Wkrs).	EL Paso, TX	10/12/1998	Grocery Goods Wholesale.
35,120	Biltell (UNITE)	St. Louis, MO	10/14/1998	Dress Coats, Suites and Sportcoats.
35,121	Pent Products, Inc. (Wkrs)	Ardmore, AL	10/18/1998	Electrical Powerways/Harnesses.
35,122	Pafer Huichita (Co.)	El Paso, TX	10/02/1998	Ladies', Men's & Children's Pants & Shorts.
35,123	Hamilton Beach-Proctor (Co.).	Mount Airy, NC	10/13/1998	Toasters and Toaster Ovens.
35,124	Twinstar Semiconductor (Wkrs).	Richardson, TX	10/06/1998	Memory Chips for Computers.
35,125	Pool Company Southwestern (Wkrs).	San Angelo, TX	10/10/1998	Oil Well Services.
35,126	Parsons Industries, Inc. (Co.).	Ashland, OR	10/05/1998	Secondary Wood Products.
35,127	Coltec Industries (USWA)	Beloit, WI	09/22/1998	Diesel Engines.
35,128	Sonju Auto Body Coatings (Co.).	Kalispell, MT	10/12/1998	Coated Robotics.
35,129	Pioneer Oil Co. (Inc (Co.)	Lawrenceville, IL	09/08/1998	Crude Oil.
35,130	Beloit Pulping Systems (UE).	Dalton, MA	10/05/1998	Dilution Nozzles, High Sheer Mixers.
35,131	Matsushita Semiconductor (Wkrs).	Puyallup, WA	10/09/1998	Integrated Circuits.
35,132	Guilford Fibers (Wkrs)	Gainesville, GA	10/05/1998	Polyster and Nylon Fiber.
35,133	Johnson Matthey (Wkrs)	Cheney, WA	10/06/1998	Thermal Plate.
35,134	Henson Garment Co., Inc. (Co.).	Athens, GA	10/15/1998	Men's & Ladies' Pants & Shorts.
35,135	Computalog Wireline (Wkrs).	Hays, KS	10/09/1998	Oil Well Services.
35,136	B.W.D. (Wkrs)	Selma, AL	10/13/1998	Automotive Parts.
35,137	Adams USA, Inc. (Co.)	Monterey, TN	10/12/1998	Protective Football Equipment.
35,138	Curry Grain Co. (Wkrs)	Filer, ID	10/09/1998	Dry Beans.
35,139	Kellwood Company (Co.)	Morgantown, KY	10/14/1998	Fleece Jackets and Winter Coats.
35,140	Georgia Pacific Lebonite (WCIW).	Lebanon, OR	10/13/1998	High Density Hardboard.

[FR Doc. 98–30362 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02624]

Jonathan Manufacturing, Fullerton, California; Notice of Termination of Investigation

Pursuant to Section 250 of the Trade Act of 1974, an investigation was initiated on September 15, 1998, in response to a petition filed on the same date on behalf of workers at Jonathan Manufacturing, Fullerton, California.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 30th day of November, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30354 Filed 11–12–98; 8:45 am]

BILLING CODE 4810–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02527–NAFTA–02527B]

NACCO Materials Handling Group, Incorporated Yale Materials and NAFTA–02527B Counterbalanced Development Center & Headquarters; Amended Certification Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D. Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on September 8, 1998, applicable to workers of NACCO Materials Handling Group, Incorporated, Yale Materials, located in Flemington, New Jersey. The notice was

published in the **Federal Register** on September 28, 1998 (63 FR 51606).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Counterbalanced Development Center & Headquarters, Fairview, Oregon of NACCO Materials Handling Group, Incorporated. The Fairview, Oregon location provides support function services, administration, research and development for the subject firms' production facilities including Flemington, New Jersey. The workers produce forklift components.

The intent of the Department's certification is to include all workers of NACCO Materials Handling Group, Incorporated who were adversely affected by increased imports from Mexico.

Accordingly, the Department is amending the certification to cover the workers of NACCO Materials Handling Group, Incorporated, Counterbalanced Development Center & Headquarters, Fairview, Oregon.

The amended notice applicable to NAFTA–02527 is hereby issued as follows:

''All workers of NACCO Materials Handling Group, Incorporated, Yale Materials, Flemington, New Jersey (NAFTA–2527), and the Counterbalanced Development Center & Headquarters, Fairview, Oregon, (NAFTA–2527B) who became totally or partially separated from employment on or after June 18, 1997 through September 8, 2000 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30353 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02618]

NACCO Materials Handling Group, Incorporated Counterbalanced Development Center and Headquarters, Fairview, Oregon; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on September 17, 1998 in response to a petition filed on behalf of workers at NACCO Materials Handling Group, Incorporated, Counterbalanced Development Center & Headquarters, Fairview, Oregon.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA–02527B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 30 day of November 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–30355 Filed 11–12–98; 8:45 am]

BILLING CODE 4810–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply For NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250 (b)(1) of Subchapter D. Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Acting Director of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Acting Director of OTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Acting Director of OTAA not later than November 23, 1998.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Acting Director of OTAA at the address shown below not later than November 23, 1998.

Petitions filed with the Governors are available for inspection at the Office of the Acting Director, OTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, NW Washington, DC 20210.

Signed at Washington, DC this 2nd day of November, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Union Apparel (UNITE)	Norvelt, PA	10/15/1998	NAFTA–2,685	Men's and ladies sportcoats.
Welco Lumber (Co.)	Marysville, WA	10/22/1998	NAFTA–2,686	Cedar lumber.
Babbie Casuals (Co.)	Pacoima, CA	10/22/1998	NAFTA–2,687	Jeans.
Oldenburg Lake Shore (Co.)	Ontonagon, MI	10/22/1998	NAFTA–2,688	Heavy metal fabrication.
Pafer Huichita El Paso (Co.)	El Paso, TX	10/23/1998	NAFTA–2,689	Cutting of garments.
Gilbert and Bennett (Co.)	Carney, MI	10/21/1998	NAFTA–2,690	Cedar border fencing.
Justin Clothing (Co.)	New Bedford, MA	10/19/1998	NAFTA–2,691	Men's suits.
Santoro (UNITE)	Fall River, MA	10/19/1998	NAFTA–2,692	Men's suit.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Dana Corporation—Sprague Prutsman (Wkrs).	Traverse City, MI	10/21/1998	NAFTA–2,693	Mirror brackets.
Tultex Corporation (UNITE)	Martinsville, VA	10/16/1998	NAFTA–2,694	
Textron Turf Care (UAW)	Racine, WI	09/25/1998	NAFTA–2,695	Turf care equipment.
Tri Clover (Co.)	St. Charles, MO	10/20/1998	NAFTA–2,696	Fittings for biopharm & pharmaceutical.
Standard Manufacturing (Co.)	Orlando, FL	09/25/1998	NAFTA–2,697	Automotive axles.
Coltec Industries—Fairbank Morse (USWA).	Beloit, WI	10/12/1998	NAFTA–2,698	Diesel engines.
Longview Fiber (WCIW)	Leavenworth, WA	10/26/1998	NAFTA–2,699	Soft wood dimension lumber.
Lincoln Brass Works (Wkrs)	Waynesboro, TN	10/23/1998	NAFTA–2,700	Brass gas valves.
PL Subsidiary, PL Garment Finishers (Co.).	Dublin, GA	10/26/1998	NAFTA–2,701	Denim blue jeans.
Cordis Corporation (Co.)	Miami Lakes, FL	10/27/1998	NAFTA–2,702	Disgnostic catheters.
Household Products (Co.)	Asheboro, NC	10/29/1998	NAFTA–2,703	Household consumer products.
Jayo Sportswear (UNITE)	Bethlehem, PA	10/29/1998	NAFTA–2,704	Ties and neckwear.
Rexnord Chain (USWA)	Indianapolis, IN	10/23/1998	NAFTA–2,705	Chains for oil rigs.
Electronic Components and Systems (Co.).	Tuscon, AZ	10/27/1998	NAFTA–2,706	Circuit board assemblies.
Detroit Steel Products (Co.)	Morristown, IN	10/26/1998	NAFTA–2,707	Springs—heavy truck.
Northern Cheyenne Pine (Wkrs)	Ashland, MT	10/27/1998	NAFTA–2,708	Lumber.
Clar Mar (Co.)	Cherryville, NC	10/29/1998	NAFTA–2,709	Ladies sportswear.
Bulk Pack (Co.)	Denison, TX	10/30/1998	NAFTA–2,710	Woven polypropylene bulk bags.
A.L. Gebhardt Tannery (Wkrs)	Milwaukee, WI	09/29/1998	NAFTA–2,711	Leather.
Halliburtion Energy Services (Wkrs).	Casper, WY	10/29/1998	NAFTA–2,712	Oil field services.
Clarion Manufacturing Corp. of America (Wkrs).	Walton, KY	10/30/1998	NAFTA–2,713	Wiring.
Dealers Manufacturing (Co.)	Portage, WI	10/28/1998	NAFTA–2,714	Automotive engines.

[FR Doc. 98–30361 Filed 11–12–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution

Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
CT980001 (Feb. 13, 1998)
CT980003 (Feb. 13, 1998)
CT980004 (Feb. 13, 1998)
Massachusetts
MA980018 (Feb. 13, 1998)
MA980019 (Feb. 13, 1998)
MA980020 (Feb. 13, 1998)
Maine
ME980018 (Feb. 13, 1998)
ME980026 (Feb. 13, 1998)
ME980030 (Feb. 13, 1998)
New Jersey
NJ980003 (Feb. 13, 1998)
NJ980004 (Feb. 13, 1998)

Volume II

Pennsylvania
PA980001 (Feb. 13, 1998)
PA980002 (Feb. 13, 1998)
PA980004 (Feb. 13, 1998)
PA980007 (Feb. 13, 1998)
PA980009 (Feb. 13, 1998)
PA980014 (Feb. 13, 1998)
PA980018 (Feb. 13, 1998)
PA980020 (Feb. 13, 1998)
PA980027 (Feb. 13, 1998)
PA980033 (Feb. 13, 1998)
PA980038 (Feb. 13, 1998)
PA980051 (Feb. 13, 1998)
PA980053 (Feb. 13, 1998)
PA980060 (Feb. 13, 1998)
West Virginia
WV980002 (Feb. 13, 1998)
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Kentucky
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KY980003 (Feb. 13, 1998)
KY980004 (Feb. 13, 1998)
KY980006 (Feb. 13, 1998)
KY980007 (Feb. 13, 1998)
KY980025 (Feb. 13, 1998)
KY980027 (Feb. 13, 1998)
KY980028 (Feb. 13, 1998)
KY980029 (Feb. 13, 1998)
KY980035 (Feb. 13, 1998)
KY980044 (Feb. 13, 1998)
KY980054 (Feb. 13, 1998)

Volume IV

Illinois
IL980001 (Feb. 13, 1998)
IL980002 (Feb. 13, 1998)
IL980003 (Feb. 13, 1998)
IL980004 (Feb. 13, 1998)
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IL980010 (Feb. 13, 1998)
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IL980052 (Feb. 13, 1998)
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IL980055 (Feb. 13, 1998)
IL980065 (Feb. 13, 1998)
Michigan
MI980004 (Feb. 13, 1998)
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MI980077 (Feb. 13, 1998)
Minnesota
MN980003 (Feb. 13, 1998)
MN980005 (Feb. 13, 1998)
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MN980035 (Feb. 13, 1998)
MN980039 (Feb. 13, 1998)
MN980047 (Feb. 13, 1998)
MN980058 (Feb. 13, 1998)
MN980059 (Feb. 13, 1998)
MN980061 (Feb. 13, 1998)
Ohio
OH980001 (Feb. 13, 1998)
OH980002 (Feb. 13, 1998)
OH980003 (Feb. 13, 1998)
OH980007 (Feb. 13, 1998)
OH980012 (Feb. 13, 1998)
OH980014 (Feb. 13, 1998)
OH980018 (Feb. 13, 1998)
OH980024 (Feb. 13, 1998)
OH980026 (Feb. 13, 1998)
OH980028 (Feb. 13, 1998)
OH980029 (Feb. 13, 1998)
OH980034 (Feb. 13, 1998)
OH980035 (Feb. 13, 1998)

Volume V

Iowa
IA980004 (Feb. 13, 1998)
IA980005 (Feb. 13, 1998)
IA980038 (Feb. 13, 1998)
Louisiana
LA980001 (Feb. 13, 1998)
LA980004 (Feb. 13, 1998)
LA980005 (Feb. 13, 1998)
LA980009 (Feb. 13, 1998)
LA980016 (Feb. 13, 1998)
LA980018 (Feb. 13, 1998)
LA980055 (Feb. 13, 1998)

Volume VI

Alaska
AK980001 (Feb. 13, 1998)
AK980005 (Feb. 13, 1998)

Volume VII

NV980005 (Feb. 13, 1998)
NV980009 (Feb. 13, 1998)

General Wage Determination Publication

Gengeral Wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 6th day of November 1998.

Margaret J. Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–30233 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 98–54; Application Number D–09643]

Class Exemption Relating to Certain Employee Benefit Plan; Foreign Exchange Transactions Executed Pursuant to Standing Instructions

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of class exemption.

SUMMARY: This document contains a final exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974

(ERISA or the Act) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code). The class exemption permits certain foreign exchange transactions between employee benefit plans and certain banks and broker-dealers which are parties in interest with respect to such plans, pursuant to standing instructions. The exemption affects participants and beneficiaries of employee benefit plans involved in such transactions, as well as banks and broker-dealers which act as dealers in foreign exchange.

EFFECTIVE DATES: Section II is effective for transactions occurring from June 18, 1991 to January 12, 1999. Section III is effective for transactions occurring after January 12, 1999.

FOR FURTHER INFORMATION CONTACT: Lyssa E. Hall, Office of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor, Washington, DC 20210 (202) 219–8971 (not a toll-free number) or Susan E. Rees, Plan Benefits Security Division, Office of the Solicitor, (202) 219–4600, ext. 105 (not a toll-free number).

Paperwork Reduction Act Analysis: Pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13, 44 U.S.C. Chapter 35 and 5 CFR Part 1320, the information collection request (ICR) in this class exemption was published for public comment on February 3, 1997 (62 FR 5051). Based upon information received by the Department of Labor (the Department), the estimated information collection burden has been adjusted (see Respondents and Proposed Frequency of Response and Estimated Annual Burden, below). The Office of Management and Budget (OMB) has approved this ICR with the control number OMB 1210–0111, which expires on November 30, 2001. Persons are not required to respond to this ICR unless it displays a currently valid OMB control number.

Respondents and Proposed Frequency of Response: The Department staff estimates that approximately 35 parties will seek to take advantage of the class exemption in any given year. The respondents will be banks and broker-dealers acting as fiduciaries of plans which engage in foreign exchange transactions with such plans.

Estimated Annual Burden: The Department staff estimates the annual burden hours for preparing disclosure materials and maintaining records required under the class exemption to be 4,200 hours.

Supplementary Information

The proposed exemption was initially requested in an application dated July 18, 1984 (Application No. D–5700), submitted by the American Bankers Association (ABA) pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Pursuant to the foregoing authority, the Department proposed additional conditions with respect to the relief requested by the Applicant.

On February 17, 1994, the Department granted PTE 94–20 (59 FR 8022), a class exemption which permits purchases and sales of foreign currencies between employee benefit plans and certain banks or broker-dealers which are parties in interest with respect to such plans provided that such transactions are directed by a plan fiduciary who is independent of the bank or broker-dealer and the other conditions of the exemption are met. PTE 94–20 provides an exemption from the prohibited transaction restrictions of section 406(a)(1)(A) through (D) of the Act and from the sanctions resulting from section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code. PTE 94–20 did not provide relief for all of the transactions described in the 1984 ABA exemption request.

In response to the notice of proposed exemption for PTE 94–20, a number of commenters (the Commenters) expressed concern regarding the lack of relief for foreign exchange transactions executed pursuant to standing instructions. As explained in greater detail in the preamble to PTE 94–20, the Commenters requested that the Department expand the exemption to include retroactive and prospective relief for foreign exchange transactions entered into pursuant to a ''standing authorization'' (hereinafter standing instruction). Many of the Commenters also requested that the Department amend the definition of the term ''directed transaction'' by modifying the requirement that the independent plan fiduciary effect the foreign exchange transaction at a specific exchange rate.

The Commenters represented that the utilization of standing instructions is an integral component in foreign exchange transactions involving employee benefit plans. In this regard, the Commenters indicated that, without the ability to execute foreign exchange transactions with plans pursuant to standing instructions, plans would lose investment income and incur higher exchange rates on small transactions.

Based upon the comments and additional information received following publication of the proposal to PTE 94–20, the Department concluded that it might be appropriate, under limited circumstances, to provide relief from section 406(b)(1)and (b)(2) of the Act for foreign exchange transactions entered into pursuant to standing instructions. However, pursuant to the requirements of section 408(a) of the Act, the Department is required to offer interested persons an opportunity to present their views and an opportunity to request a hearing before granting an exemption from section 406(b) of the Act. Therefore, in order not to have delayed the publication of PTE 94–20, the Department determined to separately consider exemptive relief from sections 406(a)(1)(A) through (D), 406(b)(1) and (b)(2) of the Act for foreign exchange transactions between a plan and a party in interest bank or, broker-dealer where such transactions are engaged in pursuant to a standing instruction.

During the Department's consideration of the standing instruction issue, the ABA made a supplemental submission on September 1, 1992, in which they limited their request for relief for standing instruction transactions and suggested additional conditions regarding such transactions. Over the course of the following two years, the Department solicited further information from the ABA and other interested parties. As a result of the suggestions and comments received from those parties, as well as the imposition of additional conditions by the Department, the Department believed that a number of its concerns regarding standing instruction [1] transactions have been addressed.

On February 3, 1997, the Department published a notice in the **Federal Register** (62 FR 5051) of the pendency of a proposed class exemption from the restrictions of sections 406(a)(1)(A) through (D), 406(b)(1) and (b)(2) of ERISA and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975 (c)(1)(A) through (E) of the Code for foreign exchange transactions, between a bank or broker-dealer and an employee benefit plan with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest, pursuant to a standing instruction.

The notice of pendency gave all interested persons an opportunity to submit written comments or request a public hearing on the proposed class exemption by April 4, 1997. The Department received three public comment letters and no requests for a public hearing in response to the notice.

[1] For a discussion of those Comments, see the proposed exemption at 62 FR 5052–54.

Upon consideration of the record as a whole, the Department has determined to grant the proposed class exemption, subject to certain modifications. These modifications and the comments are discussed below.

Discussion of the Comments

Section III(i) of the proposed exemption contains a condition which requires that a bank or broker-dealer which engaged in a covered transaction, furnish the authorizing plan fiduciary with a confirmation statement for each covered transaction. The confirmation statement must disclose the time of the exchange.[2] All of the Commenters objected to this requirement. According to the Commenters, time stamping confirmation statements is not a current industry practice, nor a practice which could be easily implemented. The Commenters indicated that the cost of disclosing the time of the transaction on the confirmation statements would far outweigh any benefits to be gained.

One Commenter explained in greater detail why the inclusion of the time on the confirmation statement was not only impractical but also unresponsive to our concern that a plan fiduciary be able to monitor the rates charged in foreign exchange transactions. According to the Commenter, a time-stamp enables a plan to look at the rates available at the time stamped, without regard to whether those rates would have been available for transactions the size of that particular plan's transaction. In addition, the information may be misleading because the trade may or may not have been batched with other trades to achieve a better rate for the client plan. Where trades are aggregated prior to conversion, it may take several hours before the investment manager desegregates the trades and allocates pieces to each of its clients. The trade is not time-stamped until it has been allocated to each client and booked into the trade entry system. The trade entry system uses a current time-stamp and cannot be manipulated to reflect the time when the actual transaction occurred. Thus, the rate at the time that the order is stamped may have nothing to do with the rate at which the trade was executed.

In addressing the Department's concern regarding the ability of plan fiduciaries to monitor the rates charged in foreign exchange transactions, the Commenter noted that there are a variety of sources from which foreign exchange price quotes are available. These include Reuters, electronic brokerage systems and the Internet. The Commenter indicated that the foreign exchange market is very transparent as a result of new technologies and that any plan which engages in foreign exchange trading can easily access at least one of the sources of foreign currency rates. Thus, plan fiduciaries have the ability to monitor prices for trades by reviewing the highs and lows of the day as displayed on one of the reporting services. In addition, the Commenter noted that in order to comply with banking safety and soundness requirements, banks must have a system for detecting trades which are off market i.e., whose currency spreads deviate significantly from other trades in the same currency. These internal safeguards enable a bank to monitor its own traders to maintain the integrity of their foreign currency pricing systems.

The Department has considered the comments regarding the requirement for inclusion of the time of the transaction on the confirmation statement and has determined to delete this requirement from the final exemption.

The Department wishes to point out that ERISA's general standards of fiduciary conduct would apply to the standing instruction arrangements permitted by this class exemption. Section 404 of ERISA requires, among other things, that a fiduciary discharge his duties with respect to a plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion.[3] Specifically, the investment manager or independent plan fiduciary must be capable of periodically monitoring the actions taken by the bank or broker-dealer in the course of its execution of foreign exchange transactions pursuant to standing instructions. In considering whether to authorize a bank or broker-dealer to execute foreign exchange transactions pursuant to standing instructions, a fiduciary should take into account its ability to provide adequate oversight of the bank or broker-dealer.

Under section I of the proposed exemption, relief was provided for transactions involving income item conversions, as well as for *de minimis* purchase or sale transactions. The definition of ''income item conversion'' under section IV(g) was limited to transactions involving the exchange of income conversion items into U.S. dollars. The Department imposed this limitation because of concerns regarding the ability of a bank to maintain converted funds in an interest bearing account. The ABA requested that the Department expand the scope of the final exemption to include the conversion of foreign denominated income receipts into another foreign currency pursuant to standing instructions. The Commenter represents that plans benefit from foreign exchange conversions under standing instructions because the foreign exchange trades can be done quickly and the plans can begin to earn interest on the funds as soon as possible. The ABA further represents that some financial institutions have interest bearing investments or investment pools that will accept currencies that are not U.S. dollars. Accordingly, the ABA suggested that the Department modify the final exemption to permit the conversion of income items into non-U.S. dollars under any of the following circumstances: (1) Income items which are received in a foreign currency are exchanged into another foreign currency and the exchanged funds are held in an interest bearing investment vehicle pending further investment instruction; (2) the conversion is executed pursuant to a standing instruction and the reinvestment of the exchanged foreign currency occurs within a prescribed period of time, such as 24 hours; and (3) the standing instruction directs that an income item be converted from one foreign currency into another foreign currency. According to the ABA, plans will receive the benefit of only going through one conversion instead of two, thus, saving the cost of one foreign exchange transaction. In this regard, the Department is unable to conclude that income item conversions into non-U.S. dollars should be permitted under the final exemption if the plan is not able to earn interest on the conversion amounts which are held by the bank for more than 24 hours after conversion. We note, however, that such conversions may be appropriate where interest is earned on amounts held for more than 24 hours after conversion as long as the bank does not determine the non-U.S.

[2] Under the proposal, this requirement would be deemed satisfied if the bank or broker-dealer engaged in the covered transactions only once a day and the time of such conversions is set forth in the bank's or broker-dealer's written policies and procedures which are provided to the independent plan fiduciary.

[3] The investment manager or other independent plan fiduciary must act prudently with respect to the decision to enter into such an arrangement, such as considering the effect of restrictions on funds transfers by foreign governments, as well as to the negotiation of the specific terms under which the bank or broker-dealer will engage in foreign exchange transactions on behalf of the plan including whether the bank or broker-dealer may use non-affiliated foreign custodians. In addition, the investment manager or other independent plan fiduciary must fully understand the benefits and risks associated with engaging in foreign exchange transactions pursuant to standing instructions, following disclosure by the bank or broker-dealer of all relevant information.

currency into which the income item is converted. Accordingly, the Department has determined to modify the definition of the term income item conversion in the final exemption to provide relief for transactions in which the bank has a standing instruction that requires the conversion of income items from one foreign currency into another foreign currency and either the converted funds are transferred to an interest bearing account within 24 hours of the conversion and held therein pending further investment direction from the plan or the bank reinvests such proceeds within 24 hours of the conversion at the direction of the plan. In response to the Commenter's third suggestion, the Department does not believe that the Commenter has adequately demonstrated that such further relief is warranted. Therefore, the Department has determined not to adopt the Commenter's last suggestion.

Section IV (g) and (h) of the proposed exemption define the terms ''income item conversion'' and ''de minimis purchase or sale transaction'' to limit relief to transactions involving no more than 100,000 in U.S. dollars or the equivalent thereof for each transaction. Two Commenters urged the Department to reconsider the $100,000 limitation for such transactions. The ABA stated that the $100,000 limitation may add costs to employee benefit plan foreign exchange transactions. It was explained, for example, that banks may hold foreign securities through a global custody network of affiliated and non-affiliated subcustodians. Under these circumstances, securities issued in a foreign country are commingled with the securities of a number of the bank's clients and held in omnibus accounts at the bank's subcustodians in that foreign country. For tax reasons, omnibus accounts may be further divided into several subaccounts maintained at the subcustodians. According to the Commenter, foreign exchange conversions are transacted at either the omnibus account level or the subaccount level to expedite the conversion and to enable the conversion to be bundled. Since the process of allocating income items to individual accounts is not done until after the conversion takes place, a bank would not know the amount of any particular plan's assets that are involved at the time of the foreign exchange transaction. Thus, the Commenter noted that a bank could not determine whether a transaction met the $100,000 limitation proposed by the Department for income conversions. The Commenter argues that, if a plan was unable to take advantage of the omnibus or subaccount system, the plan would be precluded from receiving the benefit of bundling its income conversion items with the bank's other customers to get a more favorable foreign exchange rate. In addition, the Commenters represent that plans would incur increased custody costs if the omnibus or subaccounts system was not available for plan foreign exchange transactions.

Both Commenters urged the Department to raise the dollar limitation for *de minimis* purchases and sales and income conversions. According to the Commenters, $100,000 is no longer an adequate limitation for either purchase and sale transactions or income conversions. The ABA suggested that the Department adopt a floating cap based on the size of a plan's total assets. Under this approach, a plan with $50 million or more in total assets would be limited to $500,000 under the exemption. Plans with total assets of less than $50 million would be limited to $100,000 for each foreign exchange transaction. As an alternative suggestion, the Commenter urged the Department to raise the dollar limitation to $500,000 and inform small plans in the preamble to the final class exemption that it may be prudent to utilize standing instructions with a lower dollar limit.

One of the major reasons cited by the ABA for the utilization of standing instructions by plans was that obtaining specific directions from plans for relatively small transactions was time consuming and not in the best interests of plans because of increased transaction costs. At the time the Department proposed relief for income item conversions and *de minimis* purchases and sales, such relief was based on the premise that the exemption would only cover transactions involving the receipt of relatively small amounts of foreign currency. In this regard, the conditions proposed by the Department were specifically designed to address foreign exchange transactions in the context of small transactions. Although the ABA initially suggested a $500,000 limitation, the Department believed at the time that a limitation of $100,000 was a more appropriate measure for transactions which are intended to be relatively small. The Department recognizes that, over the past several years, plans have increased foreign investments so that $100,000 may no longer be an appropriate limitation for income item conversions or *de minimis* purchases and sales. However, the Department is not persuaded by the argument that a foreign exchange transaction involving $500,000 should be properly viewed as a small transaction for purposes of this exemption. After considering the issue, the Department has decided to modify the final exemption to increase the limitation to $300,000. The Department believes that increasing the dollar limitation to $300,000 will make it easier for those banks which use the omnibus/subaccount system to monitor the amount of a plan's assets which are involved in a foreign exchange transaction. In addition, a $300,000 limitation will ensure that the transactions that a plan is permitted to engage in pursuant to this exemption will only be those which are relatively small. Accordingly, the Department has modified the definitions of the terms ''income item conversion'' and ''*de minimis* purchase or sale transaction'' to increase the dollar limitation to no more than 300,000 in U.S. dollars or the equivalent thereof.[4]

Sections II(d) and III(d) of the proposed class exemption require banks and broker-dealers to maintain written policies and procedures regarding the handling of foreign exchange transactions for plans which assure that the person acting for the bank or broker-dealer knows that he or she is dealing with a plan. A Commenter represents that, since a subaccount typically holds the securities of a number of customers which are not ERISA covered plans, foreign exchange traders would not always know whether the funds involved in a specific foreign exchange transaction contain plan assets. It is the view of the Department that sections II(d) and III(d) will be deemed satisfied if bank policies and procedures for handling foreign exchange transactions require the bank or broker-dealer to always assume that foreign exchange trades of amounts held in subaccounts involve plan assets.

Section III(h) of the proposed exemption required that the written policies and procedures provided to the authorizing fiduciary disclose the time(s) each day that the bank or broker-dealer will establish the specific rate of exchange or the range of exchange rates, as well as the time(s) that the conversions will take place. The ABA requested that the Department clarify whether this condition requires that a

[4] Although the Department believes that the $300,000 limitation is appropriate for large plans that purchase and sell foreign securities, it further notes that such dollar limitation may not be appropriate for smaller plans (e.g., plans with aggregate plan assets of less than $50 million). It is the responsibility of the investment manager or other plan fiduciary, consistent with its duties under section 404 of ERISA, to utilize standing instructions with a dollar limitation that is prudent under the particular circumstances.

bank with several locations in different time zones engage in foreign exchange transactions at all locations at the same time period based on a specific time zone (i.e., 10:00 a.m. New York and 4 p.m. London).

The Department notes that the purpose of this condition is to provide the authorizing fiduciary with the information necessary to effectively monitor the rates that the plans are charged. The Department does not interpret this condition to require that a bank's foreign exchange desks located in different time zones establish foreign exchange rates simultaneously with their U.S. affiliate. Accordingly, nothing contained in section III(h) would preclude a bank or broker-dealer from setting exchange rate(s) at different times if the bank or broker-dealer engages in foreign exchange transactions at locations in different time zones, provided that this information is provided to the authorizing fiduciary.

Two Commenters requested that the Department delete the requirement under section III(f) of the proposal that a non-affiliated custodian provide notice to the bank or broker-dealer that good funds have been received no later than two business days following receipt of such funds by the foreign custodian. The Commenters noted that, while non-affiliated subcustodians are generally required to send notice promptly, the banks do not control the actions of their non-affiliated subcustodians and thus cannot monitor or control when notice of good funds will be provided. The Commenters also noted that even absent this requirement, conversions will still have to be executed by the bank either at the next scheduled time for such transactions following receipt of notice from the non-affiliated subcustodian that good funds have been received or under some circumstances not more than 24 hours after receipt of such notice.

After considering the comments, the Department has determined to delete this requirement as it pertains to non-affiliated custodians of the bank or broker-dealer. In this regard, the Department expects the bank or broker-dealer to act prudently with respect to the selection and continued retention of a non-affiliated foreign custodian. Any such determination should reflect the capability of the foreign affiliate to promptly notify the bank or broker-dealer of its receipt of good funds.

The prospective conditional relief under the proposal is effective for covered transactions entered into after May 5, 1997. The ABA urged the Department to delay application of the prospective conditions of the exemption for sixty days after publication of the final class exemption. According to the ABA, the banking industry needs sufficient time to change their practices to meet the requirements and conditions of the final exemption. The Department finds merit in this comment and has modified the final exemption to make the prospective conditions effective sixty days after publication of this final class exemption.

The proposed exemption provided conditional retroactive relief for foreign exchange transactions which were executed pursuant to standing instructions from June 18, 1991, until May 5, 1997. The ABA questioned why the Department did not provide retroactive relief for transactions which were executed pursuant to standing instructions prior to June 18, 1991.

The Department does not believe that the Commenter has sufficiently demonstrated the need for an earlier effective date. Therefore, the Department cannot conclude that an earlier effective date is warranted.

One Commenter expressed concern regarding the provision in section III(g)(1) of the proposed class exemption which limits the number of times per day that a bank or broker-dealer could establish a rate of exchange or a range of rates to be used for transactions covered by the exemption. The Commenter stated that they could see no purpose in this limitation. Moreover, the Commenter believes that in highly active markets it would not be in the best interests of plans to set an arbitrary limit.

The Department finds merit in the Commenter's argument and has determined to delete this limitation from the final exemption. We note, however, that the written policies and procedures provided to the authorizing fiduciary must disclose, among other things, the time(s) each day that the rate(s) will be established.

One Commenter requested that the final exemption be expanded to include relief for ''a limited standing instruction,'' in order to permit transactions to occur at market prices within one business day after the instruction is given without the requirement that a specific amount of foreign currency and a specific exchange rate be directed, provided that a fiduciary independent of the broker-dealer specifies a price range and a quantity range in which the transaction should be conducted. The Department does not believe that it has sufficient information on the record at this time to make the findings necessary to provide further exemptive relief. Moreover, the Department does not believe that a sufficient showing has been made that the conditions suggested by the Commenter would adequately protect the interests of participants and beneficiaries of plans which engage in transactions pursuant to the limited standing instructions. Finally, we note that while the class exemption is only available to banks, broker-dealers and their domestic affiliates, many of the conditions in the exemption apply to both domestic and foreign affiliates. Accordingly, we have added a new paragraph (l) which defines the term ''foreign affiliate'', to the final class exemption to clarify this distinction.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties with respect to the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department finds that the exemption is administratively feasible, in the interests of plans and their participants and beneficiaries and protective of the rights of participants and beneficiaries of the plans.

(3) The class exemption is applicable to a transaction only if the conditions specified in the class exemption are met; and

(4) The class exemption is supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Exemption

Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Section I Covered Transactions

(a) For the period from June 18, 1991 to January 12, 1999, the restrictions of sections 406(a)(1)(A) through (D) and 406(b)(1) and (b)(2) of the Employee Retirement Security Act of 1974 (ERISA or the Act) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1986 (the Code), by reason of Code section 4975(c)(1)(A) through (E), shall not apply to the following foreign exchange transactions, between a bank or broker-dealer and an employee benefit plan with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest, pursuant to a standing instruction, if the conditions set forth in section II below are met:

(1) An income item conversion; or

(2) A *de minimis* purchase or sale transaction.

(b) Effective after January 12, 1999, the restrictions of sections 406(a)(1)(A) through (D) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of Code, by reason of Code section 4975(c)(1)(A) through (E), shall not apply to the following foreign exchange transactions, between a bank or broker-dealer, and an employee benefit plan with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest, pursuant to a standing instruction, if the conditions set forth in section III below are met:

(1) An income item conversion; or

(2) A *de minimis* purchase or sale transaction.

Section II Retroactive Conditions

(a) At the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties.

(b) At the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms afforded by the bank or the broker-dealer in comparable arm's length foreign exchange transactions involving unrelated parties.

(c) Neither the bank, the broker-dealer nor any foreign affiliate thereof, has any discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to the investment of those assets.

(d) The bank or broker-dealer maintains at all times written policies and procedures regarding the handling of foreign exchange transactions for plans with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest or disqualified person which assure that the person acting for the bank or broker-dealer knows that he or she is dealing with a plan.

(e) The exchange rate used by the bank or broker-dealer for a particular foreign exchange transaction did not deviate by more than 10% (above or below) the interbank bid and asked rates at the time of the transaction as displayed on Reuters or another independent service in the foreign currency market for such currency; provided, however, that a prohibited transaction shall not be deemed to have occurred solely because records demonstrating compliance with this section with respect to specific transactions have been lost, destroyed or are not available to the bank or broker-dealer. Nothing in this section shall be deemed to relieve the bank or broker-dealer of its responsibility to demonstrate compliance with the conditions of this exemption.

(f) A written confirmation statement is furnished with respect to each covered transaction to the independent plan fiduciary that authorized the standing instruction. The confirmation statement shall include:

(A) Account name;

(B) Transaction date;

(C) Exchange rates;

(D) Settlement date;

(E) Currencies exchanged;

(i) Identity of foreign currency sold;

(ii) Amount sold;

(iii) Identity of currency purchased; and

(iv) Amount purchased.

The confirmation shall be issued in no event more than 5 business days after execution of the transaction.

Section III Prospective Conditions

(a) At the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's-length foreign exchange transactions between unrelated parties.

(b) At the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms afforded by the bank or broker-dealer in comparable arm's-length foreign exchange transactions involving unrelated parties.

(c) Neither the bank, the broker-dealer, nor any foreign affiliate thereof has any discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to the investment of those assets.

(d) The bank or broker-dealer maintains at all times written policies and procedures regarding the handling of foreign exchange transactions for plans with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest or disqualified person which assure that the person acting for the bank or broker-dealer knows that he or she is dealing with a plan.

(e) The covered transaction is performed under a written authorization executed in advance by a fiduciary of the plan whose assets are involved in the transaction, which plan fiduciary is independent of the bank or broker-dealer engaging in the covered transaction or any foreign affiliate thereof. The written authorization must specify:

(1) The identities of the currencies in which covered transactions may be executed; and (2) That the authorization may be terminated by either party without penalty on no more than ten days notice.

(f)(1) Income item conversions are executed within no more than one business day from the date of receipt of notice by the bank or broker-dealer that such items are good funds, and a foreign custodian which is an affiliate of the bank or broker-dealer, provides such notice to the bank or broker-dealer within ''one business day'' of its receipt of good funds;

(2) *De minimis* purchase and sale transactions are executed within no more than one business day from the date that either the bank or broker-dealer receives notice from a foreign custodian that the proceeds of a sale of foreign securities denominated in foreign currency are good funds, or the direction to acquire foreign currency was received by the bank or broker-dealer, and a foreign custodian which is an affiliate of the bank or broker-dealer, provides such notice to the bank or broker-dealer within one business day of its receipt of good funds from a sale.

(g)(1) At least once each day, at the time(s) specified in its written policies and procedures, the bank or broker-dealer establishes either a rate of exchange or a range of rates to be used

for income item conversions and *de minimis* purchase and sale transactions covered by this exemption.

(2) Income item conversions are executed at the next scheduled time for conversions following receipt of notice by the bank or broker-dealer from the foreign custodian that such funds are good funds. If it is the policy of the bank or broker-dealer to aggregate small amounts of foreign currency until a specified minimum threshold amount is received, then the conversion may take place at a later time but in no event more than 24 hours after receipt of notice.

(3) *De minimis* purchase and sale transactions are executed at the next scheduled time for such transactions following receipt of either notice that the sales proceeds denominated in foreign currency are good funds, or a direction to acquire foreign currency. If it is the policy of the bank or broker-dealer to aggregate small transactions until a specified threshold amount is received, then the execution may take place at a later time but in no event more than 24 hours after receipt of either notice that the sales proceeds have been received by the foreign custodian as good funds, or a direction to acquire foreign currency.

For purposes of this paragraph (g), the range of exchange rates established by the bank or broker-dealer for a particular foreign currency cannot deviate by more than three percent [above or below] the interbank bid and asked rates as displayed on Reuters or another nationally recognized independent service in the foreign exchange market, for such currency at the time such range of rates is established by the bank or broker-dealer.

(h) Prior to the execution of the authorization referred to in paragraph (e), the bank or broker-dealer provides the independent fiduciary with a copy of the bank's or broker-dealer's written policies and procedures regarding the handling of foreign exchange transactions involving income item conversions and *de minimis* purchase and sale transactions. The policies and procedures must, at a minimum, contain the following information:

(1) Disclosure of the time(s) each day that the bank or broker-dealer will establish the specific rate of exchange or the range of exchange rates for the covered transactions to be executed and the time(s) that such covered transactions will take place. The bank or broker-dealer shall include a description of the methodology that the bank or broker-dealer uses to determine the specific exchange rate or range of exchange rates;

(2) Disclosure that income item conversions and *de minimis* purchase and sale transactions will be executed at the first scheduled transaction time after notice that good funds from an income item conversion or a sale have been received, or a direction to purchase foreign currency has been received. To the extent that the bank or broker-dealer aggregates small amounts of foreign currency until a specified minimum threshold amount is met, a description of this practice and disclosure of the threshold amount; and

(3) A description of the process by which the bank's or broker-dealer's foreign exchange policies and procedures for income item conversions and *de minimis* purchase and sale transactions may be amended and disclosed to plans.

(i) The bank or broker-dealer engaging in the covered transaction furnishes to the independent fiduciary a written confirmation statement with respect to each covered transaction not more than five business days after execution of the transaction.

1. With respect to income item conversions, the confirmation shall disclose the following information:

(A) Account name;

(B) Date of notice that good funds were received;

(C) Transaction date;

(D) Exchange rate;

(E) Settlement date;

(F) Identity of foreign currency;

(G) Amount of foreign currency sold;

(H) Amount of U.S. dollars or other currency credited to the plan; and

2. With respect to *de minimis* purchase and sale transactions, the confirmation shall disclose the following information:

(A) Account name;

(B) Date of notice that sales proceeds denominated in foreign currency are received as good funds or direction to acquire foreign currency was received;

(C) Transaction date;

(D) Exchange rates;

(E) Settlement date;

(F) Currencies exchanged:

i. Identity of the currency sold;

ii. The amount sold;

iii. Identity of the currency purchased; and

iv. The amount purchased;

(j) The bank or broker-dealer, maintains, within territories under the jurisdiction of the United States Government, for a period of six years from the date of the transaction, the records necessary to enable the persons described in paragraph (l) of this section to determine whether the applicable conditions of this exemption have been met, including a record of the specific exchange rate or range of exchange rates the bank or broker-dealer established each day for foreign exchange transactions effected under standing instructions for income item conversions and *de minimis* purchase and sale transactions. However, a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the bank's or broker-dealer's control, the records are lost or destroyed prior to the end of the six-year period, and no party in interest other than the bank or broker-dealer shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained by the bank or broker-dealer, or are not made available for examination by the bank or broker-dealer, or its affiliate as required by paragraph (k) of this section.

(k)(1) Except as provided in subparagraph (2) of this paragraph and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (j) of this Section are available at their customary location for examination, upon reasonable notice, during normal business hours by:

(A) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service.

(B) Any fiduciary of a plan who has authority to acquire or dispose of the assets of the plan involved in the foreign exchange transaction or any duly authorized employee or representative of such fiduciary.

(C) Any contributing employer to the plan involved in the foreign exchange transaction or any duly authorized employee or representative of such employer.

(2) None of the persons described in subparagraphs (B) and (C) shall be authorized to examine a bank's or broker-dealer's trade secrets or commercial or financial information of a bank or broker-dealer, which is privileged or confidential.

Section IV Definitions and General Rules

For purposes of this exemption,

(a) A *foreign exchange transaction* means the exchange of the currency of one nation for the currency of another nation.

(b) The term *standing instruction* means a written authorization from a plan fiduciary, who is independent of the bank or broker-dealer engaging in the foreign exchange transaction and any foreign affiliate thereof, to the bank or broker-dealer to effect the transactions specified therein pursuant

to the instructions provided in such authorization.

(c) A *bank* means a bank which is supervised by the United States or a State thereof, or any domestic affiliate thereof.

(d) A *broker-dealer* means a broker-dealer registered under the Securities Exchange Act of 1934, or any domestic affiliate thereof.

(e) A *domestic affiliate* of a bank or broker-dealer means any entity which is supervised by the United States or a State thereof and which is directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such bank or broker-dealer.

(f) The term *control* means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(g) An *income item conversion* means: (1) The conversion into U.S. dollars of an amount which is the equivalent of no more than 300,000 U.S. dollars of interest, dividends or other distributions or payments with respect to a security, tax reclaims, proceeds from dispositions of rights, fractional shares or other similar items denominated in the currency of another nation that are received by the bank or broker-dealer on behalf of the plan from the plan's foreign investment portfolio; or (2) the conversion into any currency as required and specified by the standing instruction of an amount which is the equivalent of no more than 300,000 U.S. dollars of interest, dividends, or other distributions or payments with respect to a security, tax reclaims, proceeds from dispositions of rights, fractional shares or other similar items denominated in the currency of another nation that are received by the bank or broker-dealer on behalf of the plan from the plan's foreign investment portfolio, provided that the converted funds are either transferred to an interest bearing account which provides a reasonable rate of interest within 24 hours of the conversion and held therein pending reinvestment by the plan or the bank reinvests such proceeds within 24 hours of the conversion at the direction of the plan.

(h) A *de minimis purchase or sale transaction* means the purchase or sale of foreign currencies in an amount of no more than 300,000 U.S. dollars or the equivalent thereof in connection with the purchase or sale of foreign securities by a plan.

(i) For purposes of this exemption the term *employee benefit plan* refers to a pension plan described in 29 CFR § 2510.3–2 and/or a welfare benefit plan described in 29 CFR § 2510.3–1.

(j) For purposes of this exemption, the term *good funds* means funds immediately available in cash with no sovereign or other governmental impediments or restrictions to the exchange or transfer of such funds.

(k) For purposes of this exemption, the term *business day* means a banking day as defined by federal or state banking regulations.

(l) For purposes of this exemption, the term *foreign affiliate* of a bank or broker-dealer means any non-U.S. entity which is directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such bank or broker-dealer.

Signed at Washington, DC this 6th day of November 1998.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 98–30291 Filed 11–12–98; 8:45 am]

BILLING CODE 4510–29–P

THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE PUBLIC MEETING

Establishment of the Medicare Commission Included in Chapter 3, Section 4021 of the Balanced Budget Act of 1997 Conference Report

The Medicare Commission is charged with holding public meetings and publicizing the date, time and location in the **Federal Register**.

The National Bipartisan Commission on the Future of Medicare will hold a public meeting on Wednesday, December 2 and possibly on Thursday, December 3, 1998 at the Dirksen Senate Office Building, Room 106, Washington, DC. Please check the Commission's web site for additional information: *http://Medicare.Commission.Gov*

Wednesday, December 2, 1998
1:00 pm–5:00 pm
Tentative Agenda:
Members of the Commission to discuss pending issues.
(Tentative date for additional meeting)
Thursday, December 3, 1998
9:30 pm–11:30 am
Tentative Agenda:
Members of the Commission to discuss pending issues.

If you have any questions, please contact the Bipartisan Medicare Commission, ph: 202–252–3380.

Authorized for publication in the **Federal Register** by Julie Hasler, Office Manager, The National Bipartisan Commission on the Future of Medicare.

I hereby authorize publication of the Medicare Commission meetings in the **Federal Register**.

Julie Hasler,

Office Manager, National Bipartisan Medicare Commission.

[FR Doc. 98–30342 Filed 11–12–98; 8:45 am]

BILLING CODE 1132–00–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–388]

PP&L, Inc.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of PP&L, Inc. (the licensee) to withdraw its June 17, 1998, application for proposed amendment to Facility Operating License No. NPF–22 for the Susquehanna Steam Electric Station, Unit 2, located in Luzerne County, Pennsylvania.

The proposed amendment would have revised the Susquehanna Steam Electric Station's Technical Specifications (TSs) to add notations to TSs 3.3.7.5, 4.3.7.5, 3.4.2, and 4.4.2 that the acoustic monitor for safety relief valve ''J'' may be inoperable beginning June 15, 1998, until the next unit shutdown of sufficient duration to allow for containment entry, not to exceed the ninth refueling and inspection outage (spring 1999). .

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 23, 1998 (63 FR 34200). However, by letter dated July 13, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 17, 1998, and the licensee's letter dated July 13, 1998, which withdrew the application for license amendment. The above documents 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 Street, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 5th day of November 1998.

For the Nuclear Regulatory Commission.

Victor Nerses,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–30418 Filed 11–12–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Boiling-Water Reactor Licensees Use of the BWRVIP–05 Report To Request Relief From Augmented Examination Requirements on Reactor Pressure Vessel Circumferential Shell Welds; Issue

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter (GL) 98–05 to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, to inform them that the NRC staff has completed its review of the ''BWR Vessel and Internals Project (BWRVIP), BWR Reactor Pressure Vessel Shell Weld Inspection Recommendations (BWRVIP–05),'' and that they may request permanent (i.e., for the remaining term of operation under the existing, initial license) relief from the inservice inspection requirements of 10 CFR 50.55a(g) for the volumetric examination of circumferential reactor pressure vessel welds, by demonstrating that: (1) At the expiration of the license, the circumferential welds will continue to satisfy the limiting conditional failure probability for circumferential welds stated in the NRC staff's July 28, 1998, safety evaluation, and (2) licensees have implemented operator training and established procedures that limit the frequency of cold over-pressure events to that specified in the staff's July 28, 1998, safety evaluation. Addressees will still need to perform their required inspections of ''essentially 100 percent'' of all axial welds.

The generic letter is available in the NRC Public Document Room under accession number 9811030134.

DATES: The generic letter was issued on November 10, 1998.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Gene Carpenter, at (301) 415–2169.

SUPPLEMENTARY INFORMATION: The generic letter requires no specific action or written response. Any action on the part of an addressee to request relief from the inservice inspection requirements of 10 CFR 50.55a(g) is strictly voluntary.

Dated at Rockville, Md., this 10th day of November 1998.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–30417 Filed 11–12–98; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in November 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in December 1998.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.)

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in November 1998 is 4.26 percent (*i.e.*, 85 percent of the 5.01 percent yield figure for October 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For ''partial'' RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between December 1997 and November 1998. The rate for December 1997 in the table (which reflects an applicable percentage of 85 percent) applies only to non-RPU plans. However, the rates for months after December 1997 apply to RPU (and ''partial'' RPU) plans as well as to non-RPU plans.

For premium payment years beginning in:	The assumed interest rate is:
December 1997	5.19
January 1998	5.09
February 1998	4.94
March 1998	5.01
April 1998	5.06
May 1998	5.03

For premium payment years beginning in:	The assumed interest rate is:
June 1998	5.04
July 1998	4.85
August 1998	4.83
September 1998	4.71
October 1998	4.42
November 1998	4.26

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in December 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 6th day of November 1998.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–30447 Filed 11–12–98; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

New Application Procedures for Federal Jobs (Automated Resume Processing)

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice with request for written comments.

SUMMARY: This notice announces approval for Federal agencies to restrict application format for employment consideration to the resume when applications will be processed using automation.

Beginning on November 13, 1998, agencies may continue to accept the *Optional Application for Federal Employment* (OF–612), resumes, or other written formats when considering applicants for Federal employment; or agencies may choose to restrict application format to the resume when applications will be processed using automation.

The OPM pamphlet, *Applying for a Federal Job* (OF–510), which describes what applicants should include in resumes or applications submitted for consideration for Federal jobs, will be updated to include a sample resume document and to explain new agency application processing options. Applicants can get copies of the updated pamphlet beginning in December 1998 from the USAJOBS Governmentwide Automated Employment Information System.

OPM has implemented an online resume builder on the USAJOBS web site at www.usajobs.opm.gov. The online resume builder allows applicants to prepare a resume that they can print for personal use; save and/or edit on the web site for future use; and electronically submit for agency-specified job opportunities in the Federal Jobs Database. The online resume builder contains all of the data elements outlined in the *Applying for a Federal Job* pamphlet as required for resumes submitted for Federal employment. The resume builder produces a resume suitable for both manual and electronic processing.

This action is being taken to continue and expand employment application options for both Federal agencies and job applicants.

The Office of Personnel Management and other Federal agencies rate applicants for Federal jobs under the authority of 5 U.S.C. 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394.

DATES: Written comments will be considered if received on or before December 14, 1998.

ADDRESSES: Send or deliver written comments to Mary Lou Lindholm, Associate Director for Employment, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Richard Whitford at 202–606–1031 (rawhitfo@opm.gov) or Claire Gibbons at 202–606–1221 (cxgibbon@opm.gov).

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

SUPPLEMENTARY INFORMATION: In a December 16, 1994, **Federal Register** notice (59 FR 65086) OPM announced a new application process that became effective on January 1, 1995. Under the new procedures, agencies filling positions in the competitive service, the excepted service and the Senior Executive Service could no longer require the SF–171, *Application for Federal Employment*, as the only acceptable application form for employment, but also had to inform applicants for most jobs that they could apply with a resume, the *Optional Application for Federal Employment* (OF–612), or any other written format of their choice, including the SF–171. Authorization of the SF–171 as an official form expired on December 31, 1994. Exceptions for the creation of special forms for unique jobs or jobs filled through automation were allowed. The new procedures were established to implement a National Performance Review (NPR) recommendation to OPM to eliminate standard forms because the length and complexity discouraged applicants from seeking Federal employment. An interagency task force of 16 Federal agencies recommended the new application procedures that let applicants choose the format of their application. The new procedures were reviewed and accepted by the National Partnership Council, the Interagency Advisory Group, unions, and organizations representing major constituency groups. As the proliferation of Government forms would be counter to the NPR objective to simplify the application process, agencies were advised that they could seek OMB approval for agency-specific forms only for unique jobs with highly specialized requirements or for special forms needed for a computer-assisted application system.

The Office of Management and Budget (OMB) approved the new application process for a period of three years which ended on December 31, 1997. However, due to requests received by the Federal staffing community, authorization for the *Optional Application for Federal Employment*, OF–612, was extended for a period of three years through December 31, 2000.

At the time the Notice was issued, the use of electronic application processing systems was not widespread in Federal agencies. Now more than three years later, the staffing environment has changed. Given full delegation of examining authority and continued downsizing, agencies are looking for new ways to perform staffing work more efficiently and cost effectively. Today's automated technology allows agencies to accept employment applications via fax, email and the world wide web. Applications can be processed by automated systems that are capable of applying sophisticated search routines to evaluate the competencies, qualifications and skills that match the knowledge, skills and abilities of jobs being filled. To effectively use much of this technology, the application format must be limited to the resume.

The use of the resume is not burdensome for job applicants. The resume is the standard for applying for employment in most segments of the

American job market. The resume allows job seekers to apply for most positions without having to seek out special forms and can be easily prepared using a typewriter or personal computer. The resume is compatible with new innovative ways for job seekers to quickly and easily apply for Federal jobs.

The following Questions and Answers give more information on the new application procedures:

(1) Why did OPM develop the new procedures?

OPM developed the new procedures to provide agencies with an additional option for application receipt to take advantage of current technology. The use of automated systems for the development, movement and processing of resumes is becoming standard within the human resources field. Rather than requiring agencies to make individual requests to OMB for the approval of a resume approach for Federal employment application, OPM determined it made more sense to move the initiative ahead on a Governmentwide basis.

(2) Must agencies adopt the resume approach for Federal employment application?

No. Agencies may continue to use the application procedures established in January 1995, i.e., agencies may accept resumes, the *Optional Application for Federal Employment* (OF-612), or any other written format of the applicant's choice. The new procedures simply allow agencies choosing to use automated systems for the receipt or processing of applications to restrict applications to the resume format. Agencies may make the choice on an agency-wide basis, for individual departments or bureaus, or on an announcement-by-announcement basis.

(3) Do the new procedures change existing policy on the content requirements of resumes submitted for Federal employment consideration?

No. The data elements identified in the pamphlet, *Applying for a Federal Job*, describe the required content of a resume or application filed for Federal employment. Agencies may, at their discretion, choose to define fewer data elements as acceptable in an application. Agencies may not add additional elements except as related to the job being filled (i.e., competencies, knowledges, skills and abilities; date of birth for law enforcement positions where age is a factor, etc.).

(4) May agencies require use of the USAJOBS resume builder; an agency specific online resume builder; or other automated application filing method?

No. Agencies must accept resumes created from any source; e.g., online resume builder; resume preparation software; word processing software; or typewriter, as long as the resume meets the specific agency parameters for format, content and length. Agencies accepting applications in other formats must be sure that the automated methods for applying are available and accessible to job seekers.

(5) May agencies specify the format or layout of resumes submitted for automated processing?

Yes. Agencies using automated systems may establish basic format and length guidelines for optimal resume processing. The guidelines may include requirements for the order in which the resume elements are presented; font size; resume length; and restrictions on the use of graphics, such as boxes and lines. The purpose of allowing agencies to establish format and length guidelines is to provide maximum integration of resumes with electronic application receipt and processing systems. For example, many automated application scanning systems deliver the best character recognition when standard font sizes, such as 12 point or 10 characters per inch (cpi), are used; other systems limit the size of the computer files that may be accepted into the system or passed to other systems. When resumes are not formatted to basic guidelines, manual processing must be applied which reduces the efficiencies gained by automation and delays the process of filling jobs. While agency guidelines for resumes will be permitted to accommodate the technology being employed, agency guidelines cannot be so specific as to establish only ''one'' acceptable resume document. Agencies are warned against establishing requirements that would result in the arbitrary rejection of resumes from employment consideration for failure to follow instructions, i.e., name must be centered and entered on line 2.25, or only resumes prepared in Times Roman 12 pt. font will be considered.

Agencies opting to require resumes for automated processing must take steps to guarantee access to the application process for all job seekers. Agencies are responsible for establishing procedures to assist job applicants who do not possess the keyboard skills required to prepare a resume or who do not have access to a typewriter, word processor, or on-line resume developer. Vacancy announcements must contain a contact point; i.e., name and telephone number, that job seekers may call if they are unable to submit a resume and need assistance applying.

The online resume builder on the USAJOBS web site meets all of the basic requirements for resume preparation for electronic processing. Resumes created on the USAJOBS resume builder are automatically formatted at the time of transmission to meet agency specified requirements. This meets agency needs without burdening job seekers.

(6) What provisions have been made for applicants with disabilities?

The resume builder on the USAJOBS web site will be made available in text format for use with text readers by the visually impaired.

The revised pamphlet, *Applying for a Federal Job*, will be available in braille, large print and on audio tape and computer disk. The pamphlet tells applicants what to include in their resumes or applications for Federal jobs. Furthermore, information on the Federal application process is available in text format for use with text readers by the visually impaired on the USAJOBS web site and computer bulletin board.

(7) How will OPM publicize the new application process?

OPM's Employment Information Office regularly distributes new releases and mailings to Federal offices, State Employment Service offices, State Vocational Rehabilitation Services offices, colleges and universities, and other major constituency groups. This year's mailings will include updated information on the application process.

(8) How will applicants find out about the new procedures?

Updated information on the application process will be distributed through the USAJOBS Governmentwide automated employment information system. Applicants may connect to the system (1) on the world wide web at http://www.usajobs.opm.gov; (2) by telephone at 912–757–3100 (TDD 912–744–2299) or at their local OPM Service Center (see blue pages listings in local phone directories); (3) by computer bulletin board at 912–757–3100 or telnet fjob.opm.gov; or (4) through touch screen kiosks located in more than 200 OPM offices, Federal buildings, and college campuses nationwide.

(9) May applicants use commercial software to prepare their resume, the *Optional Application for Federal Employment*, or application in another format?

Yes. Applicants may use commercial software to prepare their resume, *Optional Application for Federal Employment*, or other application format. At all times, however, applicants are responsible for making sure that their application contains the

information requested in the pamphlet, *Applying for a Federal Job*, and adheres to the requirements specified in the vacancy announcement.

(10) Can an agency design its own form and seek OMB approval for its use?

Yes. OMB will continue to consider requests for agency-specific forms for unique jobs with highly specialized requirements or special forms needed for a computer-assisted application system. However, the necessity for these requests should be reduced with the blanket approval for the use of resumes only for automated application processing.

(11) Can a Federal agency require its own employees to file for vacancies using a particular form?

Yes, but only when recruiting from its own employees. For example, an agency may require a particular form, such as the *Optional Application for Federal Employment*, for internal merit promotion actions. OMB approval is required for any specific form that seeks job-related information from non-agency employees. Non-agency employees include former employees with reinstatement eligibility, transfer eligibles from other agencies, and nonstatus applicants. For this purpose an agency is an ''executive agency'' as defined in 5 U.S.C. 105, for example, the Department of Agriculture, the Department of the Navy, and the Environmental Protection Agency.

(12) How may agencies handle incomplete applications, i.e., applications that do not contain all the information requested in the vacancy announcement?

Each agency should establish policy on how to handle incomplete applications. Agencies may:

—Not consider incomplete applications;
—Ask applicants for the missing information; or
—Rate incomplete applications as submitted.

All applicants for a particular vacancy must be treated the same way. Agency vacancy announcements should state the policy on incomplete applications.

(13) Should applicants continue to submit proof of 5 or 10 point veterans' preference or proof of Agency/Interagency Career Transition Assistance Program eligibility with their applications?

Yes. Applicants should be advised, when allowed by the application method, to submit proof with their applications if they are claiming 5 or 10 point veteran's preference or eligibility for priority consideration under the Agency or Interagency Career Transition Assistance Program. When the application method, such as an email transmission of resumes, does not support the attachment of special forms or documents to the application, applicants should be advised of how and by when they should submit their claim, i.e., mail and/or fax, postmarked by, etc.

(14) Why do many automated application processing systems require that the application format be limited to the resume?

Many automated application processing systems rely on optical character recognition for translating data on a printed document into a computer file that can be searched for data elements, such as name and address; skills; work experience; and education. In order to reliably capture the data from the document it must be clear and easy to read. Since hand written documents and information typed into confined boxes on forms are often difficult to read, the optical character recognition systems cannot reliably capture data presented in this manner.

Other automated systems rely on the electronic movement of application information from one automated system to another. Specifically formatted application forms may not be able to be properly translated from a sending automated system to a receiving system. The generic text contained in the resume can be converted to a format that is universally acceptable from one automated system to another.

(15) How will agencies certify that the information contained in applications is correct and that applicants meet suitability requirements for Federal employment?

Agencies will continue to determine suitability and obtain certification of application information from the *Declaration for Federal Employment* (OF 306). Agencies should continue to obtain the *Declaration for Federal Employment* before individuals are appointed. Agencies should not routinely ask applicants to submit the *Declaration* along with their resumes or applications. A major reason for creating the *Declaration* was to separate qualifications information from suitability information so that agencies could better protect the privacy of individuals by restricting access to more sensitive background data. Given the privacy concerns and the intent to reduce the burden on applicants, OPM continues to strongly encourage agencies to require the *Declaration* only from job finalists except where to do so would have a significantly adverse impact on the hiring process.

(16) May agencies permit the use of official time and Government resources to develop and submit electronic applications for job vacancies?

Agencies may establish their own policy on the use of official time and resources for the preparation and submission of electronic applications for job vacancies. The guiding principle in determining whether or not Federal employees should be allowed to use Government time and resources in pursuit of alternative employment is whether such use is in the best interest of the agency and, therefore, the Federal Government.

(17) How is resume data collected on the USAJOBS resume builder secured?

The resume data collected on the USAJOBS resume builder falls under the Privacy Act. A Privacy Act notice is available on the system to users. OPM uses secure transactions to encrypt resume data when it is moved to and from the USAJOBS web site to create and edit resumes. Resume access on the USAJOBS web site is secured by password, name and Social Security Number. Job seekers uncomfortable with submitting resumes over the Internet continue to have the option to submit resumes using traditional application methods selected by agencies such as hand-delivery, mail or fax.

[FR Doc. 98–30327 Filed 11–12–98; 8:45 am]

BILLING CODE 6325–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on November 18, 1998, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Request for Reconsideration of Blanket Deputation for Office of Inspector General Special Agents.

(2) Year 2000 Issues.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the board, Phone No. 312–751–4920.

Dated: November 26, 1998.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98–30535 Filed 11–10–98; 10:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Appointment to the Senior Executive Service Performance Review Board

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: The Railroad Retirement Board (Board) is announcing the membership on its Senior Executive Service Performance Review Board.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Leonard S. Harris, Bureau of Personnel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, telephone (312) 751–4323.

SUPPLEMENTARY INFORMATION: Agencies are required to publish notices of appointments to their Senior Executive Service Performance Review Boards (5 U.S.C. 4314 (c)(4) and 5 CFR 430.307(b)).

The members of the Railroad Retirement Board's Performance Review Board are:

Chairman

Robert J. Duda—Director of Operations

Members

John L. Thoresdale—Director of Policy and Systems

Frank J. Buzzi—Chief Actuary

Steven A. Bartholow—Deputy General Counsel

Rachel L. Simmons—Attorney-Advisor/Assistant to Chair

James C. Boehner—Assistant to the Labor Member

Joseph M. Waechter—Assistant to the Management Member.

Dated: November 2, 1998.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98–30426 Filed 11–12–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23527; 812–11346]

Fundamental Funds, Inc., et al.; Notice of Application

November 6, 1998.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act.

SUMMARY OF THE APPLICATION: The requested order would permit the implementation, without prior shareholder approval, of new investment advisory agreements (''Interim Agreements'') for a period beginning on the date the requested order is issued (''Order Date'') and continuing through the date the Interim Agreements are approved or disapproved by the shareholders of certain registered investment companies, but in no event longer than 120 days from the Order Date (''Interim Period''). The order also would permit the payment of all fees earned under the Interim Agreements following shareholder approval.

APPLICANTS: Fundamental Funds, Inc. (''Fundamental Funds''), Fundamental Fixed-Income Fund (''Fixed-Income Fund''), The California Muni Fund (''Muni Fund,'' together with Fundamental Funds and Fixed-Income Fund, the ''Funds''), and Cornerstone Equity Advisors, Inc. (''Cornerstone'').

FILING DATES: The application was filed on October 8, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 27, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Funds, 67 Wall Street, New York, NY 10005. Cornerstone, 67 Wall Street, New York, NY 10005.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Knisely, Staff Attorney, at (202) 942–0517, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for fee at the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202–942–8090).

Applicants' Representations

1. The Funds are registered under the Act as open-end management investment companies. Fundamental Funds, a Maryland corporation, is organized as a series investment company and currently offers a single portfolio. Fixed-Income Fund, a Massachusetts business trust, is organized as a series company and currently offers three portfolios. Muni Fund, a Massachusetts business trust, offers a single portfolio. Cornerstone is registered as an investment adviser under the Investment Advisers Act of 1940.

2. On May 31, 1998, the boards of directors of the Funds (''Boards''), including a majority of directors who are not ''interested persons'' under section 2(a)(19) of the Act, decided not to renew the Funds' investment advisory agreement with Fundamental Portfolio Advisors, Inc. (''FPA Agreements''). Instead, the Boards entered into an interim investment advisory agreement with Tocqueville Asset Management L.P. (''Tocqueville'') in reliance upon rule 15a-4 under the Act. Tocqueville's selection was made pending approval by the Funds' shareholders of an agreement and plan of reorganization (''Tocqueville Reorganization'') whereby assets of each of the Funds would be transferred to a separate newly-created series of The Tocqueville Trust. In August 1998, the Boards decided to abandon the plans for the Tocqueville Reorganization and pursue other investment management arrangements.

3. On September 25, 1998, in accordance with section 15(c) of the Act, the Boards approved the Interim Agreements with Cornerstone pending its approval as successor adviser to the Funds and voted to recommend that the Interim Agreements be submitted to Funds' shareholders for approval.[1] Applicants anticipate that the Funds will distribute the proxy materials to the Funds' sharholders in November, 1998 and hold the shareholder meeting no later than January 26, 1999.

4. Applicants request an exemption to permit: (1) the implementation prior to obtaining shareholder approval, of the Interim Agreements for a period beginning on the Order Date and continuing through the date the Interim

[1] Each Board consisted solely of two disinterested director. Each Board currently consists of a single disinterested director.

Agreements are approved or disapproved by the shareholders of the Funds, but in no event longer than 120 days from the Order Date; and (ii) Cornerstone to receive, upon approval of the Interim Agreements by the Funds' shareholders, any and all fees earned under the Interim Agreements during the Interim Period. Applicants state that the Interim Agreements will be the same as the FPA Agreements that had been approved by the Funds' shareholders, except with respect to the parties, the effective and termination dates, and the inclusion of escrow arrangements described below.

5. Fees earned under the Interim Agreements during the Interim Period will be maintained in an interest-bearing escrow account with an unaffiliated bank acting as escrow agent. The escrow agent will release the amounts held in the escrow account (including any interest earned): (i) to Cornerstone, only upon approval of the Interim Agreements by the shareholders of the relevant Fund; or (ii) to the relevant Fund, in the absence of approval by its shareholders. Before amounts are released from the escrow account, the Boards will be notified.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of the registered investment company. Applicants state that, as a result of the timing of Cornerstone's selection as the new investment adviser, the Funds were unable to solicit shareholder approval of the Interim Agreements.

2. Rule 15a-4 under the Act provides, in pertinent part, that if an investment advisor contract with a registered investment company is terminated by assignment, the adviser may continue to serve for 120 days under a written contract that has not been approved by the company's shareholders, provided that: (i) the new contract is approved by that company's board of directors (including a majority of non-interested directors); and (i) the compensation to be paid under the new contract does not exceed the compensation that would have been paid under the contract most recently approved the company's shareholders. Applicants state that they already have relied on rule 15a-4 for a 120 day period and therefore require a Commission order for the Interim Period.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants states that the requested relief meets this standard.

4. Applicants represent that the Interim Agreements will have the same terms and conditions as the FPA Agreements, except for the parties, dates of commencement and termination and the inclusion of escrow arrangements. Applicants also assert that each Fund will receive, during the Interim Period, the same investment advisory services, provided in substantially the same manner and at the same fee levels, and by personnel having substantially equivalent Qualifications, as it received under the FPA Agreements. Applicants state that, in the event there is any material change in the personnel providing material services, Cornerstone will apprise and consult the Boards to assure that the Boards are satisfied that the services provided by Cornerstone will not be diminished in scope or quality.

5. Applicants also state that the Boards diligently discharged their responsibilities by closely examining and reviewing numerous possibilities for management of the Funds during the period that the Funds relied on rule 15a–4. In light of various business considerations, operational issues, and due diligence issues, the selection of a new interim investment adviser was time-consuming. Applicants state, however, that the Boards conducted this search in a timely and efficient manner.

6. Applicants contend that to deprive Cornerstone of its fees for the Interim Period would be an unduly harsh and unreasonable penalty. Applicants note that the fees payable to Cornerstone under the Interim Agreements will not be released to Cornerstone by the escrow agent without the approval of the Funds' shareholders.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. The Interim Agreements will have substantially identical terms and conditions as the FPA Agreements except for the parties, dates of commencement and termination and escrow provisions.

2. Fees earned by Cornerstone in respect of the Interim Agreements during the Interim Period will be paid into an interest-bearing escrow account with an unaffiliated escrow agent, and amounts in the account (including interest earned on such paid fees) will be paid (a) to Cornerstone only upon approval of the related Fund shareholder, or (b) to the Funds, in the absence of such approval by the shareholders of the Funds.

3. Each Fund will hold a meeting of shareholders to vote on approval of the Interim Agreements on or before the 120th day following the Order Date.

4. Cornerstone will pay the cost of soliciting shareholder approval of the Interim Agreements.

5. Cornerstone will take all appropriate steps so that the scope and quality of advisory and other services provided to the Funds under the Interim Agreements will be at least equivalent, in the judgment of the Boards, to the scope and quality of services that were provided under the FPA Agreements. If personnel providing material services during the Interim Period change materially. Cornerstone will apprise and consult the Boards to assure that the Boards are satisfied that the services provided will not be diminished in scope or quality.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–30406 Filed 11–2–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23528; 812–11204]

Nike Securities L.P., et al.; Notice of Application

November 6, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application under section 6(c) and 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: The requested order would supersede a prior order and permit a terminating series of a unit investment trust (''UIT'') to sell portfolio securities to a new series of the UIT.

APPLICANTS: Nike Securities L.P. (the ''Sponsor''), First Trust Special Situations Trust (the ''Trust''), any future UIT sponsored by the Sponsor (together with the Trust, the ''Trusts'')

and certain series of the Trusts (each, a ''Series'' or ''Trust Series'').[1]

FILING DATES: The application was filed on June 29, 1998. Applicants have agreed to file an amendment to the application, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. December 1, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549. Applicants, 1001 Warrenville Road, Lisle, Illinois 60532.

FOR FURTHER INFORMATION CONTACT: Mary T. Geffroy, Senior Counsel, at (202) 942–0553, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Each Trust Series will be a series of one of the Trusts, each a UIT registered under the Act.[2] The Sponsor will be the sponsor of the Trusts. Each Trust Series will be created under the laws of one of the United States pursuant to a trust agreement, which will contain information specific to that Trust Series, and which will incorporate by reference a master trust indenture between the Sponsor and a financial institution that is a bank within the meaning of section 2(a)(5) of the Act and that satisfies the criteria in section 26(a) of the Act (the ''Trustee'').

2. Each Trust Series will hold a portfolio of equity securities of domestic and/or foreign companies. The Trust Series generally are designed so seek above-average total return through capital appreciation, dividend income, or both.

3. Applicants anticipate that many, if not all, of the securities in each Trust Series will be actively traded (*i.e.*, have had an average daily trading volume in the preceding six months of at least 500 shares and equal in value to at least U.S. $25,000) on (a) an exchange (an ''Exchange'') which is either a national securities exchange which meets the qualifications of section 6 of the Securities Exchange Act of 1934, or a foreign securities exchange (a ''Foreign Exchange'') which meets the qualifications set forth in the proposed amendments to rule 12d3–1(d)(6) under the Act[3] and that releases daily closing prices, or (b) the Nasdaq-National Market System (''Nasdaq-NMS'') (the securities meeting these requirements are referred to in this notice as ''Equity Securities'').

4. Each Trust Series will terminate on a date after a specified period, generally one or two years. The Sponsor intends that, as each Trust Series terminates, a new Trust Series (''New Trust Series'') having the same or a similar investment objective or investment strategy, will be offered for the next period.

5. Each Trust Series has or will have a contemplated date (the ''Rollover Date'') on which holders of units in that Trust Series (the ''Rollover Trust Series'') may at their option redeem their units in the Rollover Trust Series and receive in return units of the New Trust Series, which will be created on or about the Rollover Date.

6. Applicants anticipate that there will be some overlap in the Equity Securities selected for the portfolios of each Rollover Trust Series and the related New Trust Series. In connection with its termination, absent the requested relief, each Rollover Trust Series would sell all of its Equity Securities on the applicable Exchange or Nasdaq-NMS. Likewise, a New Trust Series would acquire its Equity Securities on the applicable Exchange or on Nasdaq-NMS. This procedure would result in the unitholders of both the Rollover Trust Series and the New Trust Series incurring brokerage commissions on the same Equity Securities.

Applicants' Legal Analysis

1. Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling securities to, or purchasing securities from, the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, in pertinent part, any person directly or indirectly controlling, controlled by or under common control with, such other person. Each Trust Series will have a common sponsor. Since the sponsor of a Trust Series may be deemed to control the Trust Series, all of the Trust Services may be deemed to be under common control and, thus, affiliated persons of each other.

2. Rule 17a–7 under the Act permits registered investment companies that might be deemed affiliates solely by reason of having common investment advisers, directors, and/or officers, to purchase securities from, or sell securities to, one another at an independently determined price, provided certain conditions are met. Applicants represent that they will comply with all of the provisions of rule 17a–7, other than paragraph (e).

3. Paragraph (e) of the rule requires an investment company's board of directors to adopt and monitor certain procedures to assure compliance with the rule. Since a UIT does not have a board of directors, the Trust Series would be unable to comply with this requirement.

4. Section 17(b) of the Act provides that the SEC will exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment companies involved; and (c) the proposed transaction is consistent with the general provisions of the Act. Section 6(c) of the Act provides that the SEC may exempt classes of transactions if the exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under section 6(c) and 17(b) to permit a

[1] Any future Trust that relies on the relief will comply with the terms and conditions of the application.

[2] The requested order would supersede a prior order. Investment Company Act Release Nos. 20946 (Mar. 8, 1995) (notice) and 20985 (Apr. 4, 1995) (order).

[3] Investment Company Act Release No. 17096 (Aug. 3, 1989) (proposing amendments to rule 12d3–1). The proposed amended rule defined a ''Qualified Foreign Exchange'' to mean a stock exchange in a country other than the United States where: (1) trading generally occurred at least four days a week; (2) there were limited restrictions on the ability of registered investment companies to trade their holdings on the exchange; (3) the exchange had a trading volume in stocks for the previous year of at least U.S. $7.5 billion; and (4) the exchange had a turnover ratio for the preceding year of at least 20% of its market capitalization. The version of the amended rule that was adopted did not include the part of the proposed amendment defining the term ''Qualified Foreign Exchange.''

Rollover Trust Series to sell Equity Securities to a New Trust Series and to permit the New Trust Series to purchase the Equity Securities.

5. Applicants state that the terms of the proposed transactions meet the standards of sections 6(c) and 17(b). Applicants represent that purchases and sales between Trust Series will be consistent with the policy of each Trust Series. Applicants further state that permitting the proposed transactions would result in savings on brokerage fees for the Trust Series.

6. Applicants state that the condition that the Equity Securities must be actively traded on an Exchange or the Nasdaq-NMS protects against overreaching. In addition, applicants state that the Sponsor will certify to the Trustee, within five days of each sale of Equity Securities from a Rollover Trust Series to a New Trust Series: (a) that the transaction is consistent with the policy of both the Rollover Trust Series and the New Trust Series, as recited in their respective registration statements and reports filed under the Act, (b) the date of the transaction, and (c) the closing sales price on the Exchange or on the Nasdaq-NMS for the sale date of the Equity Securities. The Trustee will then countersign the certificate, unless, in the unlikely event that the Trustee disagrees with the closing sales price listed on the certificate, the Trustee immediately informs the Sponsor orally of the disagreement and returns the certificate within five days to the Sponsor with corrections duly noted. Upon the Sponsor's receipt of a corrected certificate, if the Sponsor can verify the corrected price by reference to an independently published list of closing sales prices for the date of the transactions, the Sponsor will ensure that the price of units of the New Trust Series, and distributions to holders of the Rollover Trust Series with regard to redemption of their units or termination of the Rollover Trust Series, accurately reflect the corrected price. To the extent that the Sponsor disagrees with the Trustee's corrected price, the Sponsor and the Trustee will jointly determine the correct sales price by reference to a mutually agreeable, independently published list of closing prices for the date of the transaction.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Each sale of Equity Securities by a Rollover Trust Series to a New Trust Series will be effected at the closing price of the Equity Securities sold on the applicable Exchange or the Nasdaq-NMS on the sale date, without any brokerage charges or other remuneration except customary transfer fees, if any.

2. The nature and conditions of the transactions will be fully disclosed to investors in the prospectus of each Rollover trust Series and New Trust Series.

3. The Trustee of each Rollover Trust Series and New Trust Series will (a) review the procedures discussed in the application relating to the sale of Equity Securities from a Rollover Trust Series and the purchase of those securities for deposit in a New Trust Series, and (b) make any changes to the procedures as the Trustee deems necessary that are reasonably designed to comply with paragraphs (a) through (d) of rule 17a-7.

4. A written copy of these procedures and a written record of each transaction pursuant to the order will be maintained as provided in rule 17a-7(f).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–30404 Filed 11–12–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23526; 812–11292]

Simms Funds, et al.; Notice of Application

November 6, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application under section 17(b) of the Investment Company Act of 1940 (''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: The requested order would permit certain limited partnerships to transfer their assets and liabilities to corresponding series of a new registered open-end management investment company in exchange for the series' shares.

APPLICANTS: Simms Funds (''Trust''), Simms Capital Management, Inc. (''Simms Capital''), Simms Partners (U.S.) L.P. (''U.S. Partnership''), Simms Partners (International) L.P. (''International Partnership'') (collectively, the ''Partnerships''), Robert A. Simms (''Simms''), and Thomas L. Melly (''Melly'').

FILING DATES: The application was filed on September 3, 1998 and amended on October 26, 1998. Applicants will amend the application during the notice period, the substance of which as been included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing request should be received by the SEC by 5:30 p.m. on November 27, 1998, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549; Applicants, 55 Railroad Avenue, Greenwich, CT, 06830.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Attorney Adviser, at (202) 942–0574, or Edward P. Macdonald, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. no. 202–942–8090).

Applicant's Representations

1. The Trust, a Delaware business trust, is registered under the Act as an open-end management investment company. The Trust initially will offer three portfolios, two of which (''Funds'') will correspond to the partnerships in terms of investment objectives and policies. The two Funds are the U.S. Equity Fund and the International Equity Fund.

2. The Partnerships were organized as Delaware limited partnerships on July 1, 1996, and are not registered under the Act in reliance on section 3(c)(1) of the Act.

3. Simms Capital serves as the managing general partner of the Partnerships. Simms Capital is registered under the Investment Advisers Act of 1940 (''Advisers Act'').

4. Simms is President and Chief Executive Officer of Simms Capital. Simms also serves as a trustee of the Trust and is a general partner of each Partnership. Melly, a principal of Simms Capital and a limited partner of each Partnership, also serves as a trustee

of the Trust. As of September 30, 1998, Simms' interests in the U.S. Partnership and International Partnership were 9.9% and 10./9%, respectively. Melly's interests in the U.S. Partnership and International Partnership were 14.83% and 35.24%, respectively.

5. Applicants propose that, pursuant to an Agreement and Plan of Reorganization (''Plan''), each Partnership would transfer to the corresponding Fund all of its assets and liabilities, in exchange for shares of the Fund, and distribute the Fund shares received to the partners of the Partnership in liquidation of the Partnership (''Reorganization''). Following each Reorganization, the partners of each Partnership will constitute all of the holders of the corresponding Fund (except for shares representing seed capital). Fund shares delivered to the Partnerships will have an aggregate net asset value (''NAV'') equal to the NAV of the assets transferred by the Partnerships to the Funds. Each Reorganization is expected to close on or about December 1, 1998. The expenses of each Reorganization will be borne by Simms Capital.

6. On September 14, 1998, the board of trustees of the Trust (''Board''), including a majority of the disinterested trustees, approved the Reorganizations as in the best interest of the Funds and their shareholders. The Board concluded that: (a) the Reorganizations are desirable as a business matter from the point of view of the Trust; (b) the terms of each Reorganization are reasonable and fair, do not involve overreaching on the part of any person concerned, and are consistent with the policies of the Funds; and (c) the interests of the existing shareholders of the Funds will not be diluted as a result of the Reorganizations. Among other things, the Board considered the possibility of adverse tax consequences to future shareholders of the Funds resulting from the carrying forward of unrealized capital gains from the Partnerships to the Funds. These findings, and the basis upon which the findings were made, have been fully recorded in the minute book of the Trust.

7. Simms Capital has determined that it would be in the best interests of each Partnership to enter into the Reorganizations. Accordingly, Simms Capital will execute the Plan on behalf of each Partnership and will notify each limited partner of its actions. Simms Capital also will provide each limited partner with a copy of the corresponding Fund's prospectus or preliminary prospectus, and will allow ample time for any limited partner who does not want to become a shareholder of the corresponding Fund to liquidate their partnership interest prior to the Reorganization.

8. Each Reorganization will not be effected until: (a) the Trust's registration statement on Form N–1A is effective; (b) the SEC has issued the requested order; and (c) the Trust and the Partnerships have received an opinion of counsel that no gain or loss will be recognized by the Funds upon the transfer of the Partnerships' assets and the Funds' assumption of the Partnerships' liabilities.

Applicants' Legal Analysis

1. Section 17(a) of the Act prohibits any affiliated person of a registered investment company, or any affiliated person of that person, acting as principal, from selling to or purchasing from the registered investment company any security or other property. Section 2(a)(3) of the Act defines an ''affiliated person'' as, among other things, any person directly or indirectly controlling, controlled by, or under common control with, the other person; any officer, director, partner, copartner or employee of the other person; or, if the other person is an investment company, its investment adviser. Under section 2(a)(9) of the Act a person who owns 25% or more of the outstanding voting securities of a company is presumed to control such a company.

2. Applicants state that each partnership, Simms Capital (as managing general partner of the Partnerships), Simms (as general partner of the Partnerships), and Melly are affiliated persons of the Trust or affiliated persons of an affiliated person of the Trust because: (a) the Partnerships and the Trust may be deemed to be under the control of Simms Capital and Simms; and (b) Melly, a trustee of the Trust, may be deemed to control the International Partnership because he owns more than 25% of that partnership. Thus, applicants state that the proposed Reorganizations may be deemed to be prohibited under section 17(a) of the Act.

3. Rule 17a–7 exempts certain purchase and sale transactions otherwise prohibited by section 17(a) if an affiliation exists solely by reason of having a common investment adviser, common directors, and/or common officers, provided, among other requirements, that the transaction involves a cash payment against prompt delivery of a security. Applicants state that the relief provided by rule 17a–7 may not be available for the Reorganization because the Reorganization will be effected on a basis other than cash. Applicants also state that Simms and Melly, trustees of the Trust, are deemed to be affiliated persons of the partnerships because they own, control, or hold with power to vote, individually, 5% or more of each partnership. As a result, applicants state that the Funds and the partnerships are affiliated in a manner other than that stated in rule 17a–7.

4. Section 17(b) of the Act authorizes the SEC to exempt any person from the provisions of section 17(a) if the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

5. Applicants state that each Reorganization satisfies the requirements of section 17(b). Applicants state that because Fund shares will be issued to the Partnerships and their partners at NAV their interests will not be diluted. Applicants also state that the investment objectives and policies of each Fund are substantially similar to its corresponding Partnership and after the Reorganization partners of the Partnerships will hold substantially the same assets as Fund shareholders as they held as partners. Applicants also state that the Trust's Board, including a majority of the disinterested trustees, has approved the Reorganizations, and that each Reorganization will comply with rule 17a–7(b) through (f).

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the condition:

1. The Reorganizations will comply with the terms of rule 17a–7(b) through (f).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–30405 Filed 11–12–98; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Southern District of New York, dated

September 3, 1998, the United States Small Business Administration hereby revokes the license of Minority Equity Capital Company, Inc., a New York corporation, to function as a small business investment company under the Small Business Investment Company License No. 02/02–5288 issued to Minority Equity Capital Company, Inc. on May 17, 1971 and said license is hereby declared null and void as of September 30, 1998.

Dated: November 2, 1998.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 98–30379 Filed 11–12–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Region III—National Advisory Council; Public Hearing

The Small Business Administration Region III National Advisory Council located in the geographical area of Washington, DC, will hold a public meeting at 9 a.m. on Wednesday, November 18, 1998 at the Renaissance Madison Hotel at 515 Madison Street, Seattle, Washington 98104, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call: Mrs. Toy Tolson, Office of the Advisory Council, U.S. Small Business Administration, 409 3rd Street, SW, 7th Floor, Washington, DC 20416–2551, (202) 205–6434.

Shirl Thomas,

Director, Office of External Affairs.

[FR Doc. 98–30378 Filed 11–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Region IX—Honolulu District Advisory Council; Public Hearing

The Small Business Administration Region IX Honolulu District Advisory Council located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 10 a.m. on Tuesday, December 1, 1998 at the Business Information and Counseling Center, 111 Bishop Street, Suite 204, Training Center, Honolulu, HI 96813, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call: Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2–235, Honolulu, Hawaii 96850–4981, (808) 541–2965.

Shirl Thomas,

Director, Office of External Affairs.

[FR Doc. 98–30377 Filed 11–12–98; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Region 1 Advisory Council Meeting

The U.S. Small Business Administration Region 1 Advisory Council, located in the geographical area of Augusta, will hold a public meeting at 10 a.m. on Monday, December 8th, 1998 at the Eastern Maine Development Corporation, 1 Cumberland Place, Suite 300, Bangor, Maine, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

FOR FURTHER INFORMATION CONTACT: Mary McAleney, District Director, U.S. Small Business Administration, 40 Western Avenue, Augusta, Maine 04330, 207–622–8242.

Shirl Thomas,

Director, External Affairs.

[FR Doc. 98–30380 Filed 11–12–98; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice No. 2921]

Notice of Receipt of Application for a Presidential Permit for a Tunnel to be Constructed and Maintained on the Borders of the United States

AGENCY: Department of State.

Notice is hereby given that the Department of State has received an application from Cox Communications San Diego, a Delaware corporation, for a Presidential Permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993, seeking authorization to construct an underground tunnel between San Diego, California, and Tijuana, Baja California, Mexico. The proposed tunnel will carry fiber optic cables. The tunnel will be eight inches in diameter, ten feet deep under the border wall and 130 feet in distance, connecting to a pole on the Mexican side.

As required by E.O. 11423, the Department of State is circulating this application to concerned agencies for comment.

Interested parties may submit comments regarding this application in writing by December 14, 1998, to Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, DC 20520. The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for inspection in the Office of Mexican Affairs during normal business hours.

FOR FURTHER INFORMATION CONTACT: David E. Randolph, Coordinator, U.S.-Mexico Border Affairs at the above address, by telephone at (202) 647–8529 or by fax at (202) 647–5752.

Dated: November 2, 1998.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs.

[FR Doc. 98–30324 Filed 11–12–98; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on August 20, 1998 (63 FR 44668–44669).

DATES: Comments must be submitted on or before December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Haldeman, (202) 366–2881, Office of Budget and Finance, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration

Title: Fiscal Vendor Satisfaction Survey.

OMB Number: 2125-NEW.

Type of Request: New Collection.

Affected Public: Employees of private firms from which FHWA procures products and services.

Abstract: The mission of the FHWA's Office of Budget and Finance is the administration of fiscal programs to ensure an effective budget process and proper utilization and accounting for agency resources. In addition, the office works to improve the financial management practices of State Highway Agencies. Some of these functions include: (1) The planning, coordination, and administration of FHWA programs, as they relate to the budget process; (2) the allocation and administration of fiscal and ceiling control aspects of personnel resources within employment ceilings, fiscal limitations, and other established criteria; (3) the administration of a nationwide highway project reporting system; and (4) the administration of a system of accounting for agency resources and programs. A survey of FHWA's vendors to be selected at random will provide feedback to help focus on accounting operations and organization toward a customer service/ satisfaction-oriented way of doing business. The information will be collected on a standardized questionnaire via mail. Respondents will be advised of the purpose for the survey and the confidentiality of their responses by an accompanying letter. The questionnaire will request respondents if their telephone calls are answered in a timely manner; if their inquiries receive timely responses; if their invoices are paid in a timely fashion; and if the members of the finance staff are accessible, professional, and courteous in providing assistance and resolving payment issues. The sample size of respondents will be approximately 200. The results of the surveys will be analyzed and presented in a report to management. This report will be used for ongoing improvements to FHWA's payment process.

Estimated Total Annual Burden Hours: 33.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC, on November 6, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–30440 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–98–069]

Public Hearing; CSX Railroad Bridge across the Mobile River, Mile 13.3, at Hurricane, Alabama

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing; request for comments.

SUMMARY: The Coast Guard will hold a public hearing on whether the CSX Railroad Bridge across the Mobile River at Hurricane, Alabama, is an unreasonable obstruction to navigation which should be altered. The Coast Guard has received complaints that the bridge is unreasonably obstructive to navigation. The hearing will allow interested parties to present comments and information concerning the bridge.

DATES: The hearing will start at 10 a.m. on December 7, 1998. Comments must be received by December 18, 1998.

ADDRESSES: The hearing will be held in the Killian Auditorium at the International Trade Center, 250 North Water Street, Mobile, Alabama 36602. Written comments may be submitted to, and will be available for examination from 8 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Director, Western Rivers Operations, Bridge Branch, 1222 Spruce Street, St. Louis, Missouri 63103–2398.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Wiebusch, Director, Western Rivers Operations, Bridge Branch, telephone (314) 539–3900 ext. 378.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard has received complaints alleging that the CSX Railroad Bridge is unreasonably obstructive to navigation. The preliminary Coast Guard investigation indicates there were 73 marine collisions with the bridge between 1986 and 1997. These collisions have caused moderate to heavy damage to the bridge. In addition, the restrictive navigation channel of the bridge caused delays to the passage of waterway traffic. Based on this information, the bridge appears to be a hazard to navigation and many require increasing the horizontal clearance on the bridge to meet the needs of navigation.

Procedural

Any person who wishes may appear and speak or present evidence at this public hearing. Persons planning to speak at the hearing should notify the Director, Western Rivers Operations, Bridge Branch at the location listed under **ADDRESSES** or the telephone number listed in **FOR FURTHER INFORMATION CONTACT** any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, the Coast Guard may limit the amount of time allocated to each person. Any time limitations will be announced at the beginning of the hearing.

Written statements and exhibits may be submitted in place of, or in addition to, oral statements and will be made a part of the hearing record. Written statements and exhibits may be delivered at the hearing or mailed in advance to the Director, Western Rivers Operations, Bridge Branch. Transcripts of the hearing will be made available for purchase upon request.

Information on Services for Individuals With Disabilities

For information about facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the Director, Western Rivers Operations, Bridge Branch at the number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Authority: 33 U.S.C. 513; 49 CFR 1.46.

Dated: October 23, 1998.

Paul J. Pluta,

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

[FR Doc. 98–30445 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Financial Responsibility Advisory Material

AGENCY: Federal Aviation Administration, Associate

Administrator for Commercial Space Transportation, DOT.

ACTION: Notice of availability of advisory material.

SUMMARY: This is a notice of availability of an Advisory Circular (AC), which provides guidance as to an acceptable means of compliance with certain conditions of insurance coverage required for the conduct of licensed launch activities.

FOR FURTHER INFORMATION CONTACT: Ms. Esta M. Rosenberg, Attorney-Advisor, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, U.S. Department of Transportation (202) 366–9320.

SUPPLEMENTARY INFORMATION: This notice announces the availability of Advisory Circular Number 440–1, issued November 3, 1998, by the Associate Administrator for commercial Space Transportation concerning financial responsibility requirements for licensed launch activities. The FAA Advisory circular System provides guidance and advisory information to the public on aviation and aerospace matters, including acceptable methods of demonstrating compliance with Federal Aviation Regulations and Commercial Space Transportation Regulations.

Part 440 of the Commercial Space Transportation, FAA, DOT Regulations, 14 CFR Ch. III, prescribes insurance and other financial responsibility requirements for the conduct of licenses launch activities. One condition of insurance coverage provides that each insurance policy obtained by a launch licensee under Part 440 be placed with an insurer that is licensed to do business in any State, territory, possession of the United States, or the District of Columbia. Advisory Circular Number 440–1 states that a licensee satisfies the condition if policies of insurance obtained under Part 440 contain a service of suit clause in which the insurer agrees to submit to the jurisdiction of a court of competent jurisdiction within the United States and designates an authorized agent with the United States for service of legal process.

A copy of Advisory Circular Number 440–1 may be obtained from the Associate Administrator for Commercial Space Transportation (AST), Federal Aviation Administration, Room 331, 800 Independence Avenue, SW., Washington, DC 20591. Internet users may obtain a copy by accessing AST's webpage at *http://ast.faa.gov*. Issued in Washington, DC, on November 3, 1998.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 98–30368 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Federal Aviation Administration (FAA) Satellite Operational Implementation Team (SOIT) Hosted Forum on the Capabilities of the Global Positioning System (GPS)/Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA SOIT will be hosting a public forum to discuss the FAA's GPS approvals and WAAS/LAAS operational implementation plans. This meeting will be held in conjunction with a regularly scheduled meeting of the FAA SOIT and in response to aviation industry requests to the FAA Administrator. Formal presentations by the FAA will be followed by a question and answer session. Those planning to attend are invited to submit proposed discussion topics. Requests to make presentations to the assembled forum should be made to the point of contact listed.

DATES: November 16–17, 1998, 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn Fair Oaks hotel, 11787 Lee Jackson Memorial Highway, Fairfax, VA 22033, adjacent to the Fair Oaks Mall.

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, telephones and facsimile numbers should be sent to the point of contact listed.

Dated: September 22, 1998.

Hank Cabler,

SOIT Co-Chairman.

[FR Doc. 98–30374 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Draft Environmental Impact Statement; Little River, Miller, and Sevier Counties, Arkansas, and Bowie County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Draft Environmental Impact Statement (SDEIS) will be prepared for a proposed highway project in Little River, Miller, and Sevier Counties, Arkansas, and Bowie County, Texas.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Romero, Environmental Specialist, Federal Highway Administration, Arkansas Division, 700 West Capitol Avenue, Room 3130, Little Rock, Arkansas, 72201–3298, Telephone: (501) 324–6430; or Walter Waidelich, District Engineer, Federal Highway Administration, Texas Division, Suite 826, Federal Office Building, 300 East Eighth Street, Austin, Texas 78701, Telephone (512) 916–5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arkansas State Highway and Transportation Department, and the Texas Department of Transportation, will prepare a Supplemental Draft Environmental Impact Statement (SDEIS) on a proposal to construct a four-lane, divided, fully controlled access facility located on new alignment. The proposed Supplemental Draft EIS is a follow up to a Draft EIS dated February, 1997.

The overall project will serve southwest Arkansas and northeast Texas, including Little River, Miller, and Sevier Counties, Arkansas, and Bowie County, Texas. The Supplemental Draft EIS will address new alternatives in the vicinity of Texarkana, AR, Texarkana, TX, and Ashdown, AR which were identified through the public involvement activities related to the circulation of the Draft EIS in 1997. The new alternatives introduce the concept of a northern loop facility for Texarkana connecting with Interstate Highway (IH) IH–30 (W) and

US59(S) on the west side of Texarkana and connecting with IH–30(E) and US71(S) on the east side of Texarkana. This facility has the potential to divert through US71 traffic around the two cities, and reduce traffic volumes along the stretch of IH–30 between the northern loop termini and other routes through Texarkana. The northern loop alternatives add approximately 18 miles (29 kilometers) of new alignment to the project. Revisions to previously studied alternatives will add approximately 5 miles (8 km) of additional new alignment to the project.

The east-west connector portion of the proposed northern loop, along with a new northern extension from the loop crossing the Red River, result in environmental consequences that were not thoroughly documented as a part of the 1997 DEIS. The Northern Loop alternatives will include major environmental issues at different locations than those studied in the Draft EIS such as floodplain encroachments, a crossing of the Red River, wetlands, and archaeological sites on the Red River floodplain. In addition to documenting the engineering and environmental aspects of the new northern loop alignments, the SDEIS will provide a comparative analysis of the project's alternatives with the goal being the identification of a preferred alternative for the entire project, from Texarkana to DeQueen, AR.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies and to private organizations who have expressed interest in the project in the past, and to major Arkansas and northeast Texas newspapers. Formal public hearings will be held in Arkansas and Texas during the circulation of the SDEIS. Public notice will be given of the time and place of the public involvement sessions and the public hearings. The SDEIS will be available for public and agency review and comment prior to the public hearings. The US Army Corps of Engineers, the US Environmental Protection Agency, and the US Department of Interior are Cooperating Agencies for the EIS. A formal scoping meeting for the Northern Loop Alternatives will be held and opportunity for public comment will be provided.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to either the FHWA Arkansas or Texas Division at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Elizabeth A. Romero,

Environmental Specialist, Federal Highway Administration, Little Rock, Arkansas.

Walter C. Waidelich,

District Engineer, Federal Highway Administration, Austin, Texas.

[FR Doc. 98–30348 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Steuben County, NY

AGENCY: Federal Highway Administration, New York State Department of Transportation.

ACTION: Notice of Intent.

SUMMARY: The action to be evaluated by this environmental impact statement is the reconstruction of the U.S. Route 15 juncture with NYS Route 17 (the Southern Tier Expressway) in Steuben County, New York. This proposed action would improve capacity at the interchange and provide for the separation of local and regional traffic.

FOR FURTHER INFORMATION CONTACT: Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, (518) 431–4125; or Peter White, Regional Director, New York State Department of Transportation Region 6, 107 Broadway, Hornell, New York 14843, (607) 324–8404.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FWHA), in cooperation with the New York State Department of Transportation (NYSDOT), will evaluate various alternatives which will consider development of a fully directional interchange at the juncture of U.S. Route 15 with NYS Route 17 in Steuben County, New York. Each build option would include the complete reconfiguration/reconstruction of the existing interchange to provide direct connections for the primary movements between Route 15 and Route 17 while accommodating local high volume traffic flows and local access. Additionally there would be new expressway and ramp construction, pavement rehabilitation/reconstruction, bridge and culvert rehabilitation/replacement, drainage, lighting and signalization. The proposed project limits extend along NYS Route 17 from Exit 43 (NYS Route 415) easterly to Exit 45 (NYS Route 352) approximately two miles; and along U.S. Route 15 from its intersection NYS Route 17, southerly to its overpass with NYS Route 417 approximately two miles. The proposed action is anticipated to result in a balanced transportation system that will supply sufficient capacity, improved mobility and access; meet current/future traffic demand; eliminate current bridge deficiencies; reduce or eliminate vehicular conflicts/accidents; separate local and regional traffic flows, as well as provide improved local service access between the City of Coming, the Villages of Riverside and painted Post, and the Hamlet of Gang Mills.

Alternatives under consideration include: no build or the null alternative; separation of local and expressway traffic through the relocation of Hamilton Street and the upgrade of Route 15 to a limited access expressway; development of a half or full diamond interchange at Route 417; retainage or elimination of the Route 352 flyover to Route 17; the development of collector-distributor roads along Route 17 between Exit 44 and Exit 45; and retention or elimination of local access at Exit 44. The environmental, socio-economic, and engineering viability implications of each alternative will be examined. The no action alternative will also be analyzed as a base line for gauging, the impacts of the build alternates.

Input from Federal, state and local governments, local agencies, private organizations, and the community will be solicited during the development of the Environmental Impact Statement (EIS). A public scoping, meetings and a formal public hearing will be scheduled. Public notice will be given to identify the time and place for the meeting and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

Comments, questions, and suggestions pertaining to the proposed action are invited from interested parties to ensure that all significant issues are identified and addressed. Comments should be directed to the FHWA or the NYSDOT at the addresses provided above.

Issued on November 4, 1998.

Douglas P. Conlan,

District Engineer, Federal Highway Administration, Albany, New York.

[FR Doc. 98–30425 Filed 11–12–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 567X)]

CSX Transportation, Inc.; Abandonment Exemption; in Allegheny County, PA

On October 26 1998, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the Lower Allegheny Branch extending from milepost 0.00 to milepost 0.85 in Pittsburgh, together with a 0.15-mile line segment of connecting track that joins the Lower Allegheny Branch to a nearby line of the Consolidated Rail Corporation (Conrail),[1] a total distance of 1.00 mile in Allegheny County, PA. The line traverses U.S. Postal Service Zip Code 15233 and includes no stations.

The line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions specified in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 12, 1999.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than December 3, 1998. Each trail use request must be accompanied by a $150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub-No. 567X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Charles M. Rosenberger, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before December 3, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: November 6, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–30434 Filed 11–12–98; 8:45 am]

BILLING CODE 4915–00–P

[1] The Lower Allegheny Branch is accessed over trackage rights from Conrail's Etna Yard in Pittsburgh and Conrail's Preble Avenue Industrial Track via the 0.15-mile connecting track owned by CSXT.

UNITED STATES INFORMATION AGENCY

Administrative Services to the NIS College and University Partnerships Program (NISCUPP)

ACTION: Request for proposals.

SUMMARY: The Office of Academic Programs' Specialized Programs Branch of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition to assist in the administration of the Fiscal Year 1999 NIS College and University Partnerships Program (NISCUPP) competition. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to assist in the administration of the technical and academic review of approximately 65 to 85 proposals for the Fiscal Year 1999 NIS College and University Partnerships Program competition (E/ASU–99–05).

The NISCUPP supports linkages between U.S. institutions of higher education and institutions of higher edcuation from the New Independent States in specified fields and disciplines.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Freedom Support Act).

Projects must conform with Agency requirements and guidelines outlined in the Scolicitation Package. USIA projects are subject to the availability of funds.

Announcement Title and Number: All communications with USIA concerning this RFP should refer to the announcement's title and reference number, E/ASU–99–06.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Monday, December 21, 1998. Faxed application documents will not be accepted.

Documents postmarked by the due date but received at a later date will not be accepted. It is the responsibility of each applicant to ensure compliance with the deadline.

Approximate Program Dates: Grant should begin on or about February 15, 1999 and end approximately five months later.

FOR FURTHER INFORMATION CONTACT: The Specialized Programs Branch (E/ASU), Room 349, U.S. Information Agency,

301 4th Street, S.W., Washington, D.C. 20547, phone: (202) 619–4126, fax: (202) 401–1433. Send a message via Internet to: jcebra@usia.gov to request a Solicitation Package containing more detailed award criteria. Please request required application forms and standard guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps. Please read all information before downloading.

To receive a Solicitation Package Via Fax on Demand: The entire Solicitation Package may be received via the Bureau's ''Grants Information Fax on Demand System'', which is accessed by calling 202–401–7616. Please request a ''Catalog'' of available documents and order numbers when first entering the system.

Please specify USIA Program Officer Jonathan Cebra on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions: Applicants must follow all instructions given in the Solicitation Package. The original and 7 copies of the application should be sent to: U.S. Information Agency, Ref.: *E/ASU–99–06*, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, projects must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in programs administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should account for advancement of this goal, in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement): The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

SUPPLEMENTARY INFORMATION:

Overview

Objectives

The recipient of this award will administer the technical and independent academic reviews for the Fiscal Year 1999 NIS College and University Partnerships Program. The NISCUPP is designed to support linkages between U.S. and NIS institutions of higher education in the fields of business/economics, law, journalism/communications, education, and public administration/public policy/political science.

The NISCUPP supports curriculum development, faculty and staff development, educational reform, community outreach and collaborative research through three-year grants of up to $300,000 each.

Guidelines

Project Description

The recipient of this award shall review proposals for compliance with the technical requirements published in the Request for Proposals (RFP) for the FY 1999 NISCUPP competition. (The FY 1999 NISCUPP RFP will be provided in the application packet mailed to applicants, and also is available upon request by the applicant, and on the Internet via USIA's website at http://www.usia.gov/education/rfps).

The recipient will also coordinate the academic review of technically eligible, comprehensive proposals and provide the Agency with a detailed academic appraisal report on each eligible proposal, extensively summarizing the panel discussion in terms of the academic review criteria published in the FY 1999 NISCUPP RFP. The recipient shall arrange for the review of applications regionally or thematically by panels of experts representing eligible fields and themes. These experts should be highly familiar with the New Independent States.

In preparing a submission, the applicant shall designate a coordinator, subject to Agency approval, to implement and chair all the technical and academic reviews, and to provide detailed summaries of the academic review discussions. The applicant should plan to prepare correspondence to be sent to NISCUPP applicants by the Agency in response to inquiries regarding the technical and academic review of their proposals, and to notify applicants of the status of their proposals. All official documents should highlight the U.S. Government's role as program sponsor and funding source.

Eligibility

Only non-profit organizations *based in the Washington, D.C. metropolitan area,* with experience in international education and educational exchanges, are eligible to compete for this cooperative agreement award from the Agency.

Proposed Budget

Please provide a detailed line-item budget as part of your grant proposal, which translates the activities described in the proposal narrative into specific cost requirements. Please use explanatory notes where necessary to describe the costs included in specific line items and how the amounts were derived. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a break-down reflecting both the administrative budget and the program budget.

For further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the program office. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer. Technical Format Requirements for this competition are included in the check list in the PSI accompanying this RFP.

Panelists will review proposals received in response to this solicitation according to the following criteria:

1. *Quality of Program Plan/Ability to Achieve Program Objectives:* Proposal agendas and plans should adhere to the program overview and guidelines described above and in the Application Package. Objectives should be reasonable, feasible, and flexible. A proposal should clearly demonstrate how an organization will meet the program's objectives and plan.

2. *Institution's Record/Ability/Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the project's goals. Proposals should demonstrate responsible fiscal management and full compliance with all reporting requirements for any past Agency grants the applicants have administered, as determined by USIA's Office of Contracts.

3. *Cost-Effectiveness/Cost-Sharing:* The overhead and administrative components of proposals, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should attempt to maximize cost-sharing through private sector support as well as institutional direct funding contributions.

4. *Project Evaluation:* Proposals should include an effective evaluation plan which defines and articulates a list of anticipated outcomes clearly related to the project goals and activities, and provide procedures for ongoing project monitoring and mid-term corrective action.

5. *Suport of Diversity:* Proposals should demonstrate the applicant's commitment to promoting the awareness and understanding of diversity.

Application Submission

The complete proposal for this competition (E/ASU 99–06) must meet the due date of December 21, 1998. There will be no exception to this deadline.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: December 2, 1998.

John P. Loiello,

Associate Director for Educational and Cultural Affairs.

[FR Doc. 98–30441 Filed 11–12–98; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

NIS College and University Partnerships Program

ACTION: Request for proposals.

SUMMARY: The Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program. Accredited, post-secondary educational institutions meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to develop a partnership with (a) foreign institution(s) of higher education from the New Independent States in specified fields.

Proposed projects must be eligible in terms of countries/localities and disciplines as described in the section entitled ''Eligibility'' below.

Participating institutions exchange faculty and administrators for a combination of teaching, lecturing, faculty and curriculum development, collaborative research, and outreach, for periods ranging from one week (for planning visits) to an academic year. The FY 99 program will also support the establishment and maintenance of Internet and/or e-mail communication facilities as well as interactive distance learning programs at foreign partner institutions. Applicants may propose other project activities not listed above that are consistent with the goals and activities of the NIS College and University Partnerships Program.

The NIS College and University Partnership Program awards up to $300,000 for up to a three-year period to defray the cost of travel and per diem with an allowance for educational materials and some aspects of project administration. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Please note that USIA's NIS College and University Partnerships Program (NISCUPP) is intended exclusively for college and university partnerships throughout the NIS in the following fields: Law, business/economics, education, public administration/public policy/government/urban and regional economic development, and journalism/communications. Other similar United States Government linkage programs include USIA's College and University Affiliations Program, which supports linkages with institutions in selected countries worldwide, and the Sustaining Partnerships into the Next Century (SPAN) program, funded by the United States Agency for International Development (USAID) and administered by the International Research & Exchange Board (IREX) which supports partnerships, including university partnerships, in the Russian Federation which contribute to USAID's strategic objectives. USIA and USAID cooperate in order to effectively distribute assistance funding and avoid duplication of efforts. Applicants interested in USIA's College and University Affiliations Program should contact USIA's Specialized Programs Branch at (202) 619–5289. Applicants interested in USAID's SPAN program should contact IREX at (202) 628–8188.

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us

with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Freedom Support Act). Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

Announcement Title and Number: All communications with USIA concerning this RFP should refer to the NIS College and University Partnerships Program and reference number E/ASU–99–05.

Deadline For Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Friday, February 19, 1999. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received at a later date will not be accepted.

Approximate program dates: Grants should begin on or about August 15, 1999.

Duration: August 15, 1999–August 14, 2002.

FOR FURTHER INFORMATION, CONTACT: Office of Academic Programs; Advising, Teaching, and Specialized Programs Division; Specialized Programs Branch, (E/ASU) room 349, U.S. Information Agency, 301 4th Street, SW., Washington, DC. 20547, fax: (202) 401–1433 to request a Solicitation Package containing more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify USIA Program Officer Sam Eisen (telephone: 202–619–4097, e-mail: seisen@usia.gov) on all inquiries and correspondences regarding partnerships with institutions in Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, or Uzbekistan. Please specify USIA Program Officer Jonathan Cebra (telephone: 202–619–4126, e-mail: jcebra@usia.gov) on all inquiries and correspondences regarding partnerships with institutions in Armenia, Azerbaijan, Belarus, Georgia, Moldova, or Ukraine.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package via Fax on Demand: The entire Solicitation Package may be received via the Bureau's ''Grants Information Fax on Demand System'', which is accessed by calling 202/401–7616. Please request a ''Catalog'' of available documents and order numbers when first entering the system.

Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions: Applicants must follow all instructions given in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Information Agency, Ref.: E/ASU–99–05, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC. 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Pub.L. 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy'', USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should account for advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

SUPPLEMENTARY INFORMATION:

Guidelines

The NIS College and University Partnership Program is limited to the following specific academic disciplines:

(1) Law;

(2) Business/economics/accounting/trade;

(3) Education/continuing education/civic education/educational reform;

(4) Government/public policy/public administration/urban and regional economic development; and

(5) Journalism/communications.

Proposals must focus on curriculum, faculty, and staff development at the NIS partner institution(s) in one or more of these eligible disciplines. Administrative reform at the foreign partner should also be a project component. Proposals in the field of economic development should focus on utilizing university resources to conduct educational outreach which will promote trade and investment in the region.

Projects should involve the development of new academic programs or the building and/or restructuring of an existing program or programs, and should promote higher education's role in the transition to market economies and open democratic systems.

Feasibility studies to plan partnerships will not be considered.

Whenever feasible, participants should make their training and personnel resources, as well as results of their collaborative research, available to government, NGOs, and business.

Participating institutions should exchange faculty and/or staff members for teaching/lecturing and consulting. At least once during the grant period, one U.S. participant should be in residence at the foreign partner institution for one semester to serve in a coordinating role. (Exception: Proposals for partnerships with institutions in Tajikistan should not include travel by U.S. participants to Tajikistan.)

U.S. institutions are responsible for the submission of proposals and should collaborate with their foreign partners in planning and preparing proposals. U.S. and foreign partner institutions are encouraged to consult about the proposed project with USIA E/ASU staff in Washington, DC. Preference will be given to proposals which demonstrate evidence of previous relations with the foreign partner institution(s). Preference will be given to proposals which do not duplicate partnership activities currently supported by USIA.

Guidelines

U.S. Partner and Participant Eligibility

In the U.S., participation in the program is open to accredited two- and four-year colleges and universities, including graduate or professional schools. Applications from consortia of U.S. colleges and universities are eligible. Secondary U.S. partners may include relevant non-governmental organizations, non-profit service or professional organizations. If a lead U.S. institution in a consortium is responsible for submitting an application on behalf of a consortium, the application must document the lead school's stated authority to represent the consortium. Participants representing the U.S. institution who are traveling under USIA grant funds must be faculty, staff, or advanced graduate students from the participating institution(s) and must be U.S. citizens.

Foreign Partner and Participant Eligibility

Overseas, participation is open to recognized institutions of post-secondary and continuing education. Secondary foreign partners may include relevant governmental and non-governmental organizations, non-profit service or professional organizations. Participants representing the foreign institutions must be faculty, staff or advanced students of the primary or secondary partner institution, and be citizens, nationals, or permanent residents of the country of the foreign partner, and be qualified to hold a valid passport and U.S. J–1 visa.

Foreign partners from the following countries are eligible:

Armenia;

Azerbaijan;

Belarus—foreign partners must be independent institutions; state universities are not eligible;

Georgia;

Kazahkstan—preference will be given to proposals for partnerships with institutions located in the Atyrau region;

Kyrgyzstan—potential applicants should contact USIA before preparing proposals;

Moldova;

Russia—preference will be given to proposals which: (1) Designate partner institutions outside of Moscow and St. Petersburg; (2) are in the field of business administration and designate partner institutions which have been designated by the Russian government for inclusion in the Presidential Management Training Initiative—a partial list of such institutions can be found in the POGI; (3) designate partner institutions in regions which have been identified by the U.S.-Russian Joint Commission on Economic and Technical Cooperation for Regional Initiatives—such regions currently include: Khabarovsk kraj, Sakhalin oblast, Samara olbast, and Novgorod oblast. Proposals for partnerships with institutions in Novgorod in regional economic development focusing on tourism are encouraged.

Tajikistan—in consideration of the State Department Warning advising U.S. citizens to defer travel to Tajikistan, proposals for partnerships with institutions in Tajikistan should not include travel by U.S. participants to Tajikistan;

Turkmenistan;

Ukraine—preference will be given to proposals for partnerships with institutions located in the Kharkiv region;

Uzbekistan;

Partnerships including a secondary foreign partner from a non-NIS country are eligible; however, with the exception noted below, USIA will not cover overseas non-NIS partner institution costs.

USIA encourages proposals which build upon established collaboration between U.S. institutions and partners in Central and Eastern Europe in order to support faculty and curriculum development in the NIS and to promote regional cooperation. Funds may be budgeted for the exchange, within the context of this partnership agreement and under the guidance of the U.S. partner institution, of faculty between NIS institutions and institutions of higher learning in Central and Eastern Europe (Albania, Bosnia, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Moldova, Poland, Romania, Serbia and Montenegro, Slovakia, Solvenia).

Ineligibility

A proposal will be deemed technically ineligible if:

(1) It does not fully adhere to the guidelines established herein and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The academic discipline(s) is/are not listed as eligible in the RFP, herein;

(6) The amount requested of USIA exceeds $300,000 for the three-year project.

Please refer to program-specific guidelines (POGI) in the Solicitation Package for further details.

Notice

The terms and conditions published in this RFP are binding and may not be modified by an USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: November 2, 1998.

John P. Loiello,

Associate Director for Educational and Cultural Affairs.

[FR Doc. 98–30443 Filed 11–12–98; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Summer Institute for the Study of the United States for Foreign Secondary School Educators

ACTION: Request for proposals (RFP).

SUMMARY: The Branch for the Study of the United States of the U.S. Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program entitled ''Summer Institute for the Study of the United States for Foreign Secondary School Educators.'' Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(C) may apply to develop and implement a six-week graduate-level American Studies program designed for a multinational group of up to 30 secondary school teacher trainers and curriculum developers.

This program is intended to provide participants with a deeper understanding of the U.S. society, institutions, culture and values—past and present—so that textbooks, curricula and teaching about the United States in foreign secondary schools and teacher training institutions will be improved. Tentative program dates are June 19 through July 30, 1999.

USIA is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in the disciplines and sub-disciplines that comprise American Studies, and that can demonstrate expertise in conducting graduate-level programs for foreign educators. *Applicant institutions must have a minimum of four years' experience in conducting international exchange programs.* The project director or one of the key program staff responsible for the academic program must have a doctoral degree in American studies or a related discipline. Staff escorts traveling under the USIA cooperative agreement must have demonstrated qualifications for this service.

The program must conform with Agency requirements and guidelines as outlines in the Solicitation Package. USIA programs are subject to the availability of funds.

Program Information

Overview and Objective: The Summer Institute for the Study of the U.S. aims to provide a deeper understanding of U.S. civilization among foreign educators who are concerned professionally with teaching or writing about the United States. It is further intended to encourage and support their efforts to improve the quality of teaching, textbooks, and curricular materials about the United States at secondary schools and teacher training institutions abroad.

The institute should be organized around a central theme or themes in American civilization, and the program as a whole should examine various aspects of U.S. society, culture, values and institutions—past and present—providing a good overview for participants. It should be designed as intensive, academically rigorous program that is organized through an integrated series of lectures, readings, seminar discussions, curricular research and independent study opportunities, faculty consultations, site visits and regional travel.

Institutions submitting proposals are encouraged to design thematically coherent programs in ways that draw upon the particular strengths and resources of their institutions as well as upon the nationally recognized expertise of scholars and other experts throughout the United States. Within the limits of the program's thematic focus and organizing framework, programs should be designed to:

A. Draw from a variety of academic disciplines in order to deepen the participants' understanding of the unity, diversity, and complexity of U.S. society, culture, and institutions. Major issues and debates in U.S. society, past and present, including their origins and the role they have played in the development of U.S. civilization, should also be examined;

B. Give participants a multi-dimensional view of U.S. society and institutions that reflects a broad range of perspectives, including the views of scholars and of experts outside the university, such as government officials, public intellectuals and cultural critics, journalists, and other professionals; and,

C. Enhance teaching about the U.S. in foreign secondary schools and teacher training institutions by making appropriate scholarly resources, pedagogical and bibliographic materials available to participants. Participants should return home with an ability to communicate a deeper and more informed view of the U.S. to students and colleagues, and to continue their research, study and curriculum development activities.

The program should be six weeks in length, and must include:

A. An academic residency segment at a U.S. college or university campus (or other appropriate location) of a minimum of four weeks in length.

B. A study tour segment of a maximum of two weeks in length that takes participants to up to three additional regions of the U.S. If appropriate, a visit to Washington, D.C. should be included at or near the end of the program.

Program Dates: Tenative program dates are June 19 through July 30, 1999. Based on these dates, participants would be booked to arrive on June 18 and depart July 31, 1999. USIA is willing to consider adjustment of these program dates, based on the needs of the host institution. However, the institute must be 42 program days in length, and should take place sometime between June 12 and August 28, 1999.

Participants: The program should be designed for a total of 30 highly-motivated foreign secondary school teacher trainers, textbook writers, curriculum developers, and education ministry officials, whose professional assignments require significant knowledge of U.S. civilization, and who have broad responsibility for curriculum design and improvement. Participants will be involved in the teaching of English language, American literature, U.S. government, history, geography, social studies, or other courses that include U.S. studies content. Participants will be drawn from all regions of the world, and will be fluent in the English language.

Participants will be nominated by U.S. Information Service (USIS) posts abroad, and selected by the staff of USIA's Branch of the Study of the United States in Washington, D.C. USIA will cover all international travel costs directly.

Program Guidelines: The conception, design, structure and content of the institute program is entirely the responsibility of the organizers. However, given the many possible approaches to a program on U.S. civilization, organizers are expected to submit proposals that articulate in concrete detail how they intend to organize and implement the institute.

Consistent with the institute's overall thematic organization, the program should engage the constituent disciplines that make up American studies (e.g., literature, history, political science, economics, geography, sociology, etc.) as vehicles for helping foreign educators understand, teach, and write about the United States.

The selected grant organization will be responsible for most arrangements associated with this program. This includes the organization and implementation of all presentations and program activities, arrangement of all domestic travel, provision of

appropriate lodging, subsistence, and ground transportation for participants, orientation and briefing of participants, preparation of any necessary support materials (including a pre-program mailing to participants), and working with program presenters to achieve maximum program coordination and effectiveness.

Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further details on program design and implementation, as well as additional information on all other requirements.

Budget Guidelines: Unless special circumstances warrant, based on a group of 30 participants, the total USIA-funded budget (program and administrative) should not exceed $236,000, and USIA-funded administrative costs as defined in the budget details section of the solicitation package should not exceed $56,000. Justifications for any costs above these amounts must be clearly indicated in the proposal submission. Any grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. Applicant proposals should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector, including foundation and corporate, support. Applicants must submit a comprehensive line item budget for the entire program, based on the specific guidance provided in the Solicitation Package. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program, and availability of U.S. government funding.

Please refer to the ''POGI'' in the Solicitation Package for complete budget guidelines and formatting instructions for the institution program.

Announcement Name and Number: All communications with USIA concerning this announcement should refer to the above title and reference number: E/AES–99–05.

FOR FURTHER INFORMATION CONTACT: To request a Solicitation Package containing more detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation, applicants should contact: U.S. Information Agency, Office of Academic Programs, Branch of the Study of the United States, E/AES—Room 252, 301 4th Street, S.W., Washington, D.C. 20547, *Attn:* Richard Taylor, Telephone number: (202) 619–4557, *FAX number:* (202) 619–6790, *E-mail address:* rtaylor@usia.gov.

Please specify USIA Program Officer Richard Taylor on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, USIA staff may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package Via Fax on Demand: The entire Solicitation Package may be requested from the Bureau's ''Grants Information Fax on Demand System,'' which is accessed by calling (202) 401–7616. The ''Table of Contents'' listing available documents and order numbers should be the first order when entering the system.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5:00 p.m. Washington, D.C. time on Friday, January 29, 1999. Faxed documents will not be accepted, nor will documents postmarked January 29, 1999 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline.

Submissions: Applicants must follow all instructions given in the Solicitation Package. The original and 13 copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/AES–99–05, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Applicants should also submit the ''Executive Summary'' and ''Proposal Narrative'' section of the proposal on a 3.5 inch diskette formatted for DOS. This material must be provided in ACCII text (DOS) format with a maximum line length of 65 characters.

Diversity, Freedom, and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, social-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should account for advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement): The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program-specific requirements, including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process: USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the USIA Geographic Area Offices. Eligible proposals will then be forwarded to panels of senior USIA officers for advisory review. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Final funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria: Technical eligible applications will be competitively reviewed according to the criteria stated

below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. *Overall quality:* Proposals should exhibit originality and substance, consonant with the highest standards of Americna teaching and scholarship. The various program elements should be coherently and thoughtfully integrated. Lectures, panels, field visits and readings, taken as a whole, should offer a balanced presentation of issues, reflecting both the continuity of the American experience as well as the diversity and dynamism inherent in it.

2. *Program planning:* Proposals should demonstrate careful and detailed planning. The organization and structure of the Institute should be clearly delineated and be fully responsive to all program objectives. A program syllabus (noting specific sessions and topical readings supporting each academic unit) should be included, as should a calendar of activities. The travel component should not simply be a tour, but should be an integral and substantive part of the program, reinforcing and complementing the academic segment.

3. *Institutional capacity:* Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and media resources should be accessible to participants; housing, transportation and other logistical arrangements should be fully adequate to the needs of participants and should be conductive to a collegial atmosphere.

4. *Support for diversity:* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. *Experience:* The proposal should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. *Evaluation and follow-up:* The proposal should include a plan for evaluating activities during the Institute and at its conclusion. Proposals should detail the provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. *Administration and management:* The proposals should indicate evidence of continuous on-site administrative and managerial capacity as well as the means by which program activities will be implemented.

8. *Cost effectiveness:* The proposals should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hayes Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries . . .; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations . . . and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, and allocated and committed through internal USIA procedures.

Dated: November 3, 1998.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 98–30442 Filed 11–12–98; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Summer Institute for Economic Policy Officials: American Institutions and the Formulation of U.S. International Economic Policy; Request for Proposals (RFP).

SUMMARY: The U.S. Information Agency's Branch for the Study of the United States announces an open competition for an assistance award program entitled: ''Summer Institute for Economic Policy Officials: American Institutions and the Formulation of U.S. International Economic Policy.'' Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501 (C) may apply to develop and implement a three-week post-graduate level program designed for a multinational group of 15 experienced mid-level economic affairs professionals.

The program is intended to provide participants with a deeper understanding of U.S. economic policies in the international arena, with particular reference to how the political, economic, social and cultural institutions of American life affect the formulation of those policies. Tentative program dates are any three week period between June 6 and August 14, 1999.

USIA is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in a scholarly discipline related to the subject of the institute and that can demonstrate expertise in conducting post-graduate programs for foreign educators. *Applicant institutions must have a minimum of four years experience in conducting international exchange programs.* The project director or one of the key program staff responsible for the academic program must have an advanced degree in a relevant discipline. Staff escorts traveling under the USIA cooperative agreement support must have demonstrated qualifications for this service.

Programs must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA programs are subject to the availability of funds.

Program Information:

Overview and Objectives

''The Summer Institute for Economic Policy Officials: American Institutions and the Formulation of U.S. International Economic Policy,'' is intended to provide mid-career

economic affairs professionals from abroad with the opportunity to increase their understanding of the economy, politics, society, and culture of the United States at the end of the 20th century. Specifically, the Institute seeks to provide grantees with a deeper understanding of how U.S. international economic policy is formulated, with special reference to how the political, economic, social and cultural institutions of American life affect the formulation of those policies. Our working assumption is that the economic policy decisions of the United States and its actions in the international arena are to a significant degree a reflection of fundamental, albeit shifting, cultural values, embedded in U.S. institutions, public and private, and that a fuller understanding of those institutions will lead in turn to a better understanding of U.S. policies and actions abroad.

Accordingly, the program should provide participants with an overview of the major issues in international economic policy, together with both a broad-gauged historical overview of major U.S. institutional and cultural trends—not only economic, but political, social, and cultural. In addition, grantees should have the opportunity to explore particular issues and themes as they bear on the formulation of economic policies, both globally and regionally. At the program's end, participants should have a fuller and more nuanced understanding of the diversity and complexity of contemporary American life, as well as a greater appreciation of the manifold ways in which contemporary American institutional arrangements and cultural values influence U.S. decisions and actions in the international economic arena.

The Institute should be designed as a coherent, thoughtfully integrated and academically stimulating program that presents a multi-dimensional view of the United States through a series of lectures, readings, panel presentations, and round table discussions. While the program is intended to be a intensive academic seminar designed for a non-academic audience, the program organizers are encouraged to include a mix of presenters, including university scholars as well as other professionals from government, the private sector, and the media.

The program should be three weeks in length, including at least two weeks of residency at a U.S. college or university, and, depending on the program's design, an integrated study tour segment not to exceed one week in length. Part of that study tour should include a trip to Washington, DC. All travel should substantively extend and complement the residency portion of the program.

Program Dates

Tentative program dates are any three-week period between June 6 and August 21, 1999. The institute must be a total of 21 program days in length.

Participants

The program should be designed for 15 highly-motivated and experienced mid-level professionals whose day-to-day work focuses on some aspect of their country's bilateral economic relationship with the United States. Many will come from their country's Ministry of Economic Affairs; others will be professionals employed by universities or other non-governmental organizations concerned with international economic, commercial and trade issues. While participants will not be required to possess either a formal or in-depth knowledge of American life and institutions, most are likely to have a working understanding of the United States by virtue of their professional work. Some may have had substantial prior study or work experience in U.S. Participants will be drawn from all regions of the world and will be fluent in English.

Participants will be nominated by U.S. Information Service posts abroad, and selected by the staff of USIA's Branch for the Study of the United States in Washington, D.C. USIA will cover all international travel costs directly.

Program Guidelines

The conception, design, structure and, ultimately, the content of the institute program is entirely the responsibility of the organizers. However, given the many possible approaches to the development of such a program, organizers are expected to submit proposals that articulate in concrete detail now they intend to organize and implement the institute.

Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further details on program design and implementation, as well as additional information on all other requirements.

Budget Guidelines: Unless special circumstances warrant, based on a group of 15 participants, the total USIA-funded budget (program and administrative) should not exceed $131,000, and USIA-funded administrative costs as defined in the budget details section of the solicitation package should not exceed $39,500. Justifications for any costs above these amounts must be clearly indicated in the proposal submission. Any grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. Applicant proposals should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector, including foundation and corporate, support. Applicants must submit a comprehensive budget for the entire program.

The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program, and availability of U.S. government funding.

Please refer to the ''POGI'' in the Solicitation Package for complete budget guidelines and formatting instructions for the institute program.

Announcement Name and Number: All communications with USIA concerning this announcement should refer to the above title and reference number E/AES–99–12.

FOR FURTHER INFORMATION: To request a Solicitation Package containing more detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation, applicants should contact:

U.S. Information Agency, Office of Academic Programs, Branch for the Study of the United States, E/AES—Room 252, 301 4th Street, SW, Washington, DC 20547, Attention: William Bate. Telephone number: (202) 619–4557. Fax number: (202) 619–6790. Internet address: wbate@usia.gov.

Please specify USIA Program Officer William Bate on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, USIA staff may not discuss this competition in any way with applicants until after the proposal review process has been completed.

To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package Via Fax on Demand: The entire Solicitation Package may be requested from the Bureau's ''Grants Information Fax on Demand System,'' which is accessed by calling 202/401–7616. The ''Table of Contents'' listing available documents

and order numbers should be the first order when entering the system.

Deadline for Proposals: All proposal copies must be received at the U.S. Information Agency by 5 p.m. Washington DC time on Friday, January 29, 1999. Faxed documents will not be accepted, nor will documents postmarked January 29, 1999 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline.

Submissions: Applicants must follow all instructions in the Solicitation Package. The original and 13 copies of the complete application should be sent to: U.S. Information Agency, Reference: E/AES–99–12, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW, Washington, DC 20547.

Applicants should also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters.

Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' USIA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement): The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program-specific requirements, including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the years 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process: USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the USIA Geographic Area Offices. Eligible proposals will then be forwarded to panels of senior USIA officers for advisory review. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Final funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria: Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. Overall Quality: Proposals should exhibit originality and substance, consonant with the highest standards of American teaching and scholarship. Program design should reflect the main currents as well as the debates within the subject discipline of each institute. Program should reflect an overall design whose various elements are coherently and thoughtfully integrated. Lectures, panels, field visits and readings, taken as a whole, should offer a balanced presentation of issues, reflecting both the continuity of the American experience as well as the diversity and dynamism inherent in it.

2. Program Planning: Proposals should demonstrate careful planning. The organization and structure of the institute should be clearly delineated and be fully responsive to all program objectives. A program syllabus (noting specific sessions and topical readings supporting each academic unit) should be included, as should a calendar of activities. The travel component should not simply be a tour, but should be an integral and substantive part of the program, reinforcing and complementing the academic segment.

3. Institutional Capacity: Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and media resources should be accessible to participants; housing, transportation and other logistical arrangements should be fully adequate to the needs of participants and should be conducive to a collegial atmosphere.

4. Support for Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. Experience: The proposal should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. Evaluation and Follow-up: The proposal should include a plan for evaluating activities during the Institute and at its conclusion. Proposals should comment on provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. Administration and Management: The proposals should indicate envidence of continuous on-site administrative and managerial capacity as well as the means by which program activities will be implemented.

8. Cost Effectiveness: The proposals should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the

ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Notice: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided buy the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification: Final awards cannot be made until funds have been appropriated by Congress, and allocated and committed through internal USIA procedures.

Dated: November 6, 1998.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 98–30444 Filed 11–12–98; 8:45 am]

BILLING CODE 8230–01–M

federal register

Friday
November 13, 1998

Part II

Department of Agriculture

Department of Health and Human Services

Proposed Joint Institute for Food Safety Research; Public Meeting; Notice

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Proposed Joint Institute for Food Safety Research; Public Meeting

AGENCIES: United States Department of Agriculture (USDA), Department of Health and Human Services (DHHS).

ACTION: Notice; public meeting; establishment of public docket.

SUMMARY: On July 4, 1998, President Clinton directed the Secretaries of Agriculture and Health and Human Services to report back to him within 90 days on the creation of the Joint Institute for Food Safety Research, which would: (1) develop a strategic plan for conducting food safety research activities consistent with the President's Food Safety Initiative; and (2) efficiently coordinate all Federal food safety research, including research conducted with the private sector and academia. The report to the President articulates the concept of the Institute and provides a proposed structure, operating principles, goals and outcomes, and an implementation schedule for the Institute. This report can be obtained from Ms. Sarah Poythress, (202) 720–4423 or by email at spoythress@reeusda.gov.

The USDA and DHHS are announcing a public meeting to solicit input from individuals regarding the role of the Joint Institute for Food Safety Research. Agency personnel will use the input as they begin to develop a detailed proposal for the Institute. The ultimate goal of the Institute's research agenda is to reduce the incidence of adverse human health effects associated with the consumption of food. The objective of creating the Institute—and all other Administration food safety activities—is to reduce the incidence of foodborne illness to the greatest extent feasible. Scientific information about prevention of foodborne illness and detection of organisms that may cause it is critical to reduce further the incidence of foodborne illness.

The meeting is open to the public. Written comments and suggestions on issues that may be considered in the meeting may be submitted to the CSREES Docket Clerk at the address below.

DATES: The meeting will be held on December 1, 1998, from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting will be held in Room 107A, Jamie L. Whitten Building, United States Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Poythress, (202) 720–4423 or by email at spoythress@reeusda.gov.

SUPPLEMENTARY INFORMATION: Persons wishing to present comments orally at this meeting are requested to pre-register by contacting Ms. Sarah Poythress at (202) 720–4423, by fax at (202) 720–8987 or by e-mail to spoythress@reeusda.gov. Participants may reserve a 5-minute comment period when they register. More time may be available, depending on the number of people wishing to make a presentation and the time needed for questions, following the presentations. Reservations will be confirmed on a first-come, first-served basis. All other attendees may register at the meeting. Written comments may also be submitted for the record at the meeting or may be mailed to Ms. Sarah Poythress, USDA/CSREES, Room 305A, Jamie L. Whitten Federal Building, 1400 Independence Avenue, SW, Washington, DC 20250–2201. *Please provide five copies of the comments.* Written comments must be postmarked by December 18, 1998, to be considered. All comments and the official transcript of the meeting, when it becomes available, will be available for review for six months at the address listed above from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Participants who require a sign language interpreter or other special accommodations should contact Ms. Poythress by Friday, November 20, 1998 as directed above.

Done in Washington, DC, on this 29th day of October, 1998.

Eileen Kennedy,

Deputy Under Secretary, Research, Education, and Economics, United States Department of Agriculture.

William Raub,

Deputy Assistant Secretary for Science Policy, Department of Health and Human Services.

[FR Doc. 98–30336 Filed 11–12–98; 8:45 am]

BILLING CODE 3410–22–P

federal register

Friday
November 13, 1998

Part III

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4378–N–02]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from April 1, 1998 through June 30, 1998.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the thirtieth in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989 (the Reform Act), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 of the Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the thirtieth notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from April 1, 1998 through June 30, 1998.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.)

Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between July 1, 1998 through September 30, 1998.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: November 4, 1998.

Andrew Cuomo,

Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development April 1, 1998 Through June 30, 1998

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For Items 1 and 2, Waivers Granted for 24 CFR Parts 5 and 882, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401–8812 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

1. Regulation: 24 CFR 5.613(a)(1) and 24 CFR 882.605(c).

Project/Activity: Housing Authority of Pierce County, Washington; Section 8 Rental Certificate Program, Special Assistance on Behalf of Manufactured Home Owners.

Nature of Requirement: HUD's regulation at 24 CFR 5.613(a)(1) provide that the Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent. HUD's regulation at 24 CFR 882.605(c) caps the amount of rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 20, 1998.

Reasons Waived: The manufactured home and belongings of a disabled program participant were destroyed in a flood. The waivers made it possible for her to receive assistance in a replacement manufactured home.

2. Regulation: 24 CFR 5.613(a)(1) and 24 CFR 882.605(c).

Project/Activity: Housing Authority of Pierce County, Washington; Section 8 Rental Certificate Program, Special Assistance on Behalf of Manufactured Home Owners.

Nature of Requirement: HUD's regulation at 24 CFR 5.613(a)(1) provides that the Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent. HUD's regulation at 24 CFR 882.605(c) caps the amount of rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 20, 1998.

Reasons Waived: The waiver, which covers nineteen elderly/disabled program participants, provided these participants with the opportunity to continue to receive rental assistance without moving their units to new sites. Because of the age and health problems of the program participants and their low income levels, moving the manufactured home units to new sites was not feasible.

For Items 3 and 4, Waivers Granted for 24 CFR Parts 91 and 92, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7184, Washington, DC 20410; telephone (202) 708–2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

3. Regulation: 24 CFR 91.105.

Project/Activity: Jefferson County, Alabama requested that HUD waive the required thirty day comment period for its proposed amendments to the Community Development Block Grant (CDBG) and HOME Investment Partnership activities described in its Consolidated Plan. The County wished to provide assistance to tornado victims who had not been assisted by the Federal Emergency Management Agency and other agencies.

Nature of Requirement: HUD's Consolidated Plan regulations are located in 24 CFR part 91. The regulations require that each jurisdiction adopt a citizen participation plan that provides for public participation in the development of the jurisdiction's consolidated plan. Under § 91.105(k), the jurisdiction must follow its citizen participation plan.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: May 8, 1998.

Reasons Waived: The citizen participation plan adopted by Jefferson County requires a thirty-day public comment period for any amendments to the consolidated plan. The County was allowed to substitute a ten-day comment period. Failure to approve the waiver would have caused undue hardship to persons displaced by a recent tornado.

4. Regulation: 24 CFR 92.101(c).

Project/Activity: The Northeast Minnesota Housing Consortium.

Nature of Requirement: HUD's HOME program regulations are located at 24 CFR part 92. Subpart C of 24 CFR part 92 describes the requirements for units of local government wishing to form a consortium for purposes of participating in the HOME program. Section 92.101(c) provides that a unit of local government located within a non-urban county that wishes to participate as a member of a consortium must sign the HOME consortium agreement.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: April 22, 1998.

Reasons Waived: The waiver extended the deadline for signature of the consortium agreement. The consortium requested the extension due to difficulties in obtaining all of the necessary signatures. Among the difficulties described in the waiver request submitted by the consortium were the large number of local jurisdictions participating in the consortium and the remote rural location of each of the participating jurisdictions.

For Items 5 and 6, Waivers Granted for 24 CFR Part 203, Contact: Vance T. Morris, Director, Home Mortgage Insurance Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–7000; telephone (202) 708–2700 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

5. Regulation: 24 CFR 203.49(c).

Project/Activity: Mortgagees (Corinthian Mortgage Corporation and First Nationwide Mortgage Company) requested an extension of the initial change date for Adjustable Rate Mortgage (ARM) loans beyond the 12–18 month window period as required by 24 CFR 203.49.

Nature of Requirement: HUD's single family mortgage insurance program regulations are located at 24 CFR part 203. Section 203.49(c) provides that interest rate adjustments for ARMs must occur on annual basis, except that the first adjustment may occur no sooner than 12 months nor later than 18 months from the date of the mortgagor's first debt service payment.

Granted by: Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: Two waivers, one on May 15, 1998 and one on May 19, 1998.

Reasons Waived: The waiver permitted the lenders to securitize several loans. The waiver permitted the lenders to extend the initial interest rate adjustment dates on several ARM loans, thus rendering the loans eligible for placement in Ginnie Mae pools. Ineligibility of the loans for delivery to Ginnie Mae would have resulted in financial hardship to the mortgagee.

6. Regulation: 24 CFR 203.255(b)(5).

Project/Activity: A request was submitted to HUD for a waiver of the regulatory requirements located at 24 CFR 203.255(b)(5). The program participant requested that HUD permit the use of an automated risk assessment, based on scoring of the loan application, in lieu of the subjective review by a Direct Endorsement underwriter.

Nature of Requirement: HUD's single family mortgage insurance program regulations are located at 24 CFR part 203. The regulation at § 203.255(b)(5) requires that lender's Direct Endorsement underwriter personally review a borrower's credit and capacity to repay a mortgage to be insured by HUD.

Granted by: Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Dates Granted: April 9, 1998.

Reasons Waived: HUD granted the waiver so that lenders, borrowers, and HUD may enjoy the enhanced benefit of automated underwriting technologies. The use of these technologies will reduce the time and cost to originate a HUD-insured mortgage. The waiver renders no harm to prospective borrowers or to HUD. The benefits of automated risk assessment technologies to borrowers, including reduced processing/underwriting costs, would be lost without the waiver.

For Items 7 Through 10, Waivers Granted for 24 CFR Parts 570, 574, and 576 Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7184, Washington, DC 20410; telephone (202) 708–2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

7. Regulation: 24 CFR 570.200(h).

Project/Activity: Clayton County, Georgia requested that HUD waive 24 CFR 570.200(h) to allow the County to use Community Development Block Grant (CDBG) funds to cover costs incurred by the County in preparing the CDBG specific portions of its first Consolidated Plan as a new urban county.

Nature of Requirement: The regulation at 24 CFR 570.200(h)(1)(i) states that a grantee may only use CDBG funds to pay pre-award costs if, among other things, the activity for which the costs are being incurred is included in a Consolidated Plan or an amended Consolidated Plan Action Plan prior to the costs being incurred.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: April 8, 1998.

Reasons Waived: As a new urban county, Clayton County had to incur planning and administrative costs in the preparation of CDBG specific portions of its Consolidated Plan. Non-reimbursement of these and other related start-up costs would have imposed a burden on Clayton County, and made it very difficult for the County to implement its CDBG program.

8. Regulation: 24 CFR 574.540.

Project/Activity: The City of New York, NY requested that HUD waive the regulations governing the Housing Opportunities for Persons with AIDS (HOPWA) program, which provide for the potential deobligation of funds which are not expended in a timely manner.

Nature of Requirement: The HOPWA program regulations at 24 CFR 574.540 provide that HUD may deobligate any amount of grant funds that have not been expended within a three-year period from the date of the signing of the grant agreement.

Granted by: Saul Ramirez, Jr., Assistant Secretary for Community Planning and Development

Date Granted: April 22, 1998.

Reasons Waived: The City requested the waiver due to delays in securing funding for the supportive services to be used in connection with its HOPWA projects. The waiver will allow the City to continue to use up to $16,216,996 in current unexpended funds from the City's Fiscal Year 1995 HOPWA formula allocation.

9. Regulation: 24 CFR 576.21.

Project/Activity: Fort Wayne, Indiana requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulation at 24 CFR 576.21 states that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse counseling, and education to homeless persons.

Granted by: Saul N. Ramirez. Jr., Assistant Secretary for Community Planning and Development.

Date Granted: March 26, 1998.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources.'' The requirement was waived because the City was able to successfully demonstrate that other activities under the program are being carried out in the locality.

10. Regulation: 24 CFR 576.21.

Project/Activity: Hennepin County, Minnesota requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulation at 24 CFR 576.21 states that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse counseling, and education to homeless persons.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: May 29, 1998.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources.'' The County stated that its emergency shelters are currently being funded through other local funds, but it has limited funds to provide the services necessary to move homeless families out of emergency shelter and into permanent housing. The County stated that if the waiver were granted, essential service funds would be used by the County's Family Homeless Prevention and Assistance Program to stabilize families exiting emergency shelters and reduce homeless relapses within the community at an average cost of $300 per family. Based on this statement by the County, HUD granted the regulatory waiver.

For Item 11, Waiver Granted for 24 CFR Part 811, Contact: James B. Mitchell, Acting Director, Special Projects Division, Office of Multifamily Housing Programs, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, DC. 20410–7000; telephone (202) 708–3730 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–766–8391.

11. Regulation: 24 CFR 811.104(b).

Project/Activity: Spinnaker Landing Apartments, Palm Beach County, Florida (Project No. FL002–HG402).

Nature of Requirement: HUD's regulations governing the tax exemption of obligations of public housing agencies are located at 24 CFR part 811. Section 811.104(b) prohibits payment of a fee of a Housing Authority other than for actual expenses of a bond refunding transaction.

Granted by: Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 15, 1998.

Reasons Waived: The refunding bonds are being issued on terms which will reduce debt service to strengthen the financial condition of the project, and redeem 1988 bonds which are in default. The Internal Revenue Code low-income rent restrictions will apply during the new financing term. The Palm Beach County Housing Authority will receive a fee of $32,500 for its participation in this transaction. Because this fee will be paid by the project owner and not from refunding bond proceeds or from debt service reserve residual balances, HUD found good cause to waive § 811.104(b).

For Item 12, Waiver Granted for 24 CFR Part 882, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7184, Washington, DC 20410; telephone (202) 708–2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

12. Regulation: 24 CFR 882.408(a).

Project/Activity: The Los Angeles Housing Authority requested that HUD waive its regulations at 24 CFR 882.408(a), which govern its Section 8 Certificate and Moderate Rehabilitation Programs.

Nature of Requirement: The regulations at 24 CFR 882.408(a) state that the initial gross rent for any project unit must not exceed the applicable Moderate Rehabilitation Fair Market Rent (FMR) in effect on the date that the agreement to enter into a Housing Assistance Payment Contract is executed, except by up to ten percent in cases where the HUD Field Office has approved an area-wide exception rent.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: June 11, 1998.

Reasons Waived: At the time the affected housing project was conditionally selected for a Section 8 Single Family Occupancy (SRO) grant (September 1996), the maximum allowable contract rent was $506 with a base rent of $422. On October 1, 1997, the FMR for the Los Angeles-Long Beach area was greatly reduced, lowering the maximum allowable contract rent from $506 to $437, and the base rent from $422 to $365. The waiver will allow the Housing Authority to use the FMR in effect at the time the project was conditionally selected for funding.

For Item 13, Waiver Granted for 24 CFR Part 882, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401–8812 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

13. Regulation: 24 CFR 882.605(c).

Project/Activity: Central Oregon Regional Housing Authority; Section 8 Rental Certificate Program, Special Assistance on Behalf of Manufactured Home Owners.

Nature of Requirement: The regulation caps the amount of rent that can be paid for rental of a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 24, 1998.

Reasons Waived: Approval of the waiver made it possible for the elderly/disabled program participant to continue to receive assistance without moving her manufactured home to a new site. Because of her age and poor health, a move would have been a severe hardship. The program participant also lacked the financial resources necessary to move.

For Items 14 and 15, Waivers Granted for 24 CFR Part 891, Contact: Willie Spearmon, Director, Office of Business Products, Office of Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6132, Washington, DC 20410; telephone (202) 708–3000 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

14. Regulation: 24 CFR 891.130.

Project/Activity: Home Sweet Home Development.

Nature of Requirement: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.130 (entitled ''Prohibited relationships'') provides that Officers and Board members of either the Sponsor or Owner may not have any financial interest in any contract with the Owner or any firm which has a contract with the Owner. This restriction applies so long as the individual is serving on the Board and for a period of three years following resignation or final closing, whichever occurs later.

Granted by: Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: May 22, 1998.

Reasons Waived: The Walker Point Development Corporation is a not-for-profit

organization, and will complete the rehabilitation of the Home Sweet Home units at cost without a profit.

15. Regulation: 24 CFR 891.130.

Project/Activity: The Sponsor of Jacob Blake Manor requested approval to use a site owned by a former Board member.

Nature of Requirement: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.130 (entitled ''Prohibited relationships'') provides that Officers and Board members of either the Sponsor or Owner may not have any financial interest in any contract with the Owner or any firm which has a contract with the Owner. This restriction applies so long as the individual is serving on the Board and for a period of three years following resignation or final closing, whichever occurs later.

Granted by: Ira Peppercorn, General Deputy Assistant Secretary for Housing.

Date Granted: June 5, 1998.

Reasons Waived: Term of the former Board member in question expired prior to approval of the Sponsor/Owner for a fund reservation.

For Items 16 Through 29, Waivers Granted for 24 CFR Part 982, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401–8812 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

16. Regulation: 24 CFR 982.303(b).

Project/Activity: Oakland Housing Authority, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 2, 1998.

Reasons Waived: The waiver was granted to help keep the large family (consisting of two adults and seven children) together and to prevent them from becoming homeless again.

17. Regulation: 24 CFR 982.303(b).

Project/Activity: Department of Housing and Community Development of the Commonwealth of Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 14, 1998.

Reasons Waived: Approval of the waiver prevented further hardship to a seriously ill certificate holder whose illnesses prevented her from seeking a suitable rental unit during much of the time her rental certificate was in effect.

18. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 14, 1998.

Reasons Waived: Approval of the waiver supported the intensive treatment and counseling program of a disabled child in the family and helped protect the family from the threat of homelessness.

19. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 20, 1998.

Reasons Waived: Waivers were granted to prevent further hardship to two certificate holders whose ability to seek housing was severely limited by serious health problems that limited their mobility.

20. Regulation: 24 CFR 982.303(b).

Project/Activity: Chicago Section 8 Housing Program, Illinois; Section 8 Rental Voucher Program.

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 5, 1998.

Reasons Waived: The waiver provided extra search time for two rental voucher holders whose ability to seek suitable housing was limited due to their disabilities.

21. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of the County of Contra Costa, California; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 12, 1998.

Reasons Waived: The waiver provided extra search time to a certificate holder forced to relocate after a violent crime against her daughter.

22. Regulation: 24 CFR 982.303(b).

Project/Activity: Quincy Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 14, 1998.

Reasons Waived: The waiver provided extra search time to the rental certificate holder whose disability severely limited her ability to locate appropriate housing.

23. Regulation: 24 CFR 982.303(b).

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 15, 1998.

Reasons Waived: The waiver was granted to an elderly certificate holder whose disability made it difficult for her to seek appropriate housing.

24. Regulation: 24 CFR 982.303(b).

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 15, 1998.

Reasons Waived: The waiver was granted to a certificate holder whose disability made it difficult for her to seek appropriate housing.

25. Regulation: 24 CFR 982.303(b).

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 15, 1998.

Reasons Waived: The waiver was granted to provide extra search time to a certificate holder whose disability made it difficult to seek appropriate housing.

26. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority and Urban Renewal Agency of Lane County, Oregon; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 4, 1998.

Reasons Waived: The waiver was granted to provide extra search time to two certificate

holders whose disabilities made it difficult for them to seek appropriate housing.

27. Regulation: 24 CFR 982.303(b).

Project/Activity: Department of Housing and Community Development of the City and County of Honolulu, Hawaii; Section 8 Rental Voucher Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 4, 1998.

Reasons Waived: The waiver provided extra search time to a disabled voucher holder who was hospitalized during the entire period her rental voucher was in effect.

28. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of Marin County, California; Section 8 Rental Voucher Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 5, 1998.

Reasons Waived: The waiver was granted to a disabled voucher holder whose disability made it difficult to find suitable housing in a tight rental market.

29. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The Regulation provides for a maximum rental certificate/voucher term of 120 days during which a certificate/voucher holder may seek housing to be leased under the program.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 10, 1998.

Reasons Waived: The waiver was granted to grant additional search time to an elderly certificate holder who was hospitalized and unable to seek housing during much of the time that his certificate was in effect.

For Item 30, Waiver Granted for 24 CFR Part 1005, Contact: Jacqueline Johnson, Deputy Assistant Secretary for Native American Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4130, Washington, DC 20410; telephone (202) 401–7914 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

30. Regulation: 24 CFR 1005.112.

Project/Activity: A request was made by Norwest Mortgage, Inc. of Minneapolis, MN, that the Office of Native American Programs consider an alternative to the certification that provides for lender acknowledgment and agreement to comply with all applicable tribal laws when the lender originates a loan under the Section 184 Loan Guarantee Program.

Nature of Requirement: Lenders participating in the Section 184 Loan Guarantee Program must certify that they acknowledge and agree to comply with all applicable tribal laws when originating a Section 184 loan for a tribal member.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 12, 1998.

Reasons Waived: Norwest Mortgage, Inc. has developed procedures for the necessary discussions that must take place with a tribe before the origination and closing of a 184 loan on trust land or other eligible service area. Norwest Mortgage, Inc. will obtain a letter from the applicable tribe advising HUD of the tribe's confidence or belief that Norwest Mortgage, Inc. has made the effort necessary to familiarize itself with the tribe's laws. A copy of the tribe's letter will be included with each 184 loan file for tribal members.

[FR Doc. 98–30293 Filed 11–12–98; 8:45 am]

BILLING CODE 4210–32–P

federal register

Friday
November 13, 1998

Part IV

Department of Labor

Employment And Training Administration

Invitation To Comment on Proposed Minimum Performance Criteria for UI PERFORMS Tier I Measures; Notice

DEPARTMENT OF LABOR

Employment And Training Administration

Invitation to Comment on Proposed Minimum Performance Criteria for UI PERFORMS Tier I Measures

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice and opportunity to comment on proposed minimum performance criteria for UI PERFORMS Tier I measures.

SUMMARY: The purpose of this notice is to explain and invite comment on the proposed minimum performance criteria for nine UI PERFORMS Tier I measures. UI PERFORMS is the Department's management system for promoting continuous improvement in Unemployment Insurance performance.

DATES: Written comments must be received by the close of business January 12, 1999.

ADDRESSES: Comments should be submitted to Ms. Grace A. Kilbane, Director, Unemployment Insurance Service, U. S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room S–4231, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra King, Director, Division of Performance Review, Unemployment Insurance Service, U. S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W, Room S–4231, Washington, DC 20210, 202–219–5223, extension 160, or Andrew Spisak, who can be contacted at the same address or at 202–219–5223, extension 157. (These are not toll free numbers.) Workgroup papers are available upon request.

SUPPLEMENTARY INFORMATION:

Background

When the State-Federal Performance Enhancement Work Group (PEWG) established the outlines of the UI PERFORMS system for promoting continuous improvement in UI operational performance, it identified 10 key measures for which uniform national criteria would be set. It called these ''Tier I'' measures. The criteria for these measures were to be interpreted as minimum levels which States would always be expected to meet or exceed, similar to the criteria which implement the current Secretary's Standards for first payment and lower authority appeals promptness.

The PEWG's successor, the Performance Enhancement Group (PEG), ratified the meaning of the performance criteria and established three workgroups—Appeals, Benefits, and Tax—to develop recommendations for the criteria. Each group included Federal staff from the National and Regional Offices, and at least two State representatives. The PEG developed guidelines for the workgroups to follow in developing their recommendations. The PEG also deferred setting a criterion for cashiering timeliness until that measure can be applied more uniformly.

PEG materials related to the establishment of performance criteria were provided in UIPL No. 19–98. UIPL No. 34–98 described the process for establishing the performance criteria. The workgroup members are identified in Appendix A, and PEG members are identified in Appendix B.

The workgroups' reports were presented to the PEG at its meeting in Washington, DC, on September 28–30, 1998. The PEG reviewed the workgroups' recommendations, both in terms of the individual Tier I measures and in light of their cumulative burden, and recommended appropriate adjustments. The PEG's decisions were reported in UIPL 4–99 (October 20, 1998), which solicited the comments of the State Employment Security Agencies on the proposed performance criteria.

Performance Criteria Principles

a. *PEWG Guidance.* The PEWG originally addressed the subject of developing performance criteria at its meetings in April and October 1994 and recommended the following principles:

- Criteria should be set for only a few elements.
- Measures would have agreed-on validity.
- Validity would include the attribute that the measures would have the same meaning in all States so that inter-State comparisons are valid.
- The criteria would be interpreted as performance floors, similar to the criteria for the current Secretary's Standards, which the criteria will replace.
- ■ States would be expected to meet or exceed the criteria, unless attaining the established levels was not ''administratively feasible'' for the period measured.
- ■ Through their annual State Quality Service Plans (SQSP), States would be encouraged to establish their own targets above these minimum levels.
- ■ Regarding the levels selected:
- ■ The implications for customer service should be considered.
- ■ They should be no lower than existing criteria for Secretary's Standards or Desired Levels of Achievement, if set for measures which remain the same as Quality Appraisal measures.
- ■ Face validity is important. The measures should balance levels necessary to sustain quality customer service with the administrative feasibility of attaining and exceeding those levels.
- ■ Levels should take into account recession impacts on performance.
- In the application of these standards:
- ■ Missing a criterion will require corrective action; a State that does not want to undertake a Corrective Action Plan will have to demonstrate that either (a) the measurement of its performance was incorrect and the criterion was really attained, or (b) attaining the criterion at the time was not administratively feasible.
- ■ Persistent performance below the established criterion would be required before the Department of Labor would initiate stronger action. The Department of Labor would have to ensure that the State was not treated differently than other States and that the Department's judgments were as free as possible of subjective considerations. The Department of Labor must conclude that the performance deficiencies reflected systemic, not random or temporary (such as recessionary), causes.

b. *PEG Guidance.* More recently, the PEG addressed the subject of benchmarks at its first two meetings and set down the following guidelines for performance criteria:

- The criteria should be minimum or floor values which every State is expected to meet or exceed.
- They should reflect levels which are administratively feasible.
- The levels chosen should reflect good customer service.
- They should reflect actual State experience using three years of data, if available.
- Where there is a current and/or similar criterion, a replacement should not be set lower unless there is a justification.
- The criteria should be set on validated data, if available.
- They should have ''face validity'' to the public.

One objective of the criteria is to facilitate continuous improvement for the system as a whole, specifically by encouraging States to perform at levels above the minimum and by helping to raise the performance of States not meeting the criteria. The proposed criteria include the notion that minimum performance levels need to be set at levels which are both

administratively feasible and high enough to convince the public that UI is serious about conducting a quality program.

Periodic Review and Affirmation or Revision

The PEWG and PEG stressed that the system is committed to reviewing measures and performance criteria periodically, so setting criteria is not a one-time event. The first set of UI PERFORMS criteria will be reviewed five years from the date of issuance, with the exception of the criteria for nonmonetary determinations timeliness, nonmonetary determinations quality, and new status determinations accuracy, which will be reviewed after two years. Additional performance data will have been collected for the measures, and States will have had their first opportunity to validate the data prior to the reviews. Subsequent reviews will occur at approximately five-year intervals.

Effective Date

Except as noted below, these criteria will be used to assess SESA performance effective with the fiscal year (FY) 2000 planning cycle. Because the FY 2000 planning cycle will use performance data which in part predate the issuance of this directive, States whose performance for one or more of the Tier I measures does not meet or exceed the criteria will be required to submit ''transition plans'', in lieu of corrective action plans, identifying the steps the State will take to achieve the minimum performance criteria. Performance assessment in subsequent SQSP cycles is described in section, ''Performance Assessment'', below.

Summary of Minimum Performance Criteria

Measure	Criteria effective FY 2000	Criteria effective FY 2002
First Payment Timeliness	1. 87% within 14/21 days 2. 93% within 35 days	1. 90% within 14/21 days. 2. 95% within 35 days.
Nonmonetary Determinations Timeliness		1. 80% of separation determinations within 21 days. 2. 80% of nonseparation determinations within 14 days.
Nonmonetary Determinations Quality		75% of all determinations with passing scores (> 80 points)—all programs, separation and nonseparation combined.
Lower Authority Appeals Timeliness	1. 60% of decisions within 30 days 2. 80% of decisions within 45 days 3. 95% of decisions within 75 days	1. 60% of decisions within 30 days. 2. 85% of decisions within 45 days. 3. 95% of decisions within 75 days
Higher Authority Appeals Timeliness	1. 50% of decisions within 45 days 2. 80% of decisions within 75 days. 3. 95% of decisions within 120 days.	No change.
Lower Authority Appeals Quality	80% of all benefit appeals with combined scores equal to at least 85% of potential points.	No change.
Timeliness of New Status Determinations	1. 60% of determinations made within 90 days of quarter ending date (QED). 2. 80% of determinations made within 180 days of QED.	No change.
New Status Determinations Accuracy		No more than six cases from an acceptance sample of 60 cases can fail the evaluation.
Timeliness of Transfer from Clearing Account to Trust Fund.	Maximum of two days to transfer funds from the State clearing account to the UI trust fund.	Maintenance of an annual ratio* ≤1.75.

*Ratio of the monthly average daily available balance (line 10, ETA 8414 report) to the average daily transfer to the trust fund (line 3, ETA 8405 report, divided by the number of days in the month).

Tier I Measures: Definitions and Recommended Criteria

First Payment Timeliness

Definition	Recommended criteria
Number of days elapsed from week-ending date of the first compensable week in benefit year to date payment is mailed, made in person, or offset or intercept is applied. Universe of first full and partial payments from ETA 9050 report. One aggregate measure including intrastate and interstate for State UI, UCFE, and UCX.	1. 87 percent within 14/21 days. 2. 93 percent within 35 days. In conjunction with implementation of the consolidated UI PERFORMS regulation: 1. 90 percent within 14/21 days. 2. 95 percent within 35 days.

The PEG balanced the positive impact of new technologies, such as telephone certification, on first payment time lapse, against countervailing factors such as alternative base year legislation. The consensus was to use the existing Secretary's Standards criteria (87 percent timely for 14/21 days and 93 percent timely for 35 days) for intrastate UI first payments and apply them to a combined first payment measure (intrastate UI + interstate UI + UCFE + UCX). Based on calendar year (CY) 1997 data, which are available for 51 of the 53 agencies, 49 States meet both the 14/21-day and 35-day proposed criteria, and the performance of two States is within five percentage points of both of the proposed criteria.

In concert with the incorporation of the regulation defining the current criteria (20 CFR 640) into the single UI PERFORMS regulation, the percentages will be raised to 90 percent within 14/

21 days and 95 percent within 35 days. It is anticipated that the revised criteria will be effective with the FY 2002 SQSP. Current data suggest that most States could reasonably be expected to meet the higher standards.

In addition, the PEG agreed that it is necessary to maintain a monitoring mechanism for the first payment promptness of the individual programs included in the aggregate Tier I measure—UI intrastate, UI interstate, UCFE, and UCX—by including separate measures for each program in Tier II. Data collected in the ETA 9050 report will be used to monitor 14/21-day and 35-day first payment promptness for these programs. A complete list of Tier II measures is provided in Appendix C.

Nonmonetary Determinations Timeliness

Definition	Recommended criteria
Number of days elapsed from date of detection of any issue potentially affecting the claimant's benefit rights to date of the determination. Measure includes intrastate and interstate for State UI, UCFE, and UCX (ETA 9052 report).	1. 80 percent of separation determinations within 21 days. 2. 80 percent of nonseparation determinations within 14 days. (Implementation postponed until FY 2002 SQSP.)

The PEG took into consideration the significant changes in the way nonmonetary timeliness data are collected. Time lapse is measured from date of detection to date of determination; universe data, not sample data, are reported; and separations include issues arising from both new and additional initial claims. The PEG agreed that in order to assure an acceptable level of customer service, the criteria should be set at levels no lower than 80 percent of separation determinations made within 21 days of the detection date and 80 percent of nonseparation determinations made within 14 days from the date of detection.

Because the majority of States are performing below the proposed minimum criteria, the PEG postponed their implementation until the FY 2002 SQSP. Until the implementation of these criteria, States may be required to develop or revise transition plans to raise performance, but will not be subject to any sanctions initiated by the Department of Labor.

The Department of Labor, in consultation and cooperation with the States, will analyze the nonmonetary timeliness data in order to identify the causes of performance that is below the minimum levels. The results of this analysis and State performance data collected in the ETA 9052 report will be used to review the minimum performance criteria after two years.

Although States have adopted new technologies and procedures that have significantly reduced differences in the adjudicatory processes for intrastate and interstate claims, the PEG agreed that measures for both intrastate and interstate separation determinations (21 days), and intrastate and interstate nonseparation determinations (14 days) should be established under Tier II to monitor performance for these components of the aggregate Tier I measure.

Nonmonetary Determination Quality

Definition	Recommended criteria
Application of Quality Performance Instrument to quarterly samples of nonmonetary determinations selected from the universe of determinations reported on ETA 9052 (time lapse) report; quality scores reported on ETA 9056 report.	75 percent of all determinations with passing scores (> 80 points)—all programs, separation and nonseparation combined. (Implementation postponed until FY 2002 SQSP.)

In setting minimum performance levels for this measure, the PEG took into consideration the changes in the way in which nonmonetary adjudication quality data are collected: quarterly samples, versus annual samples, are selected from universes that include all adjudications, not only determinations for which a week was claimed. The PEG decided that in order to assure an acceptable minimum level of customer service and take into account the administrative feasibility of meeting the criterion (face validity), the criterion should be set no lower than 75 percent of the separation and nonseparation determinations receiving a score of more than 80 points, based on the weighted aggregate scores from four quarterly samples.

However, because the majority of States are performing below the proposed minimum criterion, the PEG postponed its implementation until the FY 2002 SQSP. Until the implementation of this criterion, States may be required to develop or revise transition plans to raise performance, but will not be subject to any sanctions initiated by the Department of Labor.

The Department of Labor, in consultation and cooperation with the States, will analyze the nonmonetary quality data in order to identify the causes of performance that is below the minimum levels. The results of this analysis and State performance data collected in the ETA 9056 report will be used to review the minimum performance criterion after two years.

Lower Authority Appeals Timeliness

Definition	Recommended criteria
Number of days from date of request for hearing to date of decision (ETA 9054 report); includes State UI, UCFE, and UCX, intrastate and interstate.	1. 60 percent of decisions within 30 days. 2. 80% of decisions within 45 days; increase to 85% of decisions within 45 days in conjunction with implementation of the consolidated UI PERFORMS regulation. 3. 95% of decisions within 75 days.

The PEG decided that the first criterion of 60 percent in 30 days is adequate and should remain the same. The current Secretary's Standard criterion of 80 percent of the decisions within 45 days will remain the minimum criterion for the FY 2000 and FY 2001 planning cycles. In concert with the incorporation of the regulation defining the current criteria (20 CFR part 650) into the single UI PERFORMS regulation, the criterion will be raised to 85 percent, effective with the FY 2002 SQSP. This will help ensure that a greater percentage of the cases are disposed of as efficiently as possible, that cases are not allowed to accumulate for long periods of time, and that parties to an appeal receive a hearing and decision in a reasonable amount of time.

The PEG established a third criterion of 95 percent within 75 days to provide an impetus for States to reduce the time taken to address cases that have not been decided within 45 days.

Higher Authority Appeals Timeliness

Definition	Recommended criteria
Number of days from date of request for hearing to date of decision (ETA 9054 report); includes State UI, UCFE, and UCX, intrastate and interstate.	1. 50 percent of decisions within 45 days. 2. 80 percent of decisions within 75 days. 3. 95 percent of decisions within 120 days.

To encourage improved performance, the PEG increased the 45-day timeliness criterion from 40 percent to 50 percent. Forty percent does not reflect an adequate level of customer service, and most States far exceed the 40 percent level. Based on CY 1997 data, only a few States would not meet a 50 percent standard.

The 75-day timeliness standard remains the same at 80 percent, and a third criterion of 95 percent in 120 days is established. The third criterion is important because there should remain some incentive for States to decide cases over 75 days, and there should be some accountability for older cases. Simply because a case is over the 75-day limit, it should not receive less consideration than a newer case. The absence of a third level can create an incentive for a State to take care of its new cases, thereby improving its overall reported performance, rather than attending to older cases.

Lower Authority Appeals Quality

Definition	Recommended criteria
Quality of lower authority benefit appeals based on application of a standard review instrument to quarterly samples of appeals (ETA 9057 report).	80 percent of all benefit appeals with combined scores equal to at least 85% of potential points.

The PEG agreed to change the criterion from 80 percent of cases scoring 80 percent or more of the potential evaluation points to 80 percent of cases scoring 85 percent or more of the potential evaluation points.

This criterion is intended to make sure that both States and individual Hearing Officers provide a quality product. A quality product is one where, in the view of the State's customers and the various review bodies, the customer is receiving a considered, due-process product, both when attending the hearing and when reading the decision. This standard reflects the goals of UI PERFORMS by seeking to raise the individual Hearing Officer's scores, while maintaining a high level of performance for the State.

Timeliness of New Status Determinations

Definition	Recommended criteria
Number of days from last day of the quarter (Quarter Ending Date—QED) in which liability occurred to date of determination (ETA 581 report).	1. 60 percent of determinations made within 90 days of QED. 2. 80 percent of determinations made within 180 days of QED.

The old measure combined performance for both new and successor employers, and the desired level of achievement was 80 percent of determinations made within 180 days from the date of liability. The new 180-day measure applies to status determinations for new employers. Timeliness is measured from the ending

date of the quarter in which liability was incurred and is based on universe data, as opposed to sample data. The PEG set the minimum performance criterion at 80 percent of new employer status determinations completed within 180 days of the QED.

For the new 90-day measure, the PEG set a criterion of 60 percent of new employer status determinations completed within 90 days of the QED. This standard balances State performance against maintaining an acceptable level of customer service. In CY 1997, only four States would have failed to meet the criterion of 60 percent, with scores of 57.9%, 51.8%, 50.9%, and 40.5%.

New Status Determinations Accuracy

Definition	Recommended criteria
Accuracy of new status determinations from an annual tax performance acceptance sample drawn from all new status determinations..	No more than six cases from an acceptance sample of 60 cases can fail the evaluation. New standard implies: 1. At least 95 percent of the samples will *pass* if State accuracy rate is ≥ 94.5%. 2. At least 90 percent of the samples will *fail* if State accuracy rate is ≤ 82.4%. (Implementation postponed until FY 2002 SQSP.)

The PEG believes the current standard, that no more than two of the 60 sample cases can fail the evaluation and still pass the acceptance sample, is too rigid. New Status Determinations Accuracy data for CY 1996 shows that 24 of the 46 States reporting data failed. In CY 1997, 22 of the 47 States reporting data failed.

Acceptance sample results are affected to some extent by the subjectivity of the reviewer, which can vary from State to State. If there are ten evaluative areas in the case, with a review of 60 cases, there are actually 600 evaluative questions. A failure in any one of the ten evaluative areas fails the case. Under the current criterion, if more than two cases in the SESA's sample fails, the entire acceptance sample fails. States can actually have good tax measures but appear to have failing programs based on the acceptance sample results.

One of the purposes of the performance measures is to provide information to SESA managers on the quality of the tax functions within their State so they can strive to improve processes where warranted. Setting the standard at six or fewer failed cases enables States to accomplish this goal and takes into account the subjectivity of the review from State to State.

Because many States do not meet the current standard, the PEG postponed the implementation of the revised minimum performance levels until the FY 2002 SQSP. Until the implementation of these criteria, States may be required to develop or revise transition plans to raise performance, but will not be subject to any sanctions initiated by the Department of Labor.

The Department of Labor, in consultation and cooperation with the States, will analyze the new status determinations accuracy data in order to identify the causes of performance that is below the minimum levels and identify ways to reduce variation in the application of the accuracy evaluation. The results of this analysis and State acceptance sample data will be used to review the minimum performance criteria after two years.

Timeliness of Transfer from Clearing Account to Trust Fund

Definition	Recommended criteria
Effective for the FY 2000 and FY 2001 SQSP: Average number of days funds are on deposit in the Clearing Account before transfer to Trust Fund (8414 report). Effective with the FY 2002 SQSP: Ratio of the monthly average daily available balance (line 10, ETA 8414 report) to the average daily transfer to the trust fund (line 3, ETA 8405 report, divided by the number of days in the month).	Maximum of two days to transfer funds from the State clearing account to the UI trust fund for two years until reporting consistency issues are resolved. Maintenance of an annual ratio ≤1.75. After 5 years, maintenance of an annual ratio ≤1.0.

The current measure—the number of days funds are on deposit in the clearing account before transfer to the State account in the Unemployment Trust Fund (UTF)—is over fifteen years old. Substantial changes in banking law (especially deregulation and Federal Reserve policy—e.g. elimination of float in the banking system) and technology have combined to make the current criterion obsolete. More expeditious check clearing, the proliferation of electronic payments, and the growth of check clearinghouses independent of the Federal Reserve system all work to expedite cash flow.

The purpose of the immediate deposit requirements (Section 3304(a)(3), FUTA and Section 303(a)(4), SSA) is to ensure that unemployment funds are deposited to the credit of the State account in the UTF as soon as possible. The UTF offers greater safety and a higher historical return than State bank accounts, while providing similar liquidity. The law is also concerned about the loss of interest to the UTF from delays in transfer.

A better focus of State compliance with the immediate deposit requirement is the actual transfer of funds from the clearing account to the UTF rather than the amount of time funds remain in the clearing account before transfer. A time-based measure is arbitrary because checks clear at different rates between States and banks. The proposed balance ratio eliminates the arbitrary factors because it measures only available balances, that is, funds available after checks have cleared and reserve requirements have been met.

Some consistency issues have been identified in the data reported in the ETA 8414 and ETA 8405 reports. Because the proposed ratio is based on these data, the PEG agreed that the current desired level of achievement of a maximum of two days to transfer funds from the State clearing account to the UI trust fund should be maintained for a period of two years, during which States and the Department of Labor will resolve the reporting issues.

Performance Assessment

a. *Continuous Assessment.* In a continuous improvement environment, both the Federal partner and the SESA will routinely access performance data to monitor program performance and initiate corrective action whenever it appears to be warranted. Therefore, under UI PERFORMS, the SESAs will develop Corrective Action Plans (CAPs) alone, or in collaboration with their Regional Office, whenever a serious performance issue is detected based on cumulative performance data. CAPs will also result from Program Reviews conducted during the year by the Federal partner.

b. *Annual Assessment.* Continuous assessment will be augmented with an annual assessment of program performance which will occur in conjunction with the SQSP process, and will form the basis for performance improvement planning for the upcoming SQSP. This assessment will utilize the most recent 12 months of performance data that are available. For data reported monthly, the reporting period will include the 12 months ending June 30 of each year; for data reported each quarter, the four quarters ending with the second calendar quarter; and for data reported annually, the calendar year ending December 31.

Because of the lag that must be built into this process, it is possible that more current data will show that a performance problem may have already been corrected. In that case, the State and the Region will need to reference that more current information.

c. *SESA/Regional Negotiation.* Identification of the specific areas for which Program Improvement Plans will be submitted in the SQSP will be finalized through negotiations between the SESAs and the Regional Office. For mandated Tier I, program review, or program reporting performance areas, a CAP will be prepared if performance is unsatisfactory and an effective plan is not already in place. For Tier II areas of negotiated performance (or Tier I above the minimum performance level), a Continuous Improvement Plan (CIP) will be prepared to reflect that negotiation.

Solicitation of Comments and Issuance

Unemployment Insurance Program Letter 4–99 (October 20, 1998) described the recommended criteria, their rationale, and phase-in schedule and solicited the comments of State Employment Security Administrators. The criteria were also discussed in workshops that were held at the UI Directors' meeting in Coeur D'Alene, Idaho, October 20–22, 1998. The workshops included not only the presentation of the proposed levels and their rationale, but also questions and discussion.

After all comments have been assimilated and the criteria modified as appropriate, the new minimum performance criteria will be promulgated via a UIPL, anticipated in early calendar year 1999.

Appendices

The members of the Performance Criteria Workgroups are in Appendix A; the members of the Performance Enhancement Group are in Appendix B; UI PERFORMS Tier II Measures are in Appendix C.

Signed at Washington, D.C., on November 6, 1998.

Raymond L. Bramucci,

Assistant Secretary of Labor for Employment and Training.

Appendix A—Performance Criteria Workgroups

National Office Coordination and Technical Assistance

Andrew Spisak
Burman Skrable
Tom Stengle

Benefits Group

Barbara Chandler, Ohio Bureau of Employment Services
Terry Clark, National Office
Walter Harris, New York Regional Office
William McGann, New Jersey Department of Labor
Bob Whiting, National Office

Appeals Group

Jack Bright, National Office
Dan Kassner, Alaska Department of Labor
Robert P. McWilliams, Kentucky UI Commission
Pat O'Neal, Seattle Regional Office
Hazel Warnick, National Association of UI Appellate Boards
Sonja Weisgerber, Kansas Department of Human Resources

Tax and Cash Management Group

Connie Carter, Atlanta Regional Office
Cindy Guthrie, Missouri Division of Employment Security
Connie Peterkin, National Office
Wendy Tyson, Wyoming Department of Employment

Appendix B—Performance Enhancement Group

Grace A. Kilbane, Director, Unemployment Insurance Service, U.S. Department of Labor
Dale Ziegler, Assistant Commissioner, Unemployment Insurance Division, Washington Employment Security Department
Alice Carrier, Director, Operational Support, Connecticut State Labor Department
Donald Peitersen, Director, Office of Unemployment Insurance, Colorado Department of Labor & Employment
Dave Murrie, Deputy Administrator, Oklahoma Employment Security Commission
Gay Gilbert, Deputy Administrator, Ohio Bureau of Employment Services
Reynel (Renny) Dohse, Bureau Chief of Job Insurance, Iowa Workforce Development
David Henson, Director, Office of Regional Management, ETA, U.S. Department of Labor
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Ed Strong, Regional Administrator for Employment and Training, Philadelphia Regional Office, U.S. Department of Labor
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Betty Castillo, Chief, Division of Program Development and Implementation, Unemployment Insurance Service, U.S. Department of Labor
Sandra King, Chief, Division of Performance Review, Unemployment Insurance Service, U.S. Department of Labor

Appendix C—UI Performs Tier II Measures

1. Workshare First Payments Timeliness
2. Continued Weeks Payments Timeliness
3. Nonmonetary Issue Detection Timeliness
4. Workshare Continued Weeks Payment Timeliness
5. Nonmonetary Determinations Implementation Timeliness
6. Implementation of Appeals Decision Timeliness
7. Employer Tax Appeal Timeliness
8. Combined Wage Claim Wage Transfer Timeliness
9. Combined Wage Claim Billing Timeliness
10. Combined Wage Claim Reimbursements Timeliness
11. Wage /Tax Report Filing Timeliness
12. Securing Delinquent Reports Timeliness
13. Resolving Delinquent Reports Timeliness
14. Contributions Payments Timeliness
15. Lower Authority Appeals Due Process Quality
16. Higher Authority Appeals Quality—[to be developed]
17. Employer Tax Appeals Quality—[to be developed]
18. Posting Contributions Accuracy
19. Delinquent Reports Resolution Quality

20. Collection Actions Quality
21. Field Audits Quality
22. Employer Accounts Posting Accuracy
23. Employer Billings Accuracy
24. Employer Credits/Refunds Accuracy
25. Benefit Charging Accuracy
26. Experience Rating Accuracy
27. Benefit Payment Accuracy
28. Lower Authority Appeals, Case Aging
29. Higher Authority Appeals, Case Aging
30. Turnover of Receivables Liquidated or Written
31. Writeoff of Receivables
32. Assessment of Receivables to Taxes Due
33. Audit Penetration, Employers
34. Audit Penetration, Wages
35. Audit Targeting, Percent Change in Annual Total Wages
36. Trust Fund Solvency
37. Timeliness of Deposit to the Clearing Account
38. Timeliness of Intrastate UI First Payments
39. Timeliness of Interstate UI First Payments
40. Timeliness of UCFE First Payments
41. Timeliness of UCX First Payments
42. Timeliness of Intrastate Separation Determinations
43. Timeliness of Intrastate Nonseparation Determinations
44. Timeliness of Interstate Separation Determinations
45. Timeliness of Interstate Nonseparation Determinations

[FR Doc. 98–30366 Filed 11–12–98; 8:45 am]

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federal register

Friday
November 13, 1998

Part V

Federal Reserve System

Federal Reserve Bank Services; Notice

Department of the Treasury

Fiscal Service

Fee Structure for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System; Notice

FEDERAL RESERVE SYSTEM

[Docket No. R–1023]

Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board has approved fee schedules for Federal Reserve priced services and electronic connections and a Private Sector Adjustment Factor (PSAF) for 1999 of $115.8 million. These actions were taken pursuant to the requirements of the Monetary Control Act of 1980, which requires that, over the long run, fees for Federal Reserve priced services be established on the basis of all direct and indirect costs, including the PSAF.

DATES: The fee schedules become effective on January 4, 1999, with the exceptions noted below. For the Fedwire® funds transfer service, the volume-based transfer fees and off-line surcharges take effect on February 1, 1999. For the book-entry securities service, the new fee structure and levels become effective on February 1, 1999, and the change in the applicability of the account-maintenance fee takes effect on July 1, 1999. The PSAF becomes effective on January 4, 1999.

FOR FURTHER INFORMATION CONTACT: For questions regarding the fee schedules: Erik Kiefel, Financial Services Analyst, Check Payments, (202/721–4559); Wes Horn, Manager, ACH Payments, (202/452–2756); Stephen Cohen, Financial Services Analyst, Funds Transfer and Book-Entry Securities Services, (202/452–3480); Myriam Payne, Senior Financial Services Analyst, Multilateral Settlement Services, (202/452–3219); Michael Bermudez, Financial Services Analyst, Noncash Collection Service, (202/452–2216); Kate Connor, Senior Financial Services Analyst, Special Cash Services, (202/452–3917); or Anne Paulin, Senior Information Technology Analyst (electronic connections), (202/452–2560), Division of Reserve Bank Operations and Payment Systems. For questions regarding the Private Sector Adjustment Factor: Martha Stallard, Senior Accountant, Division of Reserve Bank Operations and Payment Systems, (202/452–3758). For users of Telecommunications Device for the Deaf (TDD) *only*, please contact Diane Jenkins (202/452–3749).

Copies of the 1999 fee schedule for the check service are available from the Board or the Reserve Banks.

SUPPLEMENTARY INFORMATION:

I. Priced Services

A. *Overview*—The Federal Reserve Banks continue to meet the Monetary Control Act's requirement that the Federal Reserve recover, over the long run, its direct and indirect costs, including imputed costs and profits, of providing priced services.[1] Over the period 1988 through 1997, the Reserve Banks recovered 99.6 percent of their total costs for providing priced services, including imputed expenses, special project costs that were budgeted for recovery, and targeted after-tax profits, or return on equity (ROE).

For 1998, the Reserve Banks estimate that they will recover 102.2 percent of the costs of providing priced services, including imputed expenses and targeted ROE. Reserve Banks project that they will recover 101.0 percent of their costs of providing priced services in 1999. The primary risk to the 1999 projections lies in the uncertain cost to upgrade the security of electronic connections to the Federal Reserve.

In their 1999 fee schedules, the Reserve Banks include several changes that reduce fees to depository institution customers and provide a continued economic incentive for those customers to make greater use of electronic payment services. In particular, the price index for electronic payment services (automated clearing house, funds transfer, book-entry securities, and electronic check) and electronic connections is projected to decline by approximately 17.5 percent in 1999, and the index for paper-based payment services (check and noncash collection) is expected to increase 2.8 percent. The overall 1999 price index for Federal Reserve services is projected to decrease 3.5 percent, compared with an overall decline of 4.0 percent in 1998.[2]

The following are the key changes in fee structures and fee levels for priced services in 1999:

- The Reserve Banks will reduce the fee for a Fedwire funds transfer for the third consecutive year. The price index for a Fedwire funds transfer will decline by almost 30 percent from the 1998 level. (Including the reductions for 1999, the price index for Fedwire funds transfers has declined more than 40 percent since 1996. Including 1999, the average on-line transfer fee for a Fedwire funds transfer has declined 48 percent since 1996.) The 1999 fee reductions are expected to save depository institution customers approximately $27.8 million next year. Reserve Banks will implement a volume-based pricing structure for the funds transfer service that recognizes the scale economies and differences in demand for large-value transfers. The funds transfer service's volume-based pricing structure will be similar to that employed by other domestic and international large-value transfer systems.
- The Reserve Banks will reduce the fee for an on-line Fedwire book-entry securities transfer almost 25 percent in 1999. (Including changes in other fees, the price index for the book-entry securities service has declined more than 15 percent since 1996.) The fee reduction is expected to save depository institutions approximately $1.4 million in 1999. The Reserve Banks will implement a fee structure for the service that will split the transfer fee between the originator and receiver of a transfer (rather than charge the entire transfer fee to the originator), convert the off-line fee to a surcharge, and apply the existing account-maintenance fee more broadly.
- The Reserve Banks will implement an enhanced multilateral settlement service in 1999 that will offer finality characteristics similar to the Fedwire funds transfer service and provide settlement arrangements with an automated mechanism to submit settlement files to the Reserve Banks.[3] The fees and fee structure for the new and existing multilateral settlement

[1] These imputed costs, such as taxes that would have been paid, and the return on capital that would have been earned had the services been provided by a private business firm are referred to as the Private Sector Adjustment Factor (PSAF). The PSAF is based on data developed in part from a model comprised of the nation's fifty largest (by asset size) bank holding companies (BHCs). Based on consolidated financial data for the holding companies in the model for each of the last five years, the targeted ROE is the budgeted after-tax profit that the Federal Reserve would have earned had it been a private business firm. In setting fees, certain costs or adjustments to costs are treated differently in the pro forma income statement for priced services that is published in the Board's Annual Report and the Board's annual **Federal Register** notice on priced service fees. In order to compare total expenses in the pro forma income statement with total expenses in Table 3 in this notice, the amortization of the initial retirement plan over funding required by Statement of Financial Accounting Standards No. 87, and the deferred costs of automation consolidation must be deducted from the pro forma expenses. These adjustments are detailed in Note 10 to the pro forma income statement in the Annual Report. Under the procedures used to prepare the pro forma income statement, the Reserve Banks recovered 100.4 percent of priced services expenses, including targeted ROE, for the period 1988 to 1997.

[2] These estimates are based on a chained Fisher Ideal price index. This index was not adjusted for quality changes in Federal Reserve priced services.

[3] The Board recently approved enhancements to the Reserve Banks' net settlement services. To better reflect the ability of these services to accommodate net and gross transactions, the Federal Reserve now refers to this service as the multilateral settlement service.

services have been revised by lowering the per-entry fee, introducing a settlement file fee, increasing the off-line surcharge, and introducing a minimum monthly fee.

• After several years of significant price reductions, Reserve Banks plan further, more modest price reductions in 1999 for the automated clearing house (ACH) service. (Including the reductions for 1999, the price index for the ACH service has decreased more than 40 percent since 1996.) The 1999 price reductions are expected to save depository institution customers approximately $6.2 million next year. Working with other industry participants, the Reserve Banks also plan to expand their efforts to educate depository institutions and end users about the benefits of the ACH. This campaign, coupled with the fee decreases for 1999, is expected to spur commercial ACH growth and help broaden the use of electronic payment systems.

• Fees for paper check products, which include forward processed, fine sort, and returned checks, will increase about 2.6 percent on a volume-weighted basis (a 3.7 percent increase from January 1998 fee levels). (Including the fee increases in 1999, the price index for the paper check service has increased about 2 percent since 1996.) This increase will be driven primarily by increases in fine sort and returned check fees. Fees for forward-processed items will remain stable. Fees for payor bank services, which include electronic check products, will increase about 0.6 percent (a 1.2 percent increase from January 1998 fee levels). The check service has experienced dramatic growth in the electronic products it offers, and the Reserve Banks project continued robust growth during 1999. Electronic check presentment, truncation, and imaging volumes are each estimated to grow more than 20 percent in 1998 and projected to sustain similar rates of growth in 1999. Reserve Banks now provide paying banks with electronic check data for approximately 25 percent of the checks they collect; of the checks collected through the Federal Reserve, 16.5 percent are presented electronically.

• Fee structures and schedules will take effect on January 4, 1999, with the following exceptions: The fee and fee structure changes for the Fedwire funds transfer and book-entry securities transfer services will take effect on February 1, 1999. (During January 1999, the basic transfer fee for the funds transfer service will be set at $0.34, a $0.06 reduction from the 1998 per-transfer fee.) The broader application of the existing book-entry account maintenance fee will become effective on July 1, 1999.

Table 1 presents an overview of the budgeted 1998, estimated 1998, and projected 1999 cost recovery performance for individual priced services.

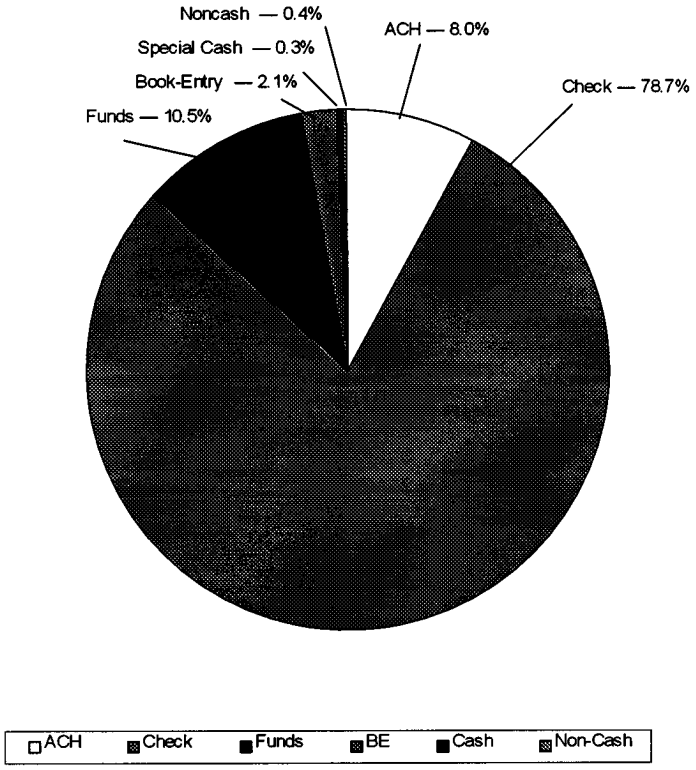
TABLE 1

[In percent]

Priced service	1998 budget	1998 estimate	1999 budget
All Services	100.8	102.2	101.0
Check	100.4	100.9	100.4
ACH	100.4	103.9	104.6
Funds transfer	103.1	108.1	101.5
Book-entry	100.0	108.5	104.5
Noncash collection	126.8	130.0	117.3
Special cash	102.4	104.0	104.3

The aggregate cost-recovery rate is heavily influenced by the check service, which accounts for almost 80 percent of total priced services costs. The electronic services (ACH, Fedwire funds transfer, and Fedwire book-entry securities transfer) account for 20 percent of costs. The noncash collection and special cash services represent a de minimis proportion of priced services expenses. Figure 1 shows the proportion of 1998 estimated priced services costs attributable to each service.

Figure 1
1998 Estimated Priced Service Costs By Service



1. *1999 Projected Performance*—In 1999, the Reserve Banks project that they will recover 101.0 percent of total expenses, including imputed expenses, targeted ROE, and full retirement of debt associated with the automation consolidation special project. The 1999 fees for priced services are projected to yield a net income of $64.2 million, compared with a targeted ROE of $56.0 million. The book-entry securities service will recover approximately $1.7 million of automation consolidation special project expenses and financing costs, completing the debt retirement for this project.[4]

The price index for electronic payment services (automated clearing house, funds transfer, book-entry securities, and electronic check) and electronic connections is projected to decline by approximately 17.5 percent in 1999, and the index for paper-based payment services (check and noncash collection) is expected to increase 2.8 percent. The overall 1999 price index for Federal Reserve services is projected to decrease 3.5 percent, compared with an overall decline of 4.0 percent in 1998. Figure 2 compares the Federal Reserve's price index for priced services with the gross domestic product price deflator.

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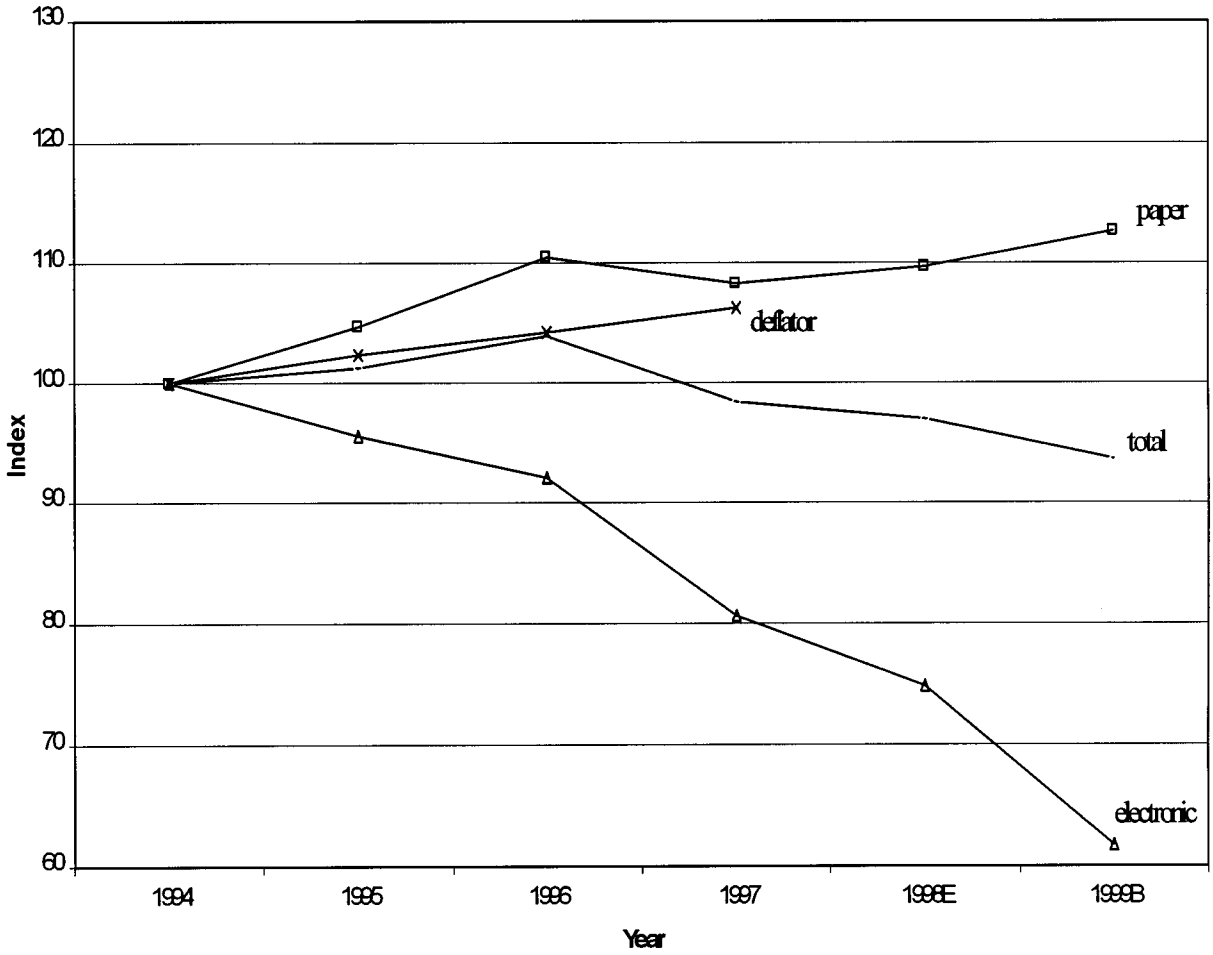
[4] Under an existing Board policy, the Reserve Banks may defer and finance development costs if the development costs would have a material effect on unit costs, provided that a conservative period is set for full cost recovery and a financing factor is applied to the deferred portion of development costs. The financing rates represent the weighted-average imputed costs of the Federal Reserve's long-term debt and equity. This methodology is similar to the approach a private firm would use in financing such costs. Starting in 1992, the Reserve Banks deferred and financed the special project costs for automation consolidation that were associated with employee retention and severance benefits and excess mainframe computer capacity. By the end of 1999, priced services will have recovered fully their portion of these deferred expenses and accumulated finance charges. The deferred costs for the automation consolidation project have been financed at rates of 16.9 percent and 17.2 percent, respectively, in 1998 and 1999.

Figure 2—Federal Reserve Payment Services Price Index

Chained Fisher Ideal Index Compared With GDP Price Deflator



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The significant decline in the price index for electronic payment services reflects, in large part, the increased ability of the Reserve Banks to capitalize on the scale economies inherent in providing payment services through centralized electronic payment processing applications. Between 1992 and 1998, the Reserve Banks' automated processing functions were consolidated into three sites, significantly reducing the cost of providing electronic payment services.

2. *Allocation of Corporate Overhead Costs to Priced Services*—In 1997, the Reserve Banks changed the method used to allocate corporate overhead costs among the priced services.[5] In 1997 and 1998, and to a much smaller extent in 1999, the Reserve Banks used their increased flexibility to allocate these costs among priced services to accelerate the retirement of debt associated with the automation consolidation special project. For 1999, the allocation of corporate overhead costs largely returns to the expense-ratio methodology used to allocate these costs to priced services in total and to other Reserve Bank activities.[6] Table 2 shows the allocation of corporate overhead costs to each priced service for the years 1997 through 1999.

TABLE 2—CORPORATE OVERHEAD ALLOCATIONS TO PRICED SERVICES

[$ millions]

Year	Check	ACH	Funds transfer	Book-entry	Noncash collection	Special cash	Total
1997 Actual	30.7	0.0	12.3	0.0	0.0	0.3	43.3
1998 (Est)	27.2	0.0	17.7	0.0	0.1	0.2	45.1
1999 (Bud)	37.2	3.9	6.0	0.0	0.1	0.2	47.4

3. *1998 Estimated Performance*—The Reserve Banks estimate that priced services revenue will yield a net income of $70.3 million in 1998, compared with a targeted ROE of $52.3 million. Revenue in 1998 is estimated to recover 102.2 percent of the costs of providing priced services, including imputed expenses, costs related to the automation consolidation special project, and targeted ROE, compared with a targeted recovery rate of 100.8 percent.[7] The Reserve Banks recovered a larger percentage of costs than targeted primarily because of a larger-than-expected reduction in expenses related to the System's prepaid pension costs and higher-than-anticipated volume in the funds transfer and book-entry securities services. Approximately $23.1 million in automation consolidation special project costs will be recovered in 1998, leaving $1.6 million in accumulated costs to be financed and recovered.

4. *1997 Performance*—In 1997, the Reserve Banks' priced services revenue yielded a net income of $47.3 million, compared with a targeted ROE of $45.8 million. The Reserve Banks recovered 100.2 percent of total expenses, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE, compared with a targeted recovery rate of 100.5 percent.

5. *Long-Term Aggregate Cost Recovery*—Table 3 summarizes the cost and revenue performance for priced services since 1988. The costs recovered through 1999 include Reserve Banks' recovery of $130.0 million in transition costs associated with the automation consolidation project (special project costs) and $11.8 million in deferred financing costs. In addition to fee reductions in electronic payment services, the consolidation initiative has dramatically improved the Reserve Banks' disaster recovery and information security capabilities, increased the System's responsiveness to change, and enhanced the central bank's management of payment system risk.

Because the revenue from the Reserve Banks' priced services recovers imputed profits and imputed costs that are not actually incurred, the Federal Reserve's provision of priced services has consistently had a positive effect on the level of earnings transferred by the Federal Reserve to the Treasury. Over the past ten years, priced services revenue has exceeded operating costs by more than $900 million.

[5] Certain corporate overhead costs are not closely related to any particular priced service; these costs include some or all of the following activities: Reserve Bank and System administrative functions, central mail operations, legal, budget preparation and control, expense accounting, records management and contingency planning, motor vehicles, and audit. Therefore, the Federal Reserve, consistent with industry practice, allocates these costs among priced services based on management decision rather than fixed allocation rules. The Federal Reserve continues to allocate corporate overhead costs to priced services in total and to other Reserve Bank activities based on their proportion of total Reserve Bank costs.

[6] The only exception to the expense-ratio methodology for allocating corporate overhead costs among priced services in 1999 is a shift of $1.1 million in costs from the book-entry securities service to the funds transfer service. The book-entry service is the only service that has not yet fully retired its automation consolidation special project costs.

[7] Through August 1998, the Reserve Banks recovered 101.1 percent of total priced services expenses, including imputed expenses, automation consolidation special project costs, and targeted ROE.

TABLE 3.—PRO FORMA COST AND REVENUE PERFORMANCE (a)[8]

[$ millions]

Year	Revenue (b)	Operating costs and imputed expenses (c)	Special project costs recovered (d)	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE (e)	Recovery rate after target ROE (percent)[1/(4+6)]	Special project costs deferred and financed (f)
	1	2	3	4	5	6	7	8
1988	667.7	641.1	3.2	644.3	23.4	32.7	98.6	0.0
1989	718.6	692.1	4.6	696.7	21.9	32.9	98.5	0.0
1990	746.5	698.1	2.8	700.9	45.6	33.6	101.6	0.0
1991	750.2	710.0	1.6	711.6	38.6	32.5	100.8	0.0
1992	760.8	731.0	11.2	742.2	18.6	26.0	99.0	1.6
1993	774.5	722.4	27.1	749.5	25.0	24.9	100.0	12.5
1994	767.2	748.3	8.8	757.1	10.1	34.6	96.9	33.9
1995	765.2	724.0	19.8	743.8	21.4	31.5	98.7	36.3
1996	815.9	736.4	26.8	763.2	52.7	36.7	102.0	30.1
1997	818.8	743.7	27.7	771.4	47.3	45.8	100.2	20.3
1998 (Est)	838.6	745.3	23.1	768.3	70.3	52.3	102.2	1.6
1999 (Bud)	843.5	777.6	1.7	779.4	64.2	56.0	101.0	0.0

a. The revenues and expenses for 1988 through 1993 include the definitive securities safekeeping service, which was discontinued in 1993.
b. Includes net income on clearing balances.
c. Imputed expenses include interest on debt, taxes, FDIC insurance, and the cost of float. Credits for prepaid pension costs under SFAS 87 and the charges for post-retirement benefits in accordance with SFAS 106 are included beginning in 1993.
d. Special project costs include research and development expenses for evaluating a different computer processing platform for electronic payments from 1988 through 1990, check image project costs from 1988 through 1993, and automation consolidation costs from 1992 through 1998.
e. Targeted ROE is based on the ROE included in the private sector adjustment factor (PSAF) and has been adjusted for taxes, which are included in column 2. Targeted ROE has not been adjusted to reflect automation consolidation special project costs deferred and financed.
f. Totals include financing costs.

B. Service-Specific Discussions

1. *Check*—Table 4 presents the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the check service.

TABLE 4.—CHECK PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target ROE (percent) [1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	621.6	589.4	7.5	596.9	24.7	35.3	98.3	7.5
1998 (Est)	651.5	596.3	8.4	604.7	46.8	40.9	100.9	0.0
1999 (Bud)	685.3	637.1	0.0	637.1	48.2	45.1	100.4	0.0

a. *1997 Performance*—The check service recovered 98.3 percent of total expenses in 1997, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE. Higher-than-expected costs because of write-offs for adjustment problems associated with infrastructure changes at one Reserve Bank were largely responsible for this lower-than-expected recovery rate. The volume of checks collected increased 3.0 percent from 1996 levels because of several factors: (1) The exit of several correspondent banks from the interbank check market, (2) the introduction of new check products, and (3) increased reliance on Reserve Bank check processing by banks undergoing operational changes resulting from merger and acquisition activity.

b. *1998 Performance*—Through August 1998, the check service has recovered 101.3 percent of total expenses, including imputed expenses, targeted ROE, and the completion of debt retirement related to automation consolidation special project costs. The Reserve Banks estimate that the check service will recover 100.9 percent of its costs for the full year compared with the targeted 1998 recovery rate of 100.4 percent. This estimated cost recovery rate, however, may be adversely affected by potential write-offs associated with adjustment and reconcilement problems at one Reserve Bank. Even if the ultimate write-off is higher than currently estimated, the Reserve Banks expect that they would still be able to achieve full cost recovery in 1998.

For the first eight months of 1998, total forward-processed check volume has increased 5.2 percent over the year-earlier time period. The Reserve Banks estimate that the total volume of forward-processed checks collected during full-year 1998 will increase 5.1 percent over 1997 levels. Fine sort volume fell 0.5 percent through August 1998 compared with the same period in 1997 and is expected to decline further by the end of 1998. Total forward check collection volume (processed and fine sort) has increased 4.3 percent through August 1998, and is estimated to grow 2.5 percent for the full year.

[8] Calculations on this table and subsequent pro forma cost and revenue tables may be affected by rounding.

Returned check volume has decreased by 3.6 percent through August 1998 compared with the first eight months of 1997 and is expected to decrease 4.1 percent for full-year 1998 as customers' merger-related quality problems are resolved and greater competition erodes volume in several Districts.

The check service has experienced substantial growth in electronic check products. Reserve Banks now provide paying banks with electronic check data for approximately 25 percent of the checks they collect. Growth and penetration rates for electronic check products are summarized in table 5.

TABLE 5.—ELECTRONIC CHECK PRODUCT GROWTH AND PENETRATION RATES

[In percent]

	Penetration rate through August 1998	Year-to-date growth through August 1998	Estimated 1998 growth
Electronic Check Presentment	16.4	29.7	25.9
Truncation	4.1	28.4	33.0
Non-Truncation	12.3	30.1	23.5
Electronic Check Information	8.6	−4.7	−11.3

Beginning this year, all Reserve Banks provide check image services, and check image volumes are growing rapidly. Through August 1998, check image volume has grown 139.8 percent. For the remainder of the year, the growth in check image volume is expected to slow somewhat, with the year-over-year growth rate declining to approximately 105.6 percent. The Reserve Banks provide check image services for approximately 3.6 percent of all checks they collect; these services are generally provided as an adjunct to electronic check presentment.

c. *1999 Pricing*—The Reserve Banks continue to improve operational efficiency in check processing through changes to their operating environment and new product offerings. For example, over the next several years, the Reserve Banks plan to implement an enterprise-wide adjustment system that will enable them to process adjustment cases more efficiently. In addition, the Reserve Banks have adopted a new check automation strategy. Under this strategy, the Reserve Banks will consolidate check data processing at several sites, allowing them to improve efficiency and reduce costs over the long term. Also, by mid-year 1999, Reserve Banks expect to offer electronic deposit options for all major check products to improve internal processing efficiency.

In 1999, fees for paper-based check products, which include forward-processed, fine sort, and returned checks, are expected to increase on a volume-weighted basis about 2.6 percent over current prices and 3.7 percent over January 1998 prices, mainly because of a 25 percent increase in fine sort fees. (Including the fee increases in 1999, the price index for the paper check service has increased about 2 percent since 1996.) Prices for forward-processed checks will decrease 0.3 percent from current fee levels, or 0.2 percent from January 1998 prices. Prices for return items will increase 2.8 percent from current fee levels, or 6.2 percent from January 1998 prices.

Prices for payor bank services would increase 0.6 percent over current prices and 1.2 percent over January 1998 levels. Payor bank services include electronic information, electronic check presentment, truncation, image products, and large dollar return notifications. Higher magnetic ink character recognition (MICR) information fees account for most of this fee increase. Prices for electronic check presentment products, which include both truncation and non-truncation products, would decrease 0.2 percent on a volume-weighted basis in 1999.

Table 6 summarizes key check fees.

TABLE 6.—SELECTED CHECK FEES

Products	1998 price ranges	1999 price ranges
Items:	(per item)	(per item)
Forward-processed		
City	$0.002 to 0.080	$0.002 to 0.080
RCPC	$0.003 to 0.180	$0.003 to 0.180
Fine Sort		
City	$0.002 to 0.013	$0.002 to 0.015
RCPC	$0.003 to 0.018	$0.003 to 0.018
Qualified returned checks		
City	$0.065 to 1.110	$0.065 to 1.110
RCPC	$0.068 to 1.560	$0.065 to 1.750
Raw returned checks		
City	$0.90 to 5.00	$0.90 to 5.75
RCPC	$0.90 to 5.00	$0.90 to 5.75
Cash letters:	(per cash letter)	(per cash letter)
Forward processed	$1.50 to 9.00	$2.50 to 9.00
Forward fine-sort	$3.00 to 14.00	$3.00 to 14.00
Returned checks: raw & qualified	$1.75 to 12.00	$1.75 to 12.00
Payor bank services:	(min.) (per item).	(min.) (per item)
MICR information	$5–$30 $0.001–0.0060.	$5–$30 $0.001–0.0060

TABLE 6.—SELECTED CHECK FEES—Continued

Products	1998 price ranges	1999 price ranges
Electronic presentment	$2–$14 $0.001–0.0045.	$3–$14 $0.001–0.0045
Truncation	$2–$25 $0.004–0.0170.	$3–$25 $0.004–0.0170

For 1999, the Reserve Banks project that the check service will recover 100.4 percent of total costs, including imputed expenses and targeted ROE. Total expenses, excluding special project costs, are projected to increase approximately $40.8 million, or 6.8 percent, from estimated 1998 expenses. The increased costs reflect the anticipated addition of staff and equipment to process increased check volume, the development and implementation of the enterprise-wide adjustment system, the implementation of the future check automation strategy, and a higher allocation of corporate overhead costs.

Total revenue is expected to increase approximately $33.8 million, or 5.2 percent, in 1999. Forward check-collection revenue is projected to increase $15.4 million, or 3.9 percent. Returned check revenue is expected to grow $4.1 million, or 3.2 percent. Revenue from payor bank services is projected to increase $9.2 million, or 15.0 percent. Other operating and imputed revenues account for the remaining increase in revenue. Paper-based check products—forward collection and returns—will account for about 80 percent of total check revenues in 1999. The Reserve Banks expect payor bank services to account for about 10 percent of the check service's total revenues in 1999. Other operating and imputed revenues account for the remaining 10 percent.

The Reserve Banks expect a modest volume increase for paper-based check products in 1999. Total forward check collection volume (processed and fine sort) is projected to increase 1.4 percent in 1999, reflecting a projected increase of 3.1 percent in processed volume and a decrease of 9.5 percent in fine sort volume. Returned check volume is projected to increase 2.2 percent. Volumes for electronic check presentment with paper checks subsequently delivered, electronic presentment of truncated checks, and check imaging are expected to grow 28.7 percent, 19.2 percent, and 66.4 percent, respectively. Electronic check information volume is expected to decline 15.1 percent as volume continues to shift to electronic check presentment products.

The Reserve Banks view interstate branch banking and competition in the interbank check collection market as important external factors affecting their volume projections for paper-based products. Although interstate branch banking may eventually reduce the size of the interbank check collection market, Reserve Bank check collection volumes may increase in 1999 as banks focus on resolving merger-related operational concerns. In addition, some Reserve Banks have seen increased check collection and returned check volumes as smaller third-party processors and correspondent banks have exited the interbank check collection market. Thus, the projected volume increase for paper-based products appears reasonable. The projection of substantially increased volumes and penetration rates for electronic and image services, however, may be optimistic given the level of resources that most banks are committing to year 2000 preparations.

2. *Automated Clearing House (ACH)*—Table 7 presents the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the commercial ACH service.

TABLE 7.—ACH PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target ROE (percent) [1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	72.7	53.1	11.1	64.2	8.5	4.0	106.6	10.8
1998 (Est)	68.2	49.6	12.0	61.6	6.6	4.0	103.9	0.0
1999 (Bud)	65.1	57.8	0.0	57.8	7.4	4.5	104.6	0.0

a. *1997 Performance*—The ACH service recovered 106.6 percent of total expenses, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE, in 1997. ACH volume in 1997 was 9.7 percent higher than 1996 volume.

b. *1998 Performance*—Through August 1998, the ACH service recovered 105.3 percent of total expenses, including imputed expenses, targeted ROE, and the completion of debt retirement related to automation consolidation special project costs. For the full year, Reserve Banks estimate that the service will recover 103.9 percent of total expenses, compared with the targeted 1998 recovery rate of 100.4 percent. The estimated overrecovery is due to lower-than-budgeted overhead and support costs. Through August 1998, commercial ACH volume has increased 13.2 percent over the same period in 1997. For the full year, Reserve Banks expect commercial volume to increase 11.5 percent, compared with the 15.4 percent increase originally projected. Volume growth is projected to be lower than planned due to the aggressive 1998 volume target and consolidation in the banking industry.

c. *1999 Pricing*—After several years of significant price reductions, Reserve Banks plan further, more modest price reductions in 1999 for the automated

clearing house (ACH) service (see table 8). (Including the reductions for 1999, fees for ACH items have decreased more than 40 percent since 1996.) These changes support the System's strategic direction to encourage the migration from a paper-based to a more electronic payments system.

TABLE 8

[In dollars]

Fee category	1998 fee	1999 fee
Item originated in small file [9]	0.008	0.007
Item received	0.008	0.007
Premium cycle surcharge	0.005	0.000
Return item surcharge	0.040	0.000

The Reserve Banks will reduce the fee for items originated in small files by one mill, generating $0.2 million in aggregate savings to depository institutions in 1999. In addition, the Reserve Banks will reduce the fee for forward items received by one mill, saving customers $3.4 million in 1999. Finally, the Reserve Banks will eliminate both the premium and return-item surcharges, generating an additional $2.5 million in fee reductions. Based on 1998 volume estimates, changes to the ACH fee schedule will reduce fees to depository institutions by a total of approximately $6.2 million in 1999.

In addition to the fee changes, the Reserve Banks have received approval to no longer accept paper or telephone return items and paper notifications of change, beginning in January 1999. Instead, depository institutions will be expected to submit those items electronically (either through a computer connection or a voice response system). A facsimile service will be available in limited circumstances in which an item cannot be submitted electronically. This change is intended to expedite the return of items and help move the ACH service to a more electronic environment. In addition, the Reserve Banks now offer a new product to enable receiving depository financial institutions (RDFIs) that use a third-party processor for their ACH processing to receive a copy of their ACH items so that they can provide remittance information to their customers.

The Reserve Banks project that the ACH service will recover 104.6 percent of its costs in 1999, including imputed expenses and targeted ROE. Expenses in 1999 are projected to be $8.2 million, or 16.5 percent, higher than 1998 estimated costs, excluding 1998 special project costs. Total expenses for 1999 are projected to decline $3.9 million, or 6.3 percent, from their 1998 level when special project costs are included in the 1998 estimate. Total revenue in 1999 is projected to be $65.1 million, or 4.4 percent less than the 1998 estimate. The lower revenue is attributable to 1999 price reductions and potential changes in the way the Reserve Banks provide services to private-sector ACH operators. The Reserve Banks are evaluating the way they treat private-sector ACH operators and their customers with respect to fees and deadlines to determine if an alternative approach would better promote competition in the market for ACH services.

ACH volume in 1999 is projected to increase 14.5 percent over 1998 estimates. This volume projection includes the expected effects of marketing and education initiatives that are planned for next year.

3. *Funds Transfer and Multilateral Settlement*—Table 9 presents the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the funds transfer and multilateral settlement services.

TABLE 9.—FUNDS TRANSFER PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target ROE (percent) [1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	97.8	78.6	7.4	85.9	11.9	5.1	107.4	0.0
1998 (Est)	94.2	80.7	0.2	80.9	13.3	6.2	108.1	0.0
1999 (Bud)	71.2	65.0	0.0	65.0	6.2	5.2	101.5	0.0

a. *1997 Performance*—For 1997, the funds transfer and multilateral settlement services recovered 107.4 percent of total expenses, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE, compared with a targeted recovery rate of 104.3 percent. Operating costs were 2.1 percent lower than original budget estimates because of greater-than-expected efficiencies realized from processing funds transfers in a centralized processing environment and a decrease in overhead costs.

Funds transfer on-line volume increased 8.2 percent over the 1996 level, compared with a budgeted increase of 4.2 percent. This volume increase was due to strong economic activity.

b. *1998 Performance*—Through August 1998, the funds transfer and multilateral settlement services recovered 110.9 percent of total expenses, including imputed expenses, targeted ROE, and the completion of debt retirement related to automation consolidation special project costs. For full-year 1998, the Reserve Banks estimate that the funds transfer and multilateral settlement services will recover 108.1 percent of total expenses, compared with a targeted recovery rate of 102.8 percent. The higher recovery rate is primarily attributable to a large increase in on-line transaction revenue and small increases in electronic connection and off-line transaction revenues.

On-line funds transfer volume through August 1998 has increased 10.1 percent relative to the same period in 1997. This robust volume growth is above historical trend and is attributable mainly to sustained strong economic growth. For the full year, the Reserve Banks expect volume to increase 7.3 percent, compared with the more conservative original target of 3.8 percent.

c. *1999 Funds Transfer Pricing*—Starting in 1998 and continuing through first quarter 1999, the Reserve Banks are consolidating their off-line transfer processing functions at the Federal Reserve Banks of Boston and Kansas

[9] Small files contain fewer than 2,500 items; large files contain 2,500 items or more.

City. By consolidating the off-line portion of the funds transfer business, the Reserve Banks expect to reduce total off-line processing costs, streamline off-line activity, and ensure uniform customer service levels nationwide.

The Reserve Banks will implement a block-declining price structure for the basic funds transfer fee on February 1, 1999. Under the new price structure, a per transfer fee of $0.34 will be charged for the first 2,500 funds transfers originated and received by a depository institution each month; a per transfer fee of $0.27 will be charged for additional transactions up to 80,000 transfers each month; and, for every transaction above 80,000 transfers each month, a per transfer fee of $0.21 will be assessed. Prior to implementing the block-declining price schedule, the Reserve Banks will lower the basic funds transfer fee from $0.40 to $0.34 for January 1999.

On average, basic funds transfer fees will decline by 35.0 percent under the new structure compared with the current fee level. (Including the reductions for 1999, fees for Fedwire funds transfers have declined nearly 50 percent since 1996. Including 1999, the average on-line transfer fee for a Fedwire funds transfer has declined 48 percent since 1996.) This third consecutive reduction in the funds transfer fee will save depository institutions approximately $27.8 million in 1999, reflecting both the continued benefit of scale economies from centralized processing and the reduction of corporate overhead allocations in 1999. The implementation of a volume-based pricing structure will bring Fedwire pricing in line with other funds transfer and payment messaging systems and is expected to increase the efficiency of the service.

The Reserve Banks will increase the off-line transaction surcharge from $12.00 to $13.00 to reflect more fully the costs of processing off-line transfers and to encourage off-line customers with higher transfer volume to install electronic connections. This increase will become effective on February 1, 1999.

Reserve Banks project that the Fedwire funds transfer service will recover 101.5 percent of total expenses, including imputed expenses and targeted ROE, in 1999. Total costs are expected to decline $15.6 million, or 19.4 percent, from the 1998 estimate primarily because of a significant reduction in the allocation of corporate overhead to the service. Lower data processing costs associated with automation consolidation also contribute to the lower costs. Excluding corporate overhead expenses, total costs for the funds transfer service are projected to decline $3.9 million, or 6.2 percent, from 1998 to 1999. Service revenue is projected to decline $23.0 million, or 24.4 percent, in 1999 compared with the 1998 estimate as a result of the lower fees contained in the volume-based pricing structure.

On-line funds transfer volume is expected to increase 5.8 percent over 1998 estimated levels. This volume projection is consistent with long-term historical trends for the service and reflects an anticipated slowdown in growth relative to the high volume growth over the last three years.

d. *1999 Multilateral Settlement Pricing*—During the first quarter of 1999, the Reserve Banks will implement an enhanced multilateral settlement service that will allow participants in settlement arrangements to submit settlement files to them via a computer interface connection or a Fedline® terminal. The enhanced service will improve operational efficiency over current methods and reduce settlement risk to participants by granting settlement finality on the settlement day. It also enables Reserve Banks to manage and limit risk by incorporating risk controls that are as robust as those used currently in the Fedwire funds transfer service. The Reserve Banks will continue to offer the current ''settlement sheet'' and Fedwire-based multilateral settlement services.[10] The settlement sheet service, however, will be phased out gradually and all participating arrangements will need to make plans to migrate to the enhanced service by year-end 2001.

The Reserve Banks will adopt a price structure for the enhanced service that is similar to the price structure for the current settlement sheet service. The new price structure will consist of a fixed charge for each settlement file and a fixed price for each settlement entry on the file. The Reserve Banks also will assess the same prices for the enhanced service and the current settlement sheet service. This approach will eliminate an economic incentive for clearing arrangements to postpone migrating to the enhanced service.

The Reserve Banks will imp lement a fee of $0.95 for each settlement entry on a settlement file or settlement sheet submitted to the Reserve Banks. This is a reduction of $0.05 from the current $1.00 per entry fee. A $12.00 fee will be charged for each settlement file or settlement sheet submitted to the Reserve Banks. This is a new fee designed to recover the fixed costs associated with maintaining static settlement information for each arrangement and processing daily settlements. Each settlement arrangement that incurs total settlement charges of less than $60 during a calendar month will pay a minimum fee that raises total charges for the month to $60. This minimum fee is designed to recover the fixed costs of supporting arrangements that are not active users of the Reserve Banks' multilateral settlement services, including those arrangements that use Reserve Bank multilateral settlement services as contingency back-up to another settlement method.

The current off-line surcharge for arrangements that submit settlement information via non-electronic means (fax, phone, or paper) will increase from $10.00 to $13.00. The revised surcharge will be consistent with the Fedwire funds transfer and book-entry securities transfer off-line surcharges, and, similarly, it will reflect more fully the costs of processing off-line settlements. The higher fee will provide an additional economic incentive for settlement participants to migrate to the more efficient enhanced service. The off-line origination surcharge will be waived by Reserve Banks that do not provide an electronic submission capability for the settlement sheet service. The current $10.00 surcharge for telephone notification will increase to $13.00 in 1999.

Fees for the Fedwire-based multilateral settlement service used by national, small-dollar and large-dollar settlement arrangements will remain unchanged for 1999. A per transfer fee is also charged for each Fedwire funds transfer sent and received into or out of the settlement account for Fedwire-based arrangements.

4. *Book-Entry Securities*—Table 10 presents the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the book-entry securities service.[11] [12]

[10] The settlement sheet service refers to the transmission to a Reserve Bank of settlement information that is then posted to participants' accounts via the Reserve Banks' accounting system.

[11] Includes purchase and sale activity.

[12] The Reserve Banks provide securities transfer services for securities issued by the U.S. Treasury, federal government agencies, government sponsored enterprises, and certain international institutions. The priced component of this service, reflected in this notice, consists of the revenues, expenses, and volumes associated with the transfer of all non-Treasury securities. For Treasury securities, the Reserve Banks act as fiscal agents for the Treasury Department, which assesses fees for the securities transfer component of the service. The Reserve Banks assess a fee for the money settlement component of a Treasury securities transfer; this component is not treated as a priced service.

TABLE 10.—BOOK-ENTRY SECURITIES TRANSFER PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target ROE (percent)[1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	17.1	14.4	1.5	15.9	1.3	0.9	101.9	3.6
1998 (Est)	18.5	13.7	2.4	16.1	2.5	1.0	108.5	1.6
1999 (Bud)	16.7	13.2	1.7	15.0	1.8	1.0	104.5	0.0

a. *1997 Performance*—The book-entry securities service recovered 101.9 percent of total expenses in 1997, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE. On-line volume increased 0.3 percent from the 1996 level, compared with a budgeted decrease of 3.4 percent. This higher-than-budgeted volume may partially have been the result of increased securities movements associated with mergers and higher-than-expected mortgage refinancing activity, which affects activity in the mortgage-backed securities market.

b. *1998 Performance*—Through August 1998, the book-entry securities service recovered 104.3 percent of total expenses, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE. For full-year 1998, the Reserve Banks estimate that the book-entry securities service will recover 108.5 percent of total costs compared with a targeted recovery rate of 100.0 percent. This overrecovery is attributable to higher-than-expected transaction volume.

On-line volume has increased 17.5 percent through August 1998 compared with the same period in 1997. This large increase in volume is due to a significantly higher level of repackaging and new issuance of mortgage-backed securities. For the full year, the Reserve Banks estimate that on-line volume will increase 14.5 percent, which is significantly higher than the original budgeted 0.8 percent volume decline.

c. *1999 Pricing*—Starting in 1998 and continuing through first quarter 1999, the Reserve Banks are consolidating their off-line processing functions at the Federal Reserve Banks of Boston and Kansas City. By consolidating the off-line portion of the book-entry securities transfer service, the Reserve Banks expect to reduce total off-line activity costs, streamline off-line activity, and ensure uniform customer service levels nationwide.

Starting February 1, 1999, the Reserve Banks will split the current $2.25 on-line origination fee into a basic transfer fee charged to the sending bank and receiving bank of both on-line and off-line transfers. The Reserve Banks will implement a $0.85 fee for each securities transfer and reversal sent and received, a 24.4 percent fee decrease in the total fee per transfer. (Including changes in other fees, the price index for the book-entry securities service has declined more than 15 percent since 1996.) The Reserve Banks also will convert the current $10 off-line fee into an off-line surcharge and raise this surcharge to $13 to be consistent with the off-line surcharge in the Fedwire funds transfer and multilateral settlement services. An additional pricing change, applying the existing account-maintenance fee to all joint-custody collateral accounts, will be implemented on July 1, 1999. Delaying implementation of this change until mid-year 1999 will allow affected customers time to consolidate accounts, make any necessary system changes, and notify pledgees.

Changing the on-line transfer fee to a fee assessed to both senders and receivers more accurately aligns the costs and benefits to participants in a transfer. The new price structure promotes pricing consistency with other Federal Reserve electronic payment services and is consistent with practices in the securities industry. The decision to charge for all joint-custody accounts held by a customer, rather than just the first account, is intended to implement a consistent, cost-based, Systemwide pricing practice following the completion of the Reserve Banks' conversion to the centralized National Book-Entry System (NBES). Prior to the conversion of all Reserve Banks to NBES, account maintenance pricing for joint custody securities accounts was different across the Reserve Banks. During the transition to NBES, the interim pricing practice for these accounts was standardized to charge one account-maintenance fee per customer regardless of the number of pledgees. This interim practice achieved consistency and minimized the effect on customers converting to the new system but resulted in reduced revenue and incomplete recovery of processing costs.

The Purchase and Sale service represents less than 3.0 percent of the costs and revenues of the book-entry securities service. Provision of the service is consolidated at the Federal Reserve Bank of Chicago. The Reserve Banks will increase the transaction fee for securities purchases and sales from $34 to $40 to recover the costs of providing the service.

The Reserve Banks project that the book-entry securities service will recover 104.5 percent of costs in 1999, including imputed expenses, targeted ROE, and the complete retirement of debt relating to automation consolidation special project costs. Total expenses, excluding special project costs, are projected to decrease $0.5 million, or 3.6 percent, in 1999 versus the 1998 estimate because full implementation of NBES (the New York District was the last to convert in February 1998) and full consolidation at Federal Reserve Automation Services (FRAS) have created scale economies that lower per-item data processing costs.

Book-entry securities transfer service revenue is expected to decline $1.8 million, or 9.9 percent, in 1999 compared with the 1998 estimate as a result of the fee levels contained in the new pricing structure and price levels. The reduced fees are expected to save depository institutions approximately $1.4 million in 1999.

The Reserve Banks expect on-line book-entry securities transfer volume to decline 4.0 percent in 1999 from the 1998 estimated level. According to Reserve Bank projections, the unusually high volume growth rate in 1998 is an aberration and 1999 volume will likely decline from its 1998 level. In addition, some volume losses are expected as

large customers consolidate their operations.

5. *Noncash Collection*—Table 11 lists the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the noncash collection service.

TABLE 11.—NONCASH COLLECTION PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and Imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target (ROE) (percent) [1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	4.4	3.5	0.3	3.8	0.7	0.2	110.9	0.0
1998 (Est)	3.7	2.7	0.0	2.7	1.0	0.2	130.0	0.0
1999 (Bud)	2.6	2.0	0.0	2.0	0.5	0.1	117.3	0.0

a. *1997 Performance*—The noncash collection service recovered 110.9 percent of total expenses in 1997, including imputed expenses, automation consolidation special project costs budgeted for recovery, and targeted ROE, compared with a target recovery rate of 103.8 percent. Volume for 1997 decreased 17.1 percent from 1996 volumes compared with a 19.6 percent budgeted volume decline.

b. *1998 Performance*—Through August 1998, the noncash collection service recovered 135.0 percent of its costs. For full-year 1998, the Reserve Banks estimate that the noncash service will recover 130.0 percent of costs, including imputed expenses and targeted ROE, compared with the projected recovery rate of 126.8 percent. The higher recovery rate is attributable to higher-than-expected revenue from additional called bond activity generated by lower interest rates and slightly higher-than-budgeted coupon volume. The higher recovery rate also reflects lower costs resulting from efficiencies gained from full-year centralized operations at the Jacksonville Branch.

Through August, volume has decreased 13.8 percent compared with the same period in 1997. The Reserve Banks estimate that full-year 1998 volume will decline 14.1 percent from 1997 levels compared with a 19.7 percent budgeted volume decline.

c. *1999 Pricing*—The Reserve Banks will retain 1999 fees at their 1998 levels. The Reserve Banks project that the noncash collection service will recover 117.3 percent of total costs, including imputed expenses and targeted ROE, in 1999. These fees will yield a ten-year recovery rate for the noncash collection service of approximately 96 percent. Total expenses are projected to decline $0.6 million, or 23.0 percent, in 1999, and total revenues are projected to decline $1.1 million, or 30.3 percent, because of a projected volume decline of 26.0 percent. Volume declines will continue as the number of unmatured bearer municipal securities declines. New issues of bearer municipal securities effectively ceased in mid-1983 when the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) removed the tax advantage for investors.

6. *Special Cash*—Priced special cash services represent a very small portion (approximately 0.05 percent) of overall cash services provided by the Reserve Banks to depository institutions. Special cash services include wrapped coin, nonstandard packaging of currency orders and deposits, and registered mail shipments of currency and coin.

Table 12 presents the actual 1997, estimated 1998, and projected 1999 cost recovery performance for the special cash service.

TABLE 12.—SPECIAL CASH PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

Year	Revenue	Operating costs and imputed expenses	Special project costs recovered	Total expense [2+3]	Net income (ROE) [1 – 4]	Target ROE	Recovery rate after target ROE(percent) [1/(4+6)]	Special project costs deferred and financed
	1	2	3	4	5	6	7	8
1997	5.1	4.7	0.0	4.7	0.4	0.3	102.5	0.0
1998 (Est)	2.6	2.4	0.0	2.4	0.2	0.1	104.0	0.0
1999 (Bud)	2.6	2.5	0.0	2.5	0.2	0.0	104.3	0.0

a. *1997 Performance*—In 1997, the special cash service recovered 102.5 percent of total expenses, including imputed expenses and targeted ROE, compared with a targeted recovery rate of 102.3 percent.

b. *1998 Performance*—Through August 1998, the special cash service recovered 101.8 percent of total expenses, including imputed expenses and targeted ROE. For full-year 1998, the Reserve Banks estimate that the special cash service will recover 104.0 percent of total expenses, compared with a targeted recovery rate of 103.5 percent. Costs are lower than budgeted in most offices.

Revenue is estimated to decline approximately $2.5 million, or 49.4 percent, in 1998 compared with 1997, due mainly to the reclassification of cash access as a nonpriced service. Before 1998, nonstandard access to cash services was treated as a priced service. In anticipation of implementing the uniform cash access policy in May 1998,

the Federal Reserve concluded that, due to the governmental nature of this function, the costs and revenue associated with nonstandard access should be treated as a nonpriced service.[13]

In June 1998, the Chicago office began offering a nonstandard packaging service for a fee of $12.00 per order or deposit. The Detroit Branch offers this service for the same fee.

c. *1999 Pricing*—For 1999, the Reserve Banks project that the special cash service will recover 104.3 percent of costs, including imputed expenses and targeted ROE. Total costs in 1999 are projected to rise $0.1 million, or 2.7 percent, from the 1998 level. Revenue in 1999 is expected to increase $0.1 million, or 2.6 percent, from the 1998 level.

The Cleveland, Cincinnati, and Pittsburgh offices will implement a uniform District fee of $1.80 per box for wrapped coin to replace the previous range of $1.95 to $2.25 per box. The Helena office will reduce its wrapped coin fee from $2.90 to $2.50 per box to reflect more accurately the cost of providing this service.

The El Paso and San Antonio offices will reduce the registered mail surcharge from $100 to $80 to reflect more accurately the costs of providing this service. The San Antonio office plans to discontinue this service in April 1999.

II. Private Sector Adjustment Factor

A. *Overview*—The Board has approved a 1999 PSAF for Federal Reserve priced services of $115.8 million. This amount represents an increase of $7.3 million, or 6.7 percent, from the 1998 PSAF of $108.5 million.

As required by the Monetary Control Act, the Federal Reserve's fee schedule for priced services includes ''taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm.'' These imputed costs are based on data developed in part from a model comprising consolidated financial data for the nation's fifty largest (in asset size) bank holding companies (BHCs).

The methodology for calculating the PSAF involves determining the value of Federal Reserve assets that will be used in providing priced services during the coming year. Short-term assets are assumed to be financed with short-term liabilities; long-term assets are assumed to be financed with a combination of long-term debt and equity derived from the BHC model.

Imputed capital costs are determined by applying related interest rates and rates of return on equity from the BHC model. The long-term debt and equity rates are based on BHCs in the model for each of the last five years. Because short-term debt, by definition, matures within one year, only data for the most recent year are used for computing the short-term debt rate.

The PSAF comprises these capital costs as well as imputed sales taxes, expenses of the Board of Governors related to priced services, and an imputed FDIC insurance assessment on clearing balances held with the Federal Reserve Banks to settle transactions.

B. *Asset Base*—The total estimated value of Federal Reserve assets to be used in providing priced services in 1999 is reflected in table 13. Table 14 shows that the assets assumed to be financed through debt and equity are projected to total $651.4 million. This represents a net increase of $35.1 million, or 5.7%, from 1998 assets of $616.3 million, as shown in table 15. This increase results from a building project in one District, offset somewhat by a lower asset base associated with Federal Reserve Automation Services (FRAS).

C. *Cost of Capital, Taxes, and Other Imputed Costs*—Table 15 also shows the financing and tax rates and the other required PSAF recoveries approved for 1999 and compares the 1999 rates with the rates used for developing the PSAF for 1998. The pre-tax return on equity rate increased from 22.4% for 1998 to 23.5% for 1999. The increase is a result of stronger 1997 BHC financial performance included in the 1999 BHC model relative to the 1992 BHC financial performance used in the 1998 BHC model.

D. *Capital Adequacy*—As shown in table 16, the amount of capital imputed for the 1999 PSAF totals 27.2% of risk-weighted assets and 3.0% of total assets. The capital to risk-weighted asset ratio well exceeds the 8% guideline for adequately capitalized state member banks and BHCs. The capital to total asset ratio meets the 3% guideline for adequately capitalized institutions that are rated composite 1 under the CAMELS rating system.

III. Analysis of Competitive Effect

All operational and legal changes considered by the Board that have a substantial effect on payment system participants are subject to the competitive impact analysis described in the March 1990 policy statement ''The Federal Reserve in the Payments System.'' In this analysis, Board staff assesses whether the proposed change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services because of differing legal powers or constraints or because of a dominant market position of the Federal Reserve deriving from such legal differences. If the fees or fee structures create such an effect, the Federal Reserve must further evaluate the changes to assess whether their benefits—such as contributions to payment system efficiency, payment system integrity, or other Board objectives—can be retained while reducing the hindrances to competition.

The Board does not believe that the fees and fee structures will have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services. Assuming the Reserve Banks' volume and cost projections are accurate, the fees are set to provide the Federal Reserve a return on equity at least equal to that earned on average by large bank holding companies during the past five years. Moreover, the 1999 fee schedules enable the Reserve Banks to continue to recover all actual and imputed costs of providing priced services over the long run; these fees also provide for projected full cost recovery in 1999. Therefore, the Board believes the 1999 Reserve Bank price and service levels will not adversely affect the ability of other service providers to compete effectively with the Reserve Banks in providing similar services.

BILLING CODE 6210–01–P

[13] The uniform cash access policy provides for a base level of free currency access to all depository institutions but restricts the number of offices served and the frequency of access. Depository institutions that meet minimum volume thresholds can obtain more frequent free access. Fees are charged for additional access beyond the free level.

Table 13
Comparison of Pro Forma Balance Sheets
for Federal Reserve Priced Services
(millions of dollars — average for year)

	1999	1998
Short-term assets		
Imputed reserve requirement on clearing balances	$ 757.7	$ 750.4
Investment in marketable securities	6,819.6	6,753.5
Receivables [14]	69.1	69.0
Materials and supplies [14]	4.1	4.3
Prepaid expenses [14]	20.2	14.1
Items in process of collection	3,470.7	2,922.8
Total short-term assets	11,141.4	10,514.1
Long-term assets		
Premises [14,15]	386.6	360.4
Furniture and equipment [14]	150.3	145.2
Leasehold improvements and long-term prepayments [14]	21.1	23.3
Total long-term assets	558.1	528.9
Total assets	$11,699.5	$11,043.0
Short-term liabilities		
Clearing balances and balances arising from early credit of uncollected items	$ 7,577.3	$ 7,503.9
Deferred credit items	3,470.7	2,922.8
Short-term debt [16]	93.4	87.4
Total short-term liabilities	11,141.4	10,514.1
Long-term liabilities		
Long-term debt [16]	207.6	185.1
Total liabilities	11,349.0	10,699.2
Equity [16]	350.5	343.8
Total liabilities and equity	$11,699.5	$11,043.0

NOTE: Details may not add to totals due to rounding.

[14]Financed through PSAF; other assets are self-financing.

[15]Includes allocations of Board of Governors' assets to priced services of $0.4 million for 1999 and $0.5 million for 1998.

[16]Imputed figures represent the source of financing for certain priced services assets.

Table 14
Derivation of the 1999 PSAF
(millions of dollars)

A. Assets to be financed [17]				
Short-term		$ 93.4		
Long-term [18]		558.1		
			$651.4	
B. Weighted average cost				
1. Capital Structure [19]				
Short-term debt	14.3%			
Long-term debt	31.9%			
Equity	53.8%			
2. Financing rates/costs [19]				
Short-term debt	5.1%			
Long-term debt	6.6%			
Pre-tax equity [20]	23.5%			
3. Elements of capital costs				
Short-term debt	$ 93.4 x 5.1% =	$ 4.8		
Long-term debt	207.6 x 6.6% =	13.7		
Equity	350.5 x 23.5% =	82.4		
				$ 100.8
C. Other required PSAF recoveries				
Sales taxes			$ 8.7	
Federal Deposit Insurance assessment			2.8	
Board of Governors expenses			3.4	
				14.9
D. Total PSAF recoveries				$ 115.8
As a percent of capital			17.8%	
As a percent of expenses [21]			18.2%	

NOTE: Details may not add to totals due to rounding.

[17] Priced service asset base is based on the direct determination of assets method.

[18] Consists of total priced long-term assets, including the priced portion of FRIT assets.

[19] All short-term assets are assumed to be financed with short-term debt. Of the total long-term assets, 37.2% are assumed to be financed with long-term debt and 62.8% with equity.

[20] The pre-tax rate of return on equity is based on the average after-tax rate of return on equity, adjusted by the effective tax rate to yield the pre-tax rate of return on equity for each bank holding company for each year. These data are then averaged over five years to yield the pre-tax return on equity for use in the PSAF.

[21] Systemwide 1999 budgeted priced service expenses less shipping are $636.9 million.

Table 15
Comparison of 1999 and 1998 PSAF Components

	1999	1998
A. Assets to be financed (millions of dollars)		
Short-term	$ 93.4	$ 87.4
Long-term	558.1	528.9
Total	$651.4	$616.3
B. Cost of capital		
Short-term debt rate	5.1%	5.1%
Long-term debt rate	6.6%	6.8%
Pre-tax return on equity	23.5%	22.4%
Weighted average long-term cost of capital	17.2%	16.9%
C. Tax rate	32.0%	32.1%
D. Capital structure		
Short-term debt	14.3%	14.2%
Long-term debt	31.9%	30.0%
Equity	53.8%	55.8%
E. Other required PSAF recoveries (millions of dollars)		
Sales taxes	$ 8.7	$ 9.1
Federal Deposit Insurance assessment	2.8	2.6
Board of Governors expenses	3.4	2.8
F. Total PSAF		
Required recovery	$ 115.8	$ 108.5
As percent of capital	17.8%	17.6%
As percent of expenses	18.2%	18.1%

Table 16
Computation of 1999 Capital Adequacy
for Federal Reserve Priced Services
(millions of dollars)

	Assets	Risk Weight	Weighted Assets
Imputed reserve requirement on clearing balances	$ 757.7	0.0	$ 0.0
Investment in marketable securities	6,819.6	0.0	0.0
Receivables	69.1	0.2	13.8
Materials and supplies	4.1	1.0	4.1
Prepaid expenses	20.2	1.0	20.2
Items in process of collection	3,470.7	0.2	694.1
Premises	386.6	1.0	386.6
Furniture and equipment	150.3	1.0	150.3
Leases, leasehold improvements & long-term prepayments	21.1	1.0	21.1
Total	$11,699.5		$ 1,290.2

Imputed Equity for 1999	$350.5
Capital to Risk-Weighted Assets	27.2%
Capital to Total Assets	3.0%

NOTE: Details may not add to totals due to rounding.

AUTOMATED CLEARING HOUSE FEE SCHEDULE

	Fees
Origination (per item or record):	
Items in small files[22]	**$0.007**
Items in large files[22]	$0.006
Addenda record	$0.002
[Return item surcharge	**$0.00]**
[Premium cycle surcharge	**$0.00]**
Receipt (per item or record):	
Item	**$0.007**
Addenda record	$0.002
[Return item surcharge	**$0.00]**
Input file processing fees (per file):	
Small file	$1.75
Large file	$6.75
Monthly fees:	
Account servicing fee (per routing number)	$25.00
Information Extract File	$10.00
Return item/notification of change (NOC) fees[23]:	
Voice response return/NOC[24]	$2.00
[Telephone return	**N/A]**
[Paper return/NOC	**N/A]**
Nonelectronic input/output fees[25]:	
Tape input/output	$25.00
Paper output	$15.00
Diskette output	$15.00
Facsimile return/NOC[26]	$15.00

[22] Small files contain fewer than 2,500 items; large files contain 2,500 items or more.

[23] The Reserve Banks also assess a $15 fee for every government paper return/NOC they process. This service is not considered a priced service. The fee includes the transaction fee in addition to the conversion fee.

[24] The fee includes the transaction fee in addition to the voice-response fee.

[25] These services are offered in contingency situations only.

[26] The fee includes the transaction fee in addition to the conversion fee.

FUNDS TRANSFER AND MULTILATERAL SETTLEMENT FEE SCHEDULE

Funds transfer:	Fees
January 1999 basic transfer fee (originations and receipts)	**$0.34**
Volume-based pricing fees (originations and receipts)[27]	
Per transfer for the first 2,500 transfers per month	**$0.34**
Per transfer for additional transfers up to 80,000 per month	**$0.27**
Per transfer for every transaction over 80,000 per month	**$0.21**
Surcharge[27]	
Off-line transfer originated or received	**$13.00**
Telephone notification	**$13.00**
Multilateral settlement:	
Basic fee	
Settlement charge per entry	**$0.95**
Settlement file charge	**$12.00**
Surcharge	
Off-line origination per file[28]	**$13.00**
Telephone notification per file	**$13.00**
Minimum monthly fee	**$60.00**
Fedwire-based, small-dollar arrangement per settlement day[29]	$100.00
Fedwire-based, large-dollar arrangement per settlement day[29]	$100.00 - $175.00

[27] Effective February 1, 1999.

[28] The off-line origination surcharge will be waived by Reserve Banks that do not provide an electronic submission capability for the settlement sheet service.

[29] Participants in arrangements and settlement agents are also charged the applicable Fedwire transaction fee for each Fedwire transfer into and out of the settlement account.

BOOK-ENTRY SECURITIES FEE SCHEDULE

Book-entry securities transfer:	Fees
Basic transfer fee[30]	
Transfer originated	**$0.85**
Transfer received	**$0.85**
Reversal originated	**$0.85**
Reversal received	**$0.85**
Surcharge[30]	
Off-line transfer originated or received	**$13.00**
Off-line reversal originated or received	**$13.00**
Monthly maintenance fees	
Account maintenance (per account)[31]	**$15.00**
Issues maintained (per issue/per account)	$0.45
Purchase & sale:	
Transaction fee	**$40.00**

[30] Effective February 1, 1999. The 1998 fees and fee structure will remain in effect during January 1999.

[31] Through June 30, 1999, the current practice of charging a monthly account maintenance fee to the customer's first priced custody account will remain in effect. Starting July 1, 1999, each book-entry securities priced collateral account will be charged the monthly maintenance fee.

NONCASH COLLECTION FEE SCHEDULE

Coupon collection:	Fees
Cash letters:	
with five or fewer coupon envelopes	$7.50
with six to fifty coupon envelopes	$15.00
Coupon envelopes:	
five or fewer	$4.75
six to fifty	$3.00
Return items	$15.00
Bond collection:	$50.00 [32]

[32] Plus actual shipping expense.

SPECIAL CASH SERVICES FEE SCHEDULE

	Fees
Wrapped coin (per box):	
All Fourth District offices	**$1.80**
Helena	**$2.50**
Nonstandard Packaging:	
All Seventh District offices (per order or deposit)[33]	**$12.00**
Helena (per coin bag)	$3.00

Registered Mail Fees:[34]

	Surcharge	Insurance Fee[35]
Boston	$30.00	**$0.45**
[Cleveland	**N/A]**	
[Cincinnati	**N/A]**	
Helena	$8.50	**$0.37**
All Tenth District offices	$12.00	$0.26
El Paso and San Antonio[36]	**$80.00**	$0.24
All Twelfth District offices	$14.00	$0.20 (Continental U.S.) $0.30 (Other locations)

[33] $1s to $20s only. This service only applies to customers ordering in excess of $50,000 per week.

[34] Depository institutions also pay all postal fees and any insurance charges (provided through the U.S. Postal Service) in addition to Federal Reserve Bank charges.

[35] Per $1,000 being shipped using registered mail service. This insurance charge applies only to shipments over $25,000 for all Tenth District offices, the El Paso and San Antonio offices, and all Twelfth District offices.

[36] The San Antonio office will no longer offer the registered mail service effective April 1, 1999.

ELECTRONIC CONNECTION FEE SCHEDULE[37]

The Reserve Banks charge fees for the electronic connections used by depository institutions to access priced services and allocate the cost and revenue associated with electronic access to the various priced services. The Reserve Banks will maintain 1999 electronic access fees at their 1998 levels.

Connection types:	Fees
Dial - receive only (FLASH-*Light*)[38]	$30.00 per month
Dial - receive and send (Fedline)	$75.00 per month
Link encrypted dial	$200.00 per month
High-speed dial @ 56 kbps	$350.00 per month
Multi-drop leased line	$450.00 per month
Dedicated leased line (to 9.6 kbps)	$750.00 per month
High-speed leased line @ 19.2 kbps	$850.00 per month
High-speed leased line @ 56 kbps	$1,000.00 per month
High-speed leased line @ 128 kbps	$1,800.00 per month
High-speed leased line @ 256 kbps	$2,000.00 per month
Cross-district	Actual cost[39]
Contingency testing options:[40]	
Premium dedicated dial test connection	$500.00 per month
Basic dedicated dial test connection	$250.00 per month
Shared dial test connection	$150.00 per month
Third-party contingency site dial test connection	$45.00 per month

[37] Installation, training, contingency hardware, and software certification are not considered priced services, and the fees for these services are not listed here. For a copy of the full electronic access fee schedule, contact the local Federal Reserve Bank.

[38] FLASH-*Light* support will be discontinued on March 31, 1999.

[39] The customer will pay the actual costs of the circuit and a monthly surcharge to cover an equitable share of expenses associated with customer support, depreciation of hardware (that is, link encryption units), and other overhead expenses. This fee must be, at a minimum, equivalent to the standard fee for the particular type of leased line connection.

[40] Use of Dial Test connections should not exceed 60 hours per month for the Premium service and 120 hours per year for the Basic and Shared services. Customers exceeding this guideline should establish a Dedicated Leased Line connection for testing.

By order of the Board of Governors of the Federal Reserve System, November 4, 1998.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 98–30338 Filed 11–12–98; 8:45 am]

BILLING CODE 6210–01–C

DEPARTMENT OF THE TREASURY

Fiscal Service

Fee Structure for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is announcing a new fee structure and fees to be charged starting February 1, 1999, on the transfer of book-entry Treasury securities between accounts maintained on the National Book-Entry System (NBES).

The Treasury fee for an on-line book-entry security transfer will be reduced by nine percent in 1999. In addition, the Treasury will implement a fee structure for book-entry transfers that will split the on-line transfer fee between the originator and receiver of a transfer (rather than charge the entire transfer fee to the originator), and add a surcharge for off-line transfers. These changes will result in total Treasury fees paid by depository institutions being reduced by 9% or almost $1.4 million in 1999. With the reduction in the charge made by the Federal Reserve for the movement of funds, the total reduction in fees paid by depository institutions is about 24% or $5.1 million.

Starting January 1, 1999, Treasury will discontinue charging a fee for the transfer of a book-entry Treasury security sent from or received to a collateral account established under 31 CFR Part 225 (Treasury Circular 154).

Treasury absorbs the costs of original issues, account maintenance, interest and redemption payments, and the costs associated with stripping and reconstituting Treasury securities.

EFFECTIVE DATE: The new fee structure and fees will be effective February 1, 1999. The effective date for the elimination of fees for a Treasury security transfer to or from a Circular 154 account is January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Carl M. Locken, Jr., Assistant Commissioner (Financing), Bureau of the Public Debt, Room 510, E St. Building, Washington, DC 20239–0001, telephone (202) 219–3350.

Diane M. Polowczuk, Government Securities Specialist, Bureau of the Public Debt, Room 510, E St. Building, Washington, DC 20239–0001, telephone (202) 219–3350.

SUPPLEMENTARY INFORMATION: On October 1, 1985, the Department of the Treasury established a fee structure for the transfer of Treasury book-entry securities from one book-entry account to another book-entry account maintained on NBES.

Based on the latest review of book-entry costs and volumes, Treasury has decided to reduce the on-line fees and increase the off-line fees from the levels currently in effect. In addition, Treasury has developed a new fee structure which more accurately allocates the fees based on costs, as described below.

Starting February 1, 1999, the Treasury will split the current on-line origination fee into a basic transfer fee charged to the sending bank and receiving bank of both on-line and off-line transfers. This fee will be $0.75 for each securities transfer and reversal sent and received, a nine percent fee decrease per transfer. The current off-line transfer fee will be replaced by an off-line surcharge of $13.00 in addition to the basic transfer fee.

Changing the on-line transfer fee to a fee assessed to both senders and receivers more accurately aligns the costs and benefits to participants in a transfer. The off-line surcharge more clearly identifies the costs associated with the additional processing necessary for off-line transfers. This price structure also promotes pricing consistency with similar electronic payment services in the secondary market and other depository systems.

Treasury, in keeping with the practice of not charging a fee on other Treasury security transfers sent from or received to a fiscal collateral account, will no longer charge a fee on transfers sent from or received to a Circular 154 collateral account.

Treasury does not charge a fee for original issues, account maintenance, interest and redemption payments, and for the actual stripping and reconstituting of Treasury securities.

The pricing structure and fees described in this notice apply only to the transfer of Treasury book-entry securities held on NBES. The Federal Reserve System assesses a fee to recover the costs associated with the processing of the funds component of Treasury book-entry transfer messages, as well as the costs of providing book-entry services for Government agencies on NBES. Information concerning book-entry transfers of government agency securities, which are priced by the Federal Reserve System, is set out in a separate **Federal Register** notice published by the Board of Governors of the Federal Reserve System in the issue of the **Federal Register** (FR Doc. 98–30338).

The following is the Treasury fee schedule that will be effective February 1, 1999, for the book-entry transfers on NBES:

TREASURY-NBES FEE SCHEDULE [1]

[Effective February 1, 1999]

Transfer type	Basic fee [2]	Off-line [2] surcharge	Funds [3] movement fee	Total fee
On-line transfer originated	$0.75	$0.00	$0.10	$0.85
On-line transfer received	0.75	0.00	0.10	0.85
On-line reversal transfer originated	0.75	0.00	0.10	0.85
On-line reversal transfer received	0.75	0.00	0.10	0.85
Off-line transfer originated	0.75	13.00	0.10	13.85
Off-line transfer received	0.75	13.00	0.10	13.85
Off-line account switch received	0.75	0.00	0.10	0.85
Off-line reversal transfer originated	0.75	13.00	0.10	13.85
Off-line reversal transfer received	0.75	13.00	0.10	13.85

[1] Treasury does not charge a fee for original issues, account maintenance, interest and redemption payments, and for the stripping and reconstituting of Treasury book-entry securities.

[2] No fees are currently charged for transfers sent from or received to collateral accounts supporting borrowings from the Federal Reserve or Treasury deposits; Discount, Treasury Tax and Loan (31 CFR Part 203), and Treasury Circular 176 (31 CFR Part 202). Effective January 1, 1999, no fee will be charged for transfers sent from or received to collateral accounts under Treasury Circular 154 (31 CFR Part 225).

[3] The funds movement fee is not a Treasury fee, but is charged by the Federal Reserve for the cost of moving funds associated with the transfer of a Treasury book-entry security.

Authority: 31 CFR 357.45.

Dated: November 4, 1998.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 98–30339 Filed 11–12–98; 8:45 am]

BILLING CODE 4810–35–P

federal register

Friday
November 13, 1998

Part VI

Department of the Interior

Fish and Wildlife Service
50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR PART 20

RIN 1018–AE93

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule revises the waterfowl hunting frameworks and the season dates for those States in the Lower Region of the Mississippi Flyway. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of these designated species during the 1998–99 season.

DATE: This rule takes effect on November 13, 1998.

ADDRESSES: The public may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert J. Blohm, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634-ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1998

On March 20, 1998, the Service published in the **Federal Register** (63 FR 13748) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory birds, designated as ''migratory game birds'' in conventions between the United States and several foreign nations for their protection and management, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR part 10) in the aforementioned conventions may not be hunted.

On May 29, 1998, the Service published in the **Federal Register** (63 FR 29518) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 1998–99 duck hunting season. The May 29 supplement also provided detailed information on the 1998–99 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

On June 25, 1998, the Service held a public hearing in Washington, DC, as announced in the March 20 and May 29 **Federal Register**s to review the status of migratory shore and upland game birds. The Service discussed hunting regulations for these species and for other early seasons. On July 17, 1998, the Service published in the **Federal Register** (63 FR 38700) a third document specifically dealing with proposed early-season frameworks for the 1998–99 season. The July 17 supplement also established the final regulatory alternatives for the 1998–99 duck hunting season for all States except Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. On August 5, 1998, the Service published in the **Federal Register** (63 FR 41926) a fourth document dealing specifically with the final regulatory alternatives for the 1998–99 duck hunting season for the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.

On August 6, 1998, the Service held a second public hearing in Washington, DC, as announced in the March 20, May 29, and July 17 **Federal Register**s, to review the status of waterfowl. Proposed hunting regulations were discussed for late seasons. On August 25, 1998, the Service published a fifth document in the **Federal Register** (63 FR 45350) which dealt specifically with proposed frameworks for the 1998–99 late-season migratory bird hunting regulations.

On August 28, 1998, the Service published a sixth document in the **Federal Register** (63 FR 46124) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for the 1998–99 season. A seventh document published in the August 31, 1998, **Federal Register** (63 FR 46336) amended subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons.

The Service published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1998–99 in the September 29, 1998, **Federal Register** (63 FR 51998). A tenth document published in the September 30, 1998, **Federal Register** (63 FR 52322) amended subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

This document is the eleventh in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for the 1998–99 season. It deals specifically with revising the current duck hunting frameworks in the Lower Region of the Mississippi Flyway and the previously-selected and published hunting season dates for those eligible States that opt to change their seasons, as directed by Congress in Division C, Title 1, Section 150 of the Omnibus Appropriations Bill.

Background

Current duck hunting frameworks provide for earliest opening and latest closing dates for duck seasons of October 1 and January 20 in the Atlantic Flyway, and the Saturday nearest October 1, and the Sunday nearest January 20 in the Mississippi, Central, and Pacific Flyways. January 20 (or the Sunday nearest) is the latest closing date that has been allowed since the flyway management system for waterfowl began in 1948, except for an experimental extension of the framework closing date to January 31 in Mississippi during 1979–84.

In March 1998, the Lower-Region Regulations Committee (representing the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee) of the Mississippi Flyway Council recommended that the Service allow a January 31 framework closing date. The other three Flyway Councils and the Upper-Region Regulations Committee of the Mississippi Flyway Council recommended no change in the framework dates. However, the Upper-Region Regulations Committee recommended that if an extension were authorized, it should be coupled with a commensurate reduction in season length and/or bag limits in the participating States to offset the predicted increase in harvest.

In order to address the request of the Lower-Region Regulations Committee of the Mississippi Flyway Council, the Service announced (May 29 **Federal Register**) that it would consider extending the framework closing date for those six States only (Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee), with the requirement that the predicted additional harvest be offset with a reduction in season length. The States interested in this approach were to develop an analysis to assist the Service in predicting how many days of reduction in season length would be appropriate.

The proposal generated extensive public comment in opposition to the change, including comments from many State fish and wildlife agencies in all four Flyways (detailed comments are available in the August 5 **Federal Register**). The primary reasons for the opposition were:

(1) A perception of inequity because the Service would not be offering other States the option of an extension;

(2) Concern that the Flyway Councils did not have a role in developing the proposal and would not have the opportunity to meet and discuss concerns or alternatives before it was finalized; and

(3) Concerns that the Service would not be able to predict the effects of the proposed extensions on harvest or duck populations and guarantee the season-length reduction would be sufficient to completely offset the expected increase in harvest.

Because of the broad-based opposition to the proposal, the Service decided to withdraw it. The Service published the decision in the August 5 **Federal Register**. The Service further announced that it would support an overall review of framework dates by the Flyway Councils, the National Flyway Council, and the International Association of Fish and Wildlife Agencies. Interest in conducting such a review was recently expressed by the National Flyway Council, and the Service is committed to working with the above organizations to accomplish the review in time for consideration of duck-hunting regulatory alternatives for the 2000–2001 hunting season.

Congressional Action Subsequent to Final Frameworks

As stated previously, the Service published final late-season frameworks for migratory game bird hunting regulations, from which all State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1998–99 in the September 29, 1998, **Federal Register**. Duck hunting frameworks for the Mississippi Flyway, which includes the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee, consisted of the following:

''Outside Dates: Between the Saturday nearest October 1 (October 3) and the Sunday nearest January 20 (January 17).

Hunting Seasons and Duck Limits: 60 days with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback, and 2 redheads.''

On October 19, 1998, Congress specified the following in Division C, Title I, Section 150 of the Omnibus Appropriations Bill:

''Sec. 150.

(a) Extension of Agreement for State of MIssissippi.—The Secretary of the Interior shall offer to reinstate the Memorandum of Agreement between the Mississippi Department of Wildlife Conservation and the United States Fish and Wildlife Service concerning the framework closing dates for the 1979–1980 through 1981–1982 duck hunting seasons, executed in November 1979, for the 1998–1999 duck hunting season in the State of Mississippi, except that—

(1) the duck hunting season shall end on January 31, 1999; and

(2) the total number of days for the duck hunting season in the State of Mississippi shall not exceed 51 days.

(b) Extension of Agreement to Other States.—At the request of any other State represented on the Lower Region Regulations Committee of the Mississippi Flyway Council, the Secretary of the Interior shall extend the agreement described in subsection (a) to that State for the 1998–1999 duck hunting season if the State agrees to reduce the total number of days of the duck hunting season in the State to the extent necessary to result in no net increase in the duck harvest in the State for that season.''

Therefore, following the directive provided by Congress, the Service will reinstate the 1979 Memorandum of Agreement (MOA) between the Mississippi Department of Wildlife Conservation and the Service concerning the framework closing dates for the 1998–1999 duck hunting season in the State of Mississippi. The Service has also extended the offer to the other five States in the Lower Region of the Mississippi Flyway with the following guidelines:

1. The extension will apply only to duck hunting seasons (ducks, mergansers, and coots).

2. In participating States, the maximum season length will be reduced from 60 to 51 days.

3. If a season closing date after the Sunday nearest January 20 is selected for any portion of a State, the 51-day maximum season length will apply throughout the State.

Based on these guidelines, the States of Alabama, Mississippi, and Tennessee have opted to enter into a Memorandum of Agreement for the 1998–1999 duck hunting season and extend the framework closing date to January 31. Arkansas, Kentucky, and Louisiana declined to participate in the framework extension. Revised season dates for Alabama, Mississippi, and Tennessee are included herein.

Public Comment

The Service, by this rule, is revising the 1998–99 duck season hunting dates for the States of Alabama, Mississippi, and Tennessee without the standard notice for public comment. As required by the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the Service has found that the notice and public procedure required by the APA are impracticable, and contrary to the public interest for the following reasons: (1) the Service is revising the frameworks at the direction of Congress; (2) public comment cannot change the Congressional action; (3) providing a comment period at this time would preclude the affected States from selecting and beginning their upcoming duck hunting seasons on time; and (4) the Service has already received extensive public comment on the issue.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, **Federal Register** (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Considerations

As in the past, the Service designs hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. Consultations previously conducted regarding the 1998–99 regulatory proposals also cover the regulatory actions herein. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. The Service's biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES.**

Regulatory Flexibility Act

In the March 20, 1998, **Federal Register**, the Service reported measures it took to comply with requirements of the Regulatory Flexibility Act. One measure was to update the 1996 Small Entity Flexibility Analysis (Analysis) documenting the significant beneficial economic effect on a substantial number of small entities. The 1996 Analysis

estimated that migratory bird hunters would spend between $254 and $592 million at small businesses. The Service has updated the 1996 Analysis with information from the 1996 National Hunting and Fishing Survey. Nationwide, the Service now estimates that migratory bird hunters will spend between $429 and $1,084 million at small businesses in 1998. No negative or cost impacts are predicted as the result of the hunting season framework extension. Copies of the 1998 Analysis are available upon request from the Office of Migratory Bird Management.

Executive Order (E.O.) 12866

This rule is economically significant and was reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

E.O. 12866 requires each agency to write regulations that are easy to understand. The Service invites comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the rule? What else could the Service do to make the rule easier to understand?

Send a copy of any comments that concern how this rule could be made easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. Comments may also be e-mailed to: Exsec@ios.doi.gov.

Congressional Review

In accordance with Section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 8), this rule has been submitted to Congress and has been declared major. Because this rule establishes hunting seasons, this rule qualifies for an exemption under 5 U.S.C. 808(1); therefore, the Department determines that this rule shall take effect immediately.

Paperwork Reduction Act

The Service examined these regulations under the Paperwork Reduction Act of 1995. The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, the information collection requirements of the Migratory Bird Harvest Information Program have been approved by OMB and assigned clearance number 1018–0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve Service harvest estimates for all migratory game birds in order to better manage these populations. The Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

The Service has determined and certifies in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. The Service annually prescribes frameworks from which the States make selections and employs guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulation. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects.

Effective Date

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after the final rulemaking, the States would have insufficient time to establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service finds that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these seasons will, therefore, take effect immediately upon publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: November 6, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, the Service amends title 50, chapter I, subchapter B, part 20, subpart K as follows:

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712; and 16 U.S.C. 742 a–j.

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Note - The following annual regulations provided for by §§20.104 and 20.105 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by revising the entries for Tennessee to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 28 and September 28 Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1998, Federal Register (63 FR 46336).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16

* * * * *

MISSISSIPPI FLYWAY

* * * * *

Tennessee				
Reelfoot Zone	Nov. 14-Nov. 15 & Nov. 21-Jan. 8	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28
State Zone	Dec. 5-Dec. 11 & Dec. 19-Jan. 17	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28

* * * * *

3. In Section 20.105, paragraphs (a), (e) and (f) are amended by revising the entries for the following States in alphabetical order to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 28 (63 FR 46124) and September 29 (63 FR 51998) Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1998, Federal Register (63 FR 46336). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits Bag	Limits Possession
	* * * * *		
MISSISSIPPI FLYWAY			
	* * * * *		
Tennessee			
Reelfoot Zone	Nov. 14-Nov. 15 &	15	30
	Nov. 21-Jan. 8	15	30
State Zone	Dec. 5-Dec. 11 &	15	30
	Dec. 19-Jan. 17	15	30
	* * * * *		

* * * * *

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

* * * * *

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 1 pintail, 1 canvasback, 2 redheads, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Limits Possession
Alabama			
Ducks:			
North Zone	Dec. 12-Jan. 31	6	12
South Zone	Dec. 12-Jan. 31	6	12
Mergansers	Same as for ducks	5	10

	Season Dates	Limits Bag	Limits Possession
Alabama (cont.)			
Coots	Same as for ducks	15	30

Geese:			
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 28-Jan. 31	2	4
Rest of North Zone	Dec. 12-Jan. 31	2	4
South Zone	Dec. 12-Jan. 31	2	4
Light Geese	Same as for dark geese	5	5

* * * * *

Mississippi			
Ducks:			
Zone 1	Dec. 12-Jan. 31	6	12
Zone 2	Dec. 12-Jan. 31	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

* * * * *

Tennessee			
Ducks:			
Reelfoot Zone	Nov. 14-Nov. 15 &	6	12
	Nov. 21-Jan. 8	6	12
State Zone	Dec. 5-Dec. 11 &	6	12
	Dec. 19-Jan. 31	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

* * * * *

* * * * *

(f) Youth Waterfowl Hunting Day

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definition

Youth Hunters: Includes youths 15 years of age or younger.

NOTE: The following seasons are in addition to the seasons published previously in the August 31 (63 FR 46336) Federal Register. Bag and possession limits will conform to those set for the regular season.

	Season Dates
* * * * *	
MISSISSIPPI FLYWAY	
Alabama	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Statewide	Feb. 6
* * * * *	
Mississippi	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Statewide	Feb. 6
* * * * *	
Tennessee	
Ducks, mergansers, and coots:	
Reelfoot Zone	Jan. 16
State Zone	Feb. 6
* * * * *	

* * * * *

[FR Doc. 98–30530 Filed 11–12–98; 8:45 am]

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federal register

Friday
November 13, 1998

Part VII

The President

Notice of November 12, 1998—Continuation of Emergency Regarding Weapons of Mass Destruction

Federal Register
Vol. 63, No. 219
Friday, November 13, 1998

Presidential Documents

Title 3—

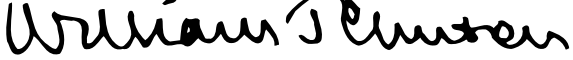
The President

Notice of November 12, 1998

Continuation of Emergency Regarding Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction'') and the means of delivering such weapons. Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency first declared on November 14, 1994, and extended on November 14, 1995, November 12, 1996, and November 13, 1997, must continue in effect beyond November 14, 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 declared in Executive Order 12938.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
November 12, 1998.

[FR Doc. 98–30694
Filed 11–12–98; 1:20 pm]
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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

H.R. 3633/P.L. 105–357

Controlled Substances Trafficking Prohibition Act (Nov. 10, 1998; 112 Stat. 3271)

H.R. 3723/P.L. 105–358

United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Nov. 10, 1998; 112 Stat. 3272)

H.R. 4501/P.L. 105–359

To require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public. (Nov. 10, 1998; 112 Stat. 3275)

H.R. 4821/P.L. 105–360

To extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings. (Nov. 10, 1998; 112 Stat. 3276)

S. 459/P.L. 105–361

Native American Programs Act Amendments of 1998 (Nov. 10, 1998; 112 Stat. 3278)

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Federal Reports Elimination Act of 1998 (Nov. 10, 1998; 112 Stat. 3280)

S. 1718/P.L. 105–363

To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes. (Nov. 10, 1998; 112 Stat. 3296)

S. 2241/P.L. 105–364

To provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes. (Nov. 10, 1998; 112 Stat. 3300)

S. 2272/P.L. 105–365

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S. 2375/P.L. 105–366

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S. 2500/P.L. 105–367

To protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas. (Nov. 10, 1998; 112 Stat. 3313)

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68 Veterans Programs Enhancement Act of 1998 (Nov. 11, 1998; 112 Stat. 3315)

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